

SECTION 1 - GENERAL PROVISIONS

1.1 Introduction. This Ordinance shall be known and may be cited as the Unified Development Ordinance of the City of Urich, Missouri and may be abbreviated as “UDO.” It may also be referred to herein as the “Ordinance” or “these regulations.”

1.2 Authority. This Ordinance is adopted pursuant to the authority granted to the City by Chapters 89 and 445 of the Revised Statutes of the State of Missouri, pursuant to the City's nuisance powers, and pursuant to the City's police powers.

1.3 Applicability. This Ordinance shall be effective throughout the corporate limits of the City. Except where otherwise indicated, the provisions of this Ordinance shall apply to the City. Nothing herein shall be construed to preclude the City from adopting and enforcing extraterritorial zoning, planning, subdivision and building regulations pursuant to state law.

1.4 Purpose. The purpose of this Ordinance is to regulate and control the development of land and related matters within the City to promote the public safety, health, and general welfare of the community.

1.5 Relationship to other provisions of the Code. The use of buildings and land within the City is subject to all other applicable provisions of other City ordinances as well as this Ordinance, whether or not the other provisions are specifically cross-referenced in this Ordinance. Cross-references to the other provisions in this Ordinance are for the convenience of the reader, and the lack of a cross-reference should not be construed as an indication that the other provisions do not apply.

1.6 Prohibitions.

A. No building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used for any purpose except in accordance with the provision of this Ordinance and other relevant City ordinances.

B. No person may use, occupy, or sell any land or building or authorize or permit the use, occupancy, or sale of land or buildings except in accordance with all of the applicable provisions of this Ordinance.

C. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

1.7 Effective date. The provisions of this Ordinance are hereby adopted and become effective on the 14th day of May, 2014.

1.8 Development under prior regulations.

A. Those regulations in effect immediately prior to the effective date of this Ordinance shall be referred to in this Ordinance as the "previous regulations."

B. All permits issued by an administrative official or body, or a legislative body acting in an administrative capacity, prior to the effective date of this Ordinance shall be valid until their expiration under the previous regulations. Applications for administrative permits submitted after the effective date of these regulations shall be reviewed and evaluated pursuant to the requirements of this Ordinance, except as otherwise specified herein.

C. Complete applications for final plat(s) submitted prior to the effective date of these regulations shall be processed under the previous regulations. Incomplete applications for final plats submitted prior to the effective date of this Ordinance, and that are not submitted in a complete form until after the effective date of this Ordinance, shall be processed under this Ordinance. All applications for subdivision approvals submitted after the effective date of these regulations shall be reviewed pursuant to these regulations. Preliminary or final plat applications approved under the previous regulations that are allowed to lapse or expire will be subject to reapplication under these regulations.

D. Existing uses may continue either in compliance with these regulations or as legal non-conforming uses. Applications for proposed new uses submitted after the effective date of this Ordinance shall be considered pursuant to these regulations.

E. All nonconforming situations and uses shall be governed by Section 10.

1.9 Severability. It is the City's intention that the sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, the unconstitutionality or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Ordinance since the same would have been enacted without the incorporation into this Ordinance of the unconstitutional or invalid section, subsection, paragraph, sentence, clause or phrase. The Board of Aldermen hereby declares that it would have adopted this Ordinance and each, section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more other, sections subsections, sentences, clauses and phrases be declared unconstitutional.

1.10 Fees. The amount of the application fees charged shall be established by the City of Urich Schedule of Fees and Charges, as amended. Fees so established shall be paid upon submission of a signed application or notice of appeal.

1.11 Zoning Administrator. The Board shall designate a Zoning Administrator. The Zoning Administrator shall have the responsibility and authority to administer and enforce the provisions of this Ordinance.

1.12 Planning and Zoning Commission.

A. Membership. The previously established Zoning Commission is hereby continued as the Planning and Zoning Commission. It shall consist of seven (7) members including the Mayor of the Board of Aldermen, a member of the Board of Aldermen selected by the Board, and five (5) citizens appointed by the Mayor and approved by the Board of Aldermen.

B. Terms of Office. The members shall be appointed for four (4) year terms which terms shall be staggered.

C. Vacancies. Vacancies shall be filled by appointment by the Mayor of the Board of Aldermen with approval by the Board of Aldermen for the unexpired term of any member whose term becomes vacant.

D. Removal. Members of the Planning and Zoning Commission may be removed by the Board of Aldermen for cause stated in writing and after a public hearing.

E. Officers. The Planning and Zoning Commission shall elect its Chairman and Secretary from among the citizen members. The terms of Chairman and Secretary shall be for one (1) year with eligibility for re-election. The Planning and Zoning Commission may also elect for a term of one (1) year, a Vice-Chairman who shall serve in the absence or disqualification of the Chairman.

F. Salary. All members of the Planning and Zoning Commission shall serve without compensation except for such amounts determined appropriate by the Board of Aldermen to offset expenses incurred in the performance of their duties.

G. Procedure. Decisions on all issues brought before the Planning and Zoning Commission shall require a majority vote of the quorum. The Planning and Zoning Commission may adopt rules of procedure. The Planning and Zoning Commission shall hold regular meetings and special meetings as necessary. Any regular monthly meeting of the Planning and Zoning Commission may be omitted, if in the sole discretion of the Chairman of the Planning and Zoning Commission, there are too few items on the agenda to justify the expense of holding the meeting. Other meetings may be designated by the Planning and Zoning Commission or may be called by the Chairman.

H. Powers and Duties. The Planning and Zoning Commission shall have the power and duty to:

1. Make recommendation to the Board of Aldermen on all proposed zoning text amendments and rezoning of property, including conditional use permits;
2. Make recommendations to the Board of Aldermen on all proposed subdivisions of land;
3. May recommend plans and infrastructure improvement programs, including the financing thereof, to the Board of Aldermen;
4. Adopt the City's Comprehensive Plan;
5. Perform all other functions pursuant to state law.

1.13 Board of Adjustment.

- A. Membership. The Board of Adjustment is hereby established and shall consist of five (5) members who shall be appointed by the Mayor and approved by the Board of Aldermen.
- B. Term of Office. The terms shall be staggered five (5) year terms.
- C. Alternates. Two (2) alternate members with the same qualifications as members shall be appointed by the Mayor with the approval of the Board of Aldermen, to serve in the absence of or the disqualification of the regular members. Alternate members shall be appointed for terms of three (3) years each.
- D. Vacancies. Vacancies shall be filled by appointment by the Mayor with the approval of the Board of Aldermen for the unexpired term of any member whose term becomes vacant.
- E. Chairman. The Board of Adjustment shall elect a Chairman from among its members to serve a one-year term.
- F. Removal from Office. Members of the Board of Adjustment may be removed from office by the Board of Aldermen for cause stated in writing and after a public hearing.
- G. Salary. All members of the Board of Adjustment shall serve without compensation except for such amounts determined appropriate by the Board of Aldermen to offset expenses incurred in the performance of their duties.
- H. Powers and Duties. The Board of Adjustment shall have the power and duty to:

1. Hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations where it is alleged by the appellant that there is clear error in fact or law in such order, requirement, decision or refusal made by the Zoning Administrator based on or made in the enforcement of these regulations;
2. Hear and decide upon applications for use and area variances in accordance with the provisions of this Ordinance;
3. Hear and decide upon applications for legal non-conforming use;
4. Undertake such other responsibilities as may be required by this Ordinance or by the Board of Aldermen.

I. Procedure.

1. The Board of Adjustment may adopt rules and administrative regulations governing its procedure, and may meet as needed for the transaction of business. The affirmative vote of four (4) members of the Board of Adjustment shall be required to approve any request, application or variance.
2. A quorum of three (3) members of the Board of Adjustment shall be required for a meeting to be held. After the Board of Adjustment has heard an appeal and made a decision, it may, in its sole discretion, refuse, for a period of six (6) months thereafter, to hear an appeal based on a similar application by the same parties for the same property.
3. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon 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 that purpose.

SECTION 2 - RULES OF INTERPRETATION AND DEFINITIONS

2.1 Interpretation. For the purpose of this Ordinance, certain words and terms used herein shall be defined as set forth in this section. If not specifically defined herein, words and terms shall be defined as in Webster's Encyclopedic Unabridged Dictionary of the English Language, (1994). Unless the context clearly indicates to the contrary:

- A. Words used in the present tense include the future tense;
- B. Words in the singular number include the plural and, words in the plural number include the singular;
- C. The word "shall" or the word "must" is mandatory and not directory;
- D. The word "herein" means the UDO;
- E. Gender specific words, such as his or hers, shall include the opposite gender;
- F. The word "person" includes an individual, corporation, partnership or an incorporated association of persons, such as a club;
- G. The word "building" includes the word "structure";
- H. A "building" includes any part thereof;
- I. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

2.2 Terms Defined. The following words and terms as used herein are defined to mean the following:

ACCESSORY BUILDING OR USE: A subordinate building having a use customarily incident to and located on the lot occupied by the main building or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

ADEQUATE PUBLIC FACILITIES: Storm water, water, wastewater, street, electric and telecommunications facilities at minimum acceptable levels of service.

ADULT BUSINESS: Any business:

- a. that has as a substantial or significant purpose the sale or rental of merchandise that is intended for use in connection with specified sexual activities, or that emphasizes matters

depicting, describing or relating to specified sexual activities or specified anatomical areas; or

- b. that has as one of its regular and substantial business purposes:
 - 1) the providing of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display specified anatomical areas or specified sexual activities; or
 - 2) the providing of services that are intended to provide sexual arousal or excitement or that allow observation of specified sexual activities or specified anatomical areas ancillary to other pursuits, or allow participation in specified sexual activities ancillary to other pursuits.
- c. The definition of "adult business" also includes but is not limited to any and all of the following specific adult businesses, as defined herein:
 - 1) Businesses that offer merchandise for sale or rent.
 - (a) "Adult media outlet" means a business engaging in the sale or rental of merchandise where a substantial or significant portion of the business is devoted to the sale or rental of "adult media." For purposes of this subsection, it shall be presumed that a "substantial or significant" portion of a business is devoted to the sale or rental of "adult media" if any one or more of the following criteria are satisfied:
 - (1) Forty percent (40%) or more of the sales (including rentals), measured in dollars over any consecutive ninety (90) day period is derived from "adult media";
 - (2) Forty percent (40%) or more of the number of transactions, measured over any consecutive ninety (90) day period, relate to "adult media";
 - (3) Forty percent (40%) or more of the dollar value of all merchandise displayed at any time is attributable to "adult media";
 - (4) Forty percent (40%) or more of all inventory consists of "adult media" at any time;
 - (5) Forty percent (40%) or more of the merchandise displayed for sale or rental consists of "adult media" at any time; or
 - (6) Forty percent (40%) or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms, or any portion of the business not open to the public) is devoted to "adult media" at any time.

The presumption that a “substantial or significant” portion of a business is devoted to the sale or rental of “adult media”, based upon the above guidelines, shall be rebuttable.

(b) "Adult newsrack" means any coin- or card-operated device that offers for sale by dispensing printed material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(c) “Adult Retail Establishment” means a business that displays or offers goods for sale or rent and that meets any of the following tests:

(1) It displays or offers for sale or rent items from any two (2) of the following categories: “sexually-oriented toys or novelties”; lingerie; clothing that graphically depicts “specified anatomical areas”; leather goods designed or marketed for use for sexual bondage or sadomasochistic practices; and the combination of such items constitutes

(A) ten percent (10%) or more of the sales (including rentals), measured in dollars over any consecutive ninety (90) day period; or

(B) ten percent (10%) or more of the number of sales transactions, measured over any consecutive ninety (90) day period; or

(C) ten percent (10%) or more of the dollar value of all merchandise displayed at any time; or

(D) ten percent (10%) or more of all inventory at any time, or

(E) ten percent (10%) or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms, or any portion of the business not open to the public) at any time; or

(2) Five percent (5%) or more of the sales (including rentals), measured in dollars over any consecutive ninety-day period is derived from “sexually-oriented toys or novelties”; or

(3) Five percent (5%) or more of the number of sales transactions, measured over any consecutive ninety (90) day period, relate to “sexually-oriented toys or novelties”; or

(4) Five percent (5%) or more of the dollar value of all merchandise displayed at any time is attributable to “sexually-oriented toys or novelties”; or

(5) Five percent (5%) or more of all inventory consists of “sexually-oriented toys or novelties” at any time; or

(6) Five percent (5%) or more of merchandise displayed for sale consists of “sexually-oriented toys or novelties” at any time; or

(7) Five percent (5%) or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms, or any portion of the business not open to the public) is devoted to “sexually-oriented toys or novelties” at any time.

2) Businesses that provide entertainment.

(a) "Adult entertainment business" means any business to which the public, patrons or members are invited or admitted, and where providing "adult entertainment," as defined herein, as a regular and substantial portion of its business.

(b) The definition of "adult entertainment business" also includes, but is not limited to, any and all of the following specific adult entertainment businesses, as defined herein:

(1) "Adult motion picture theater" means an establishment with a screen or projection areas, where a regular and substantial portion of its business is the exhibition to patrons of films, videotapes or motion pictures which are intended to provide sexual arousal or sexual excitement to the patrons and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(2) "Adult theater" means an establishment where a regular and substantial portion of its business is providing the live performance of activities relating to specified sexual activities or exhibition of specified anatomical areas of live performers, for observation by patrons.

(3) "Adult entertainment cabaret" means an establishment where a regular and substantial portion of its business is providing adult entertainment which features strippers, male or female impersonators, or live performances, or material which depict, portray, exhibit or display specified anatomical areas or specified sexual activities or are intended to arouse or excite the sexual desires of the entertainer, other entertainer or patron.

(4) "Adult entertainment studio" (includes the terms "rap studio," "exotic dance studio," "sensitivity studio" or "encounter studio") means an establishment whose premises are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, and where a regular and substantial portion of its business is providing entertainment which features materials or live performances characterized by an emphasis on or features materials relating to specified sexual activities or the exhibition of specified anatomical areas.

- (5) "Adult encounter parlor" means an establishment where a regular and substantial portion of its business is the provision of premises where patrons congregate, associate, or consort with employees, performers, and/or other patrons or private contractors who display specified anatomical areas in the presence of such patrons, with the intent of providing sexual arousal or excitement to such patrons.
 - (6) "Body Painting Studio" means an establishment where a regular and substantial portion of its business is the application of paint or other substance to or on the human body by any means of application, technique or process when the subject's body displays for the patron's view specified anatomical areas.
- 3) Businesses that provide services.
- (a) "Bath House" means an enterprise where a regular and substantial portion of its business is offering baths and/or showers with other persons present who are nude or displaying specified anatomical areas.
 - (b) "Adult Motel" means an enterprise where a regular and substantial portion of its business is offering public accommodations, containing more than 150 square feet of gross floor area, for the purpose of viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical area" by any photographic, electronic, magnetic tape, digital or other medium (including but not limited to film, video, magnetic tape, laser disc, CD-ROM, books, magazines or periodicals) for observation by patrons therein and which rents room accommodations for less than six (6) hours at a time.

ADULT ENTERTAINMENT: Any exhibition, performance, display or dance of any type, including, but not limited to, talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered on a premises where such exhibition, performance, display or dance is intended to arouse or excite the sexual desires of the entertainer, other entertainers or patrons, or if the entertainment depicts, portrays, exhibits or displays specified anatomical areas or specified sexual activities.

ADULT MEDIA: Books, magazines, periodicals, other printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films, CD-ROMS or other devices used to record computer images, or other media which are distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

ADULT VIDEO VIEWING BOOTHS: Any booth, cubicle, stall or compartment which is designed, constructed or used to hold or seat patrons and is used for presenting or viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” by any photographic, electronic, magnetic tape, digital or other medium (including but not limited to, film, video, magnetic tape, laser disc, CD-ROM, books magazines or periodicals) for observation by patrons therein. “Adult video viewing booths” are sometimes referred to as “peep shows”, “adult video arcades”, “panorams” and “adult mini-motion picture theaters”. An “adult video viewing booth” shall not mean a theater, movie house, playhouse, or a room or enclosure or a portion thereof which contains more than 150 square feet of gross floor area. Note: as of the date of the adoption of this definition, there are no known “adult video viewing booths” within the City and these regulations specifically do not list this as a permitted use in any existing zoning district.

BOARD: Board of Aldermen of the City of Urich, Missouri.

BUILDING: A structure which is permanently affixed to the ground, as provided by the building code, has a roof supported by columns or walls, and is used for housing or enclosure of people, animals or personal property. When a portion thereof is completely separated from every other portion by a dividing wall (or firewall when applicable) without openings or an enclosed breezeway, then each such portion shall be deemed to be a separate building.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In a residential district, the largest dwelling shall be deemed to be a principal building.

BUILDING SETBACK LINE: A line specifically established which generally is parallel to and set back from a property line and which identifies an area into which no part of a building shall project.

CHIEF OF POLICE: The individual appointed or designated by the City to serve as the top official in the chain of command of the police department serving the jurisdiction of the City of Urich, Missouri; such department may be the City’s department or the department of another law enforcement agency pursuant to an intergovernmental agreement for the provision of police services.

CITY NEWSPAPER: A daily newspaper of general circulation within the City or the immediate vicinity of the City, for example the *Clinton Daily Democrat*.

CITY ATTORNEY: The individual appointed as the general legal counsel to the City of Urich.

COMMISSION: The Planning and Zoning Commission of the City of Urich, Missouri.

COURT: An unoccupied open space other than a yard on the same lot with a building which is bounded on two or more sides by the walls of such building.

DWELLING: A building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, but not hotels, or recreational vehicles.

DWELLING - ONE-FAMILY: A detached building arranged, intended or designed for occupancy by one family in one dwelling unit.

DWELLING - TWO-FAMILY: A building arranged, intended or designed for occupancy by two families in two dwelling units.

DWELLING - MULTIPLE: A building or portion thereof, arranged, intended, or designed for occupancy by three or more families living independently of each other, including apartment houses, row houses, tenements and apartment hotels.

FAMILY: One (1) or more persons who are related by blood or marriage, including not more than two (2) lodgers or boarders, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than four (4) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities.

FLOOR AREA RATIO (FAR): The ratio of gross floor area to gross site area.

GROSS FLOOR AREA (GFA): The total enclosed area of all floors of a building measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below-grade areas used for habitation, work, or access. Excluded from gross floor area calculations are parking facilities and airspace above the atria ground floor.

GROSS SITE AREA: An area defined as the total site area including easements, floodplains, waterways, ponds, and any other area for preservation.

HEIGHT OF BUILDINGS: The vertical distance measured from the highest of the following three levels:

- A. From the street curb level.
- B. From the established or mean street grade in case the curb has not been constructed.
- C. From the average finished ground level adjoining the building where it sits back from the street line.

To:

- A. The level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch to the foot.

- B. The mean height level of the top of the highest ridge for other roofs.

HOME OCCUPATION: An accessory use of a dwelling unit or its accessory structure for gainful employment.

IMPERVIOUS COVERAGE: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements or structures contributing to run-off greater than would occur on the site in its natural state.

LOADING AREA: An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which a loading space is located.

LOT: A parcel of land that is defined on a subdivision plat of record, which is intended to be occupied by a principal building(s) or building(s) and open space. Streets are not included in this definition.

LOT AREA: The area of the lot shall be the next horizontal area of the lot and shall not include portions of streets, alleys and water bodies.

LOT CORNER: A lot abutting upon two (2) or more intersecting streets.

LOT COVERAGE: Measures the percentage of the lot that is covered by the building. The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

LOT DEPTH: The horizontal distance from the front property line to the rear property line. If front and rear property lines are not parallel, the lot depth is the shortest distance between the front and rear property lines.

LOT FRONTAGE: The distance for which a lot abuts on a street.

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

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT - THROUGH: An interior lot having frontage on two streets.

LOT WIDTH: The mean horizontal distance between side lines measured at right angles to the depth of the lot. The mean lot width need only be calculated on that portion of the lot required to meet the minimum lot area.

MANSARD ROOF: A vertical plane which extends above the roof line.

MANUFACTURED HOME: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a

permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term “mobile home” shall mean “manufactured home” as defined herein.

MODULAR HOME: A structure that will be treated as the equivalent of site-built homes and require the following: (a) the pitch of the roof shall be no less than 5 feet rise for every 12 feet of run, for homes with a single predominant roofline; (b) the eave projections of the roof shall not be less than 10 inches (excluding roof gutters) unless the roof pitch is 8/12 or greater; (c) the minimum height of the first-story exterior wall must be at least seven (7) feet six (6) inches; (d) the materials and texture of exterior materials must be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction; and (e) the modular home must be designed to require foundation supports around the perimeter.

NON-CONFORMING USE - BUILDING OR YARD: A use, building or yard which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated. It is a legal, non-conforming use if established prior to the effective date of this Ordinance and an illegal, non-conforming use if established after the effective date of this Ordinance and not otherwise approved as provided herein.

PLAT, FINAL: The map or plat of a subdivision and any supplementary documents and information as described in these regulations.

PLAT, PRELIMINARY: The preliminary drawing prepared in accordance with these regulations indicating the proposed manner or layout of the subdivision.

RECREATIONAL VEHICLE: Every camping trailer, motor home, mini-motor home, travel trailer, truck camper or van camper used for recreational purposes which can be moved either by being driven or directly hitched to a vehicle.

SEWAGE, SANITARY: Those wastes which are comparable to wastes which originate in residential units and contain only human excrement and wastes from kitchen, laundry, bathing and other household facilities.

SEXUALLY-ORIENTED TOYS OR NOVELTIES: Instruments, devices or paraphernalia which either depict “specified anatomical areas” or are designed or marketed for use in connection with “specified sexual activities.” In determining whether an item is “designed or marketed for use” in connection with “specified sexual activities,” the following guidelines may be considered:

- a. Expert testimony as to the principal use of the item;
- b. Evidence concerning the total business of a person or business establishment and the type of merchandise involved in the business;
- c. National and local advertising concerning the use of the item;

- d. Evidence of advertising concerning the nature of the business establishment;
- e. Instructions, graphics or other material contained on the item itself or on the packaging materials for the item;
- f. The physical or structural characteristics of the item; or
- g. The manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area.

Any person may request an interpretive ruling from the Chief of Police, or his or her designee, as to whether a particular item is considered by the City to be “designed or marketed for use” in connection with “specified sexual activities.” An application for an interpretive ruling shall be made in writing on a form provided by the Chief of Police, and shall be accompanied by such other information as may reasonably be requested under the circumstances pertaining to the specific item about which a ruling is requested. The Chief of Police shall issue a written interpretive ruling within ten (10) business days following submission of a completed application. The decision of the Chief of Police may be appealed to the Board of Aldermen within fifteen (15) days following the date of the interpretive ruling by submitting a written notice of appeal to the City Clerk.

SPECIFIED ANATOMICAL AREAS: Uncovered or exposed human genitals, pubic region or pubic hair, buttocks, female breast or breasts below a point immediately above the top of the areola encircling the nipple, or any combination of the foregoing; or human male genitals in a discernibly erect state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: mean any of the following acts of intended sexual arousal or excitement:

- a. Sexual conduct including, but not limited to, actual or simulated acts of sexual intercourse, masturbation, oral copulation or sodomy;
- b. Fondling or other intentional touching of a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female;
- c. Sadomasochistic acts; or
- d. Acts involving animals or latent objects.

STORAGE: Keeping of a product for a period of time exceeding seventy-two (72) hours.

STORY: That part of a building including between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the next highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the

highest story having its interior floor surface not more than four (4) feet above the curb level, established or mean street grade, or average ground level.

STREET: The entire width between the boundary lines of every publicly maintained thoroughfare or right-of-way when any part of that thoroughfare or right-of-way is used by the public for vehicular travel, including public streets, avenues, boulevards, parkways, roads and alleys.

STREET LINE: A property line marking the boundary between a street and a lot.

STRUCTURE: Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to buildings, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, sites, units or plats for the purpose of offer, sale, lease or development, either on the installment plan or any and all other plans, terms and conditions including resubdivision.

SUBDIVISION OF RECORD: A subdivision which has been recorded by the County Recorder of Deeds.

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

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: An open space unoccupied by buildings or structures (except as hereafter provided) across the full width of the lot extending from the front line of the building to the front property line of the lot or parcel.

YARD, REAR: An open space, unoccupied (except as hereafter provided) between the rear lot line and rear line of the principal building and the side property lines.

YARD, SIDE: An open unoccupied space on the same lot with the building between the main building and the adjacent side line of the lot, and extending from the front yard to the rear yard.

ZONING ADMINISTRATOR: The person charged with the responsibility and authority to administer and enforce the provisions of this Ordinance as appointed by the City.

SECTION 3 - APPLICATION AND APPROVAL PROCEDURES

3.1 Application Process.

A. Forms. Requests for development approvals required by this Ordinance shall be made on forms provided by the Zoning Administrator. The Zoning Administrator may promulgate procedures for acceptance and filing of applications. Additional information may be required for particular applications. All development applications shall be submitted to the Zoning Administrator.

B. Fees. At the time the development approval application is submitted, the applicant shall pay all required fees. The fees are not transferable to other properties nor are they refundable, but refunds shall be granted if an error in the fee calculation is discovered. If a development application has not been deemed complete within six (6) months from the date of the application, the application shall be dismissed. Reapplications shall require the payment of fees.

C. Pre-Application Conference. Before filing any application, the applicant may request a pre-application meeting with the Zoning Administrator to discuss procedures and requirements.

D. Determination of Complete Application. No application shall be considered complete until all items required by the applicable sections of this Ordinance in support of the application have been submitted, and all fees paid. Incomplete applications shall be returned to the applicant with a statement as to what sections are incomplete, and no action taken until any deficiencies are remedied. Complete applications shall be processed according to this Ordinance. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Ordinance.

E. Official Filing Date. The time for processing and acting on development approval applications or development permits shall commence on the date that a complete application has been filed. Modification of any application by the applicant following the filing of the application and prior to the expiration of the period during which the City is required to act may extend the period of time before action is taken.

F. Withdrawal. Once filed, a development approval application may be withdrawn upon a written notice to the Zoning Administrator.

G. Resubmission. Whenever any application or petition presented under Section 3 has been finally acted upon by the Board of Aldermen under the provisions of these regulations, and the decision of the Board of Aldermen has been adverse to the applicant, the Board of Aldermen shall

not, for a period of six months from the date of its decision, receive or entertain, nor shall it refer to the Zoning Commission for consideration, any identical or similar application seeking the same or similar relief as prayed for in the application first denied.

3.2 Public Hearing and Notice Provisions.

A. Applicability. Public hearings shall be conducted by both the Planning and Zoning Commission and Board of Aldermen on the following types of development approvals: zoning text amendment, rezoning, conditional use permit, preliminary development plan, final development plan, home occupation and site plan. A public hearing shall be conducted by the Board of Adjustment on the following types of development approvals: variance.

B. Contents. Any notice of a public hearing required by these regulations shall contain the following information:

1. Date, time and place of the public hearing;
2. Subject of the hearing, including the type of development approval sought;
3. Street address and/or legal description of the property which is the subject of the public hearing;
4. The applicant's name.

C. Publication. Where notice by publication is required by this Ordinance or by state law, such notice shall be published at least fifteen (15) days prior to the hearing in the City Newspaper, a daily newspaper of general circulation.

D. Mailed Notice. Where notice by mail is required by this Ordinance, such notice shall be sent at least fifteen (15) days prior to the hearing by the applicant and at the applicant's cost, by certified or registered mail, return receipt requested, to the record fee owners of all real property located within one hundred eight-five feet (185') from the exterior boundaries of the property which is the subject of the development application. The owners of real property to whom notice must be sent may be determined by a title company, at the expense of the applicant. When the application is considered, the applicant may be required to demonstrate compliance with this section and/or execute an affidavit of mailing.

E. Posted Notice. Where notice by posting is required by this Ordinance, such notice shall be posted on the property. The City shall furnish the sign to the applicant for posting. Posting on large acreage may require larger signs than those provided by the City. Such larger signs as

permitted by the Zoning Administrator shall be provided by the applicant as determined by the Zoning Administrator. The applicant shall make a good faith effort to place and maintain the sign on the property for at least fifteen (15) days immediately preceding the date of the hearing, through the hearing, and through any continuances of the hearing. The sign shall be placed within five (5) feet of the street right-of-way/property line, or as close thereto as possible, in a central position on the property that is the subject of the hearing. The sign shall be readily visible to the public. If the property contains more than one street frontage, one sign shall be placed on each street frontage so as to face each of the streets abutting the land. The sign may be removed at the conclusion of the public hearing(s) and must be removed at the end of all proceedings on the application or upon withdrawal of the application.

F. Additional Costs. All actual costs incurred by the City in preparing and processing an application, which cost is not otherwise covered by the application fee, shall be paid by the applicant. The applicant shall pay costs relating to payment of Board of Alderman members’ salary for attending special meetings called for any purpose relating exclusively to an application.

G. When Required and How Given. The following chart specifies when notice shall be given and in what manner:

Table 3-1

Type of Development Approval	Type of Notice Required		
	Mail	Newspaper	Post
Zoning Text Amendment	-	✓	-
Variance	✓	✓	-
Rezoning	✓	✓	✓
Conditional Use Permit	✓	✓	✓
Preliminary Development Plan	✓	✓	✓
Final Development Plan	-	-	✓
Home Occupation	✓	-	✓
Preliminary Plat	-	-	-
Final Plat	-	-	-
Minor Subdivision	-	-	-
Site Plan	✓	✓	✓

3.3 Public Hearing Procedures.

A. Conduct of Hearing. Any person or persons may appear at a public hearing and submit relevant evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state his or her name, address, and, if appearing on behalf of

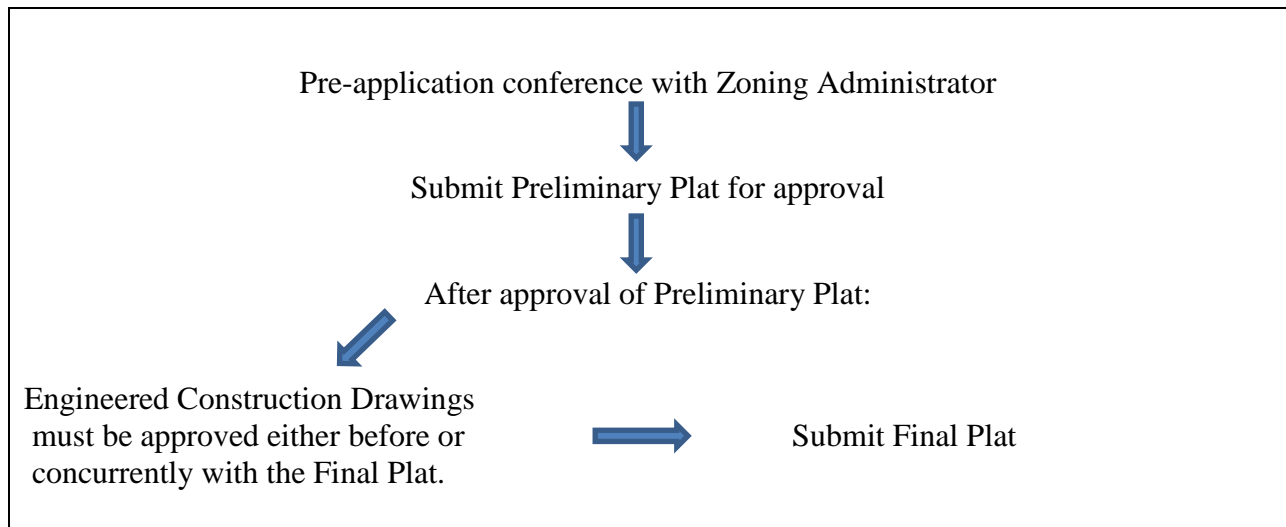
an organization, the name and mailing address of the organization for the record. The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious.

B. Continuance of Proceedings. The body conducting the hearing may, on its own motion or at the request of any person continue the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the date, time and place of the subsequent hearing.

3.4 Conditions of Approval. The Planning and Zoning Commission, Board of Adjustment or Board of Aldermen may impose on any approval of a development application such conditions as are reasonably necessary to assure compliance with applicable general or specific standards stated in this Ordinance.

3.5 Subdivisions.

A. Generally, and subject to the specific provisions of this Ordinance, the subdivision approval process consists of the following steps:



Applicants and developers should plan for at least 60-90 days from the application submission date for the approval process to allow adequate plan review time by the Zoning Administrator and outside consultants, as well as the Planning and Zoning Commission and Board of Aldermen.

B. Purpose. The provision of adequate data concerning on and off-site land use, environmental conditions, utility requirements, traffic impact, and the adequacy of streets, stormwater management, parks, fire, police, emergency services, libraries, public sewer and water facilities is vital to ensure the continued health, safety and welfare of the City's residents. The City may require the submission of key planning and engineering information and may require the submission of project-specific reports or studies, such as an environmental impact report or a traffic impact study.

C. Applicability. The owner of a tract of land located within the City who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to develop buildings or lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. The division of a tract of land for any of the purposes specified herein does not require a transfer of title of all or part of the tract.

D. Subdivision approval, generally. All subdivisions are subject to the following approval process:

1. Pre-Application Conference and Optional Concept Plan- Submitted to the Zoning Administrator for review and comment;
2. Preliminary Plat - Submitted to the Zoning Administrator for action by the Planning and Zoning Commission and the Board of Aldermen; and
3. Final Plat - Submitted to the Zoning Administrator for action by the Planning and Zoning Commission and the Board of Aldermen.

E. Prohibited Subdivisions. No person may subdivide land except in accordance with all of the provisions of this Ordinance.

F. Subdivision Exemptions. Applicants exempt from subdivision plat approval may be subject to other development approval requirements as required in this Ordinance. The following divisions of land shall be exempt from these subdivision regulations:

1. The public acquisition of land;
2. Public parks and public improvements owned, operated, or maintained by a governmental entity.

3.6 Preliminary Plats.

A. When Required. The submittal and approval of a preliminary plat is required to subdivide land, unless otherwise waived by the Board of Alderman. Approval of the preliminary plat does not constitute an acceptance of the subdivision but is deemed to be an authorization to proceed with the preparation of the final plat.

B. Submittal Requirements. Applicants for preliminary plat approval shall submit a complete application and other required materials and information to the Zoning Administrator. The Preliminary Plat shall be in sufficient detail to convey the applicant's intentions in platting the proposed subdivision. It shall contain a written description of the existing conditions on the tract and the necessary drawings and sketches as required by this Ordinance to convey the applicant's plan of development. The plat shall be signed by a registered surveyor. The Zoning Administrator may require the submission of technical studies and reports, such as a Traffic Impact Analysis or Stormwater Management Study, in order to analyze the proposed plat in the context of the City's adequate public facility requirements.

C. Filing Procedure. The applicant shall file the following with the Zoning Administrator as follows:

1. A reproducible original and the number of copies of the proposed Preliminary Plat specified on the application;
2. All other information required by this Ordinance or as specified on the application;
3. The applicable plat review fee; and
4. A completed application form.

D. Contents. The preliminary plat shall contain the following information:

1. Proposed name of subdivision.
2. A vicinity sketch (location map), at a legible scale, to show the relation of the plat to surroundings. Utility connections too remote to be shown on the preliminary plat shall be shown on this sketch.
3. Location of boundary lines by section, quarter section or quarter-quarter section lines, and any adjacent corporate boundaries comprising a legal description of the property conforming to the current Missouri state plane coordinate system.
4. Names, addresses, and phone numbers of the developer and the engineer, surveyor, planner, or landscape architect making the plat.
5. Plat to be oriented so north is to the top of plat sheet, and north shall be designated.
6. All plats are to be drawn to a standard engineer's scale, which shall be specified on the plans. The actual scale used will depend on the

development and shall be subject to the approval of the Zoning Administrator.

7. Existing conditions on the proposed subdivision site and adjacent to the site within one hundred eighty-five (185) feet of the property lines:

a. Locations, width and name of each existing or platted street, alley or other public way; railroad and utility rights-of-way; dedicated rights-of-way; bridges; parks and other public open spaces; and permanent buildings.

b. All existing storm water or sanitary sewers, water mains, gas mains, culverts, or other underground installations with pipe size, grades and locations shown.

c. Names of abutting subdivisions and owners of abutting parcels of unsubdivided land.

d. Locations of water courses, and all areas designated as the one hundred (100) year floodplain areas by the Federal Emergency Management Agency.

e. Ravines, bridges, lakes, tree masses, approximate acreage, and such other existing features as may be pertinent.

f. Special features (such as ponds, dams, steep slopes or unusual geology) or unusual historical features (such as former dumps, fill areas or lagoons) must be identified by the applicant. The applicant, at the Zoning Administrator's discretion, may be required to provide professional analysis of these conditions to address health, safety and general welfare questions related to the proposed subdivision.

g. Identification, location and nature of all existing and proposed zoning districts and land uses within 185 feet of the boundaries of the proposed subdivision.

h. Topography (unless specifically waived by the Zoning Administrator) with contour intervals of not more than two (2) feet, referred to USGS or City datum. In areas where grades are gentle, the Zoning Administrator may require a lesser contour interval.

i. Exact location of all oil and gas wells and water wells, whether active, inactive, or capped.

8. Proposed development:
 - a. The general location, width, radii, grade and name of proposed streets, roadways, alleys, sidewalks and public walk ways, public streets and other easements with center lines, culverts and bridges, public drives and curb cuts, median breaks and turn lanes. Street names shall not duplicate or closely resemble the name of any existing street.
 - b. The general location, size and character of all proposed and existing adjacent public utility lines, including storm water and sanitary sewer lines, water lines, and storm water management facilities.
 - c. Layout, number and approximate dimensions of lots, approximate lot areas, setback requirements with dimensions, and blocks, with number or letter of each, if applicable.
 - d. Location and size of proposed open space for public use proposed to be dedicated or reserved and any conditions of such dedication or reservation; parks, playgrounds, churches, or school sites or other special uses of land to be considered for public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision.
 - e. Building setback lines from streets with dimensions.
 - f. Indication of any lots on which uses other than residential are proposed by the subdivider.
 - g. Storm water management plan, calculations, and proposed size, nature and location of all proposed storm drainage improvements.
 - h. Identification, location and nature of all existing and proposed zoning districts and land uses to be included within the boundaries of the subdivision.

3.7 Construction Plans.

A. Following approval of the Preliminary Plat, the applicant shall have prepared, by a professional engineer, registered in the State of Missouri, public improvement construction plans (which may also be referred to as engineered drawings), consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, storm water facilities, water system facilities, sidewalks and other improvements required by the UDO. Construction plans shall be submitted to the Zoning Administrator for review and approval.

B. All improvements required pursuant to these regulations shall be constructed in accordance with the design standards and plan requirements of the UDO and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.

C. The Construction Plans shall be sealed by a professional engineer. Five (5) copies of the Construction Plans shall be submitted to the Zoning Administrator for review. The Construction Plans shall be at any scale from one (1) inch equals ten (10) feet (1" = 10') through one (1) inch equals one hundred (100) feet (1"- 100'), so long as the scale is an increment of ten (10) feet and is sufficiently clear in reflecting details of the proposed construction. Construction Plans shall be prepared on 22" x 34" sheets. The Preliminary Plat or title page shall be used as the cover sheet for the Construction Plans. The Plans shall include the following information, shown on separate sheets:

1. The Preliminary Plat for the project drawn on the existing topographic survey of the property.
2. Roadway, sidewalk, bikeway and traffic control construction plans, profiles and detail sheets, including information related to street lights.
3. Sanitary sewer system construction plans, profiles and detail sheets.
4. Storm water management plan showing plan and profile of proposed storm sewer and drainage facilities, detail sheets, hydrological and hydraulic calculations and other information as required by the Director.
5. Proposed grading cross sections and final contours in critical drainage areas.
6. Water distribution system construction plans and details.
7. Locations of electric, telecommunications and other utility improvements.
8. A general schedule of the timing and sequence of construction for all required improvements.
9. Roadway Construction Detail Sheets: All construction details pertaining to the roadway improvements (e.g., pavement details, pavement width, curbing, sidewalk, unpaved areas, entrances, lighting, etc.) shall be shown on typical section , in plan and profile. Specific details shall include, but not be limited to:

- a. Pavement installation, widening, or resurfacing improvements dimensioned and developed in accordance with City improvement standards.
- b. Pavement widening and resurfacing improvements in the right-of-way as measured from the centerline.
- c. Mathematical profile grade and elevations at twenty-five (25) feet intervals on vertical curves and fifty (50) feet intervals on tangent sections for all roadway construction. Elevations at quarter point intervals along pavement edge at street intersection corners.
- d. Resurfacing Profile Grade elevations on existing centerline and edges of pavement at twenty-five (25) feet intervals and breaks in grade (i.e., irregularities in pavement).
- e. Jointing plan and details for Portland Cement Concrete pavement.
- f. Type and location of entrance construction.
- g. Propose traffic control devices and signs to be used during construction and upon completion of the project.

10. Sanitary Sewer, Storm Drainage, and Water Line Plans and Profile Sheets: All construction details pertaining to the sanitary sewerage, storm drainage and water distribution system improvements shall be prepared in accordance with all requirements of these regulations and other pertinent City regulations and standards and shall be shown in plan and profile. Specific details shall include, but shall not be limited to:

- a. Existing ground and finished grade shown and designated.
- b. Methods to be used in repairing open trenching of pavement.
- c. Limits of backfill and pavement replacement at all crossings of existing roadway surfaces not bored.
- d. Location of all utilities to be encountered in construction. Sufficient copies of plans must be submitted for utility providers.
- e. Proof of plan approval by any other political subdivisions having jurisdiction over any aspect of the proposed development must be received prior to Construction Plan approval.

11. Grading Plan and Cross Section Sheets: A grading plan for the entire tract within the Preliminary Plat boundaries shall be provided. All

grading details pertaining to site development shall be shown in plan or on cross section sheets. Specific details shall include, but shall not be limited to:

- a. Existing and proposed contours, normally at two (2) foot intervals, in critical drainage areas. Contour intervals for Grading Plans greater than two (2) feet will require the Director's approval.
- b. Site grading shall be compatible with ultimate roadway elevations.
- c. Where required by the Director, cross sections showing existing ground and finished grades plotted at a scale of not less than one inch equals one hundred feet (1"=100') horizontal and one inch equals ten feet (1"= 10') vertical.
- d. Erosion Control Plan, as applicable, showing compliance with State requirements.

3.8 Public Works Permit. Any person, firm, partnership, corporation, association, co-partnership or trust, prior to commencing any private work on public works projects relating to the subdivision of land in the City of Urich, Missouri, shall comply with the following regulations and provisions:

- A. Plans and specifications for the private construction of public works projects, including, but not limited to, streets, sidewalks, storm drainage systems, sanitary sewers, water lines, and appurtenances to be maintained by the City of Urich, Missouri, shall be submitted to the Zoning Administrator for approval.
- B. The subdivider shall pay to the City a plan review fee of two percent (2%) of the estimated cost of the required improvements for the review and processing of the Construction and Grading Plans.
- C. The subdivider shall pay to the City a fee of two percent (2%) of the estimated cost of the required improvements for construction inspection.
- D. A public works permit shall be obtained from the City authorizing the construction mentioned as set forth in the approved plans and specifications.
- E. Building permits shall not be issued until the required improvements have been accepted by the City and the construction inspection and plan review fees have been paid. Unless otherwise approved by the Board of Aldermen, all improvements shall be inspected by the City. The subdivider shall contract with a Professional Engineer or Surveyor to

perform construction staking and preparation of "as-built" construction plans.

F. All construction work may be stopped at any time by the Zoning Administrator when, in the opinion of the City Inspector, the workmanship materials used or procedures of work do not meet the requirements or comply with the City codes, ordinances, specifications and procedures for such work.

G. All work, accomplished by means of a public works permit issued under this Chapter, shall be subject to final inspection for City maintenance by the Zoning Administrator and his/her recommendation shall be made to and written acceptance made thereon by the Mayor and Board of Aldermen.

3.9 Final Plat.

A. When Required. The submittal and approval of a final plat is required to subdivide land.

B. Submittal Requirements. Applicants for final plat approval shall submit a complete application and other required materials and information to the Zoning Administrator. The final plat shall be in sufficient detail to convey the applicant's ideas and intentions in platting the property. It shall contain a written description of the existing conditions on the tract and the necessary drawings and sketches as required by this Ordinance to convey the applicant's plan of development. The plat shall be sealed by a registered surveyor.

C. Filing Procedure. The final plat application shall be filed with the Zoning Administrator as follows:

1. A reproducible original and a sufficient number of copies of the proposed final plat as specified on the application;
2. All other information required by this Ordinance or as specified on the application;
3. A completed application form; and
4. The applicable plat review fee.
5. A written statement identifying any items or aspects of the Final Plat which differ from the preliminary plat.

D. Contents. The final plat shall contain the following information:

1. Name of the subdivision that does not duplicate or closely approximate the name of any existing subdivision.
2. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions of second order surveying accuracy that must close. A final plat must show ties to the state plane coordinate system. All calculations shall be furnished showing bearings and distances of all boundary lines and lot lines.
3. Accurate legal description, accompanied by a legal description closure report.
4. Location of the subdivision boundaries shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. All section and land corners referenced on the plat and legal description shall be identified as to what was physically found or set, e.g., aluminum monument, ½" iron bar. These same corners shall also be referenced and reference ties submitted with the plat on the certified Land Corner Restoration/Reestablishment sheet provided by the Missouri Department of Natural Resources, Division of Geology and Land Survey (MLS). If the section corner referenced on the plat has been previously referenced and reference ties have not changed since submission to the MLS, the MLS document number for those corners shall be indicated on the plat.
5. Total acreage of the proposed subdivision.
6. Location of lots, streets, public highway, alleys, sidewalks, parks and other features with accurate dimensions in feet and decimals of feet, with the length and radii and/or arcs of all curves indicated with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curvature to the lot lines.
7. Area in square feet for each lot or parcel and the dimensions of each lot.
8. When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the width of the lots are measured at the building line.
9. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.
10. The exact locations, widths, and names of all streets and alleys to be dedicated.

11. Location, purpose and width of all easements.
12. Boundary lines and description of boundary lines of any area other than streets and alleys that are to be dedicated or reserved for public use, including open space for public use.
13. Building setback lines on the front of all lots and the side streets of corner lots, including dimensions and dedications.
14. Statement dedicating all easements, streets, sidewalks, alleys and other public area using the following language:

Easements: An easement or license is hereby granted to the City of Urich, Missouri, to locate, construct and maintain or to authorize the location, construction and maintenance of poles, wires, anchors, conduits, and/or structures for water, gas, sanitary sewer, storm sewer, surface drainage channel, electricity, telephone, cable television, or any other necessary public utility or services, any or all of them, upon, over, or under those areas outlined or designated upon this plat as "Utility Easements" (U.E.) or within any street or thoroughfare dedicated to public use on this plat.

15. Signature blocks for the following certificates, with the corresponding name typed, printed or stamped beneath the signature.
 - a. Signatures of the owner or owners and notary public.
 - b. Certification by a Registered Land Surveyor that details of the plat are correct.
 - c. The certificate of the Planning and Zoning Commission in the following form:

This plat of _____ has been submitted to and approved by the Urich Planning and Zoning Commission on this ____ day of _____, 20__.

Planning & Zoning Commission Chairman

- d. The approval of the plat and acceptance of easements and rights-of-way by the Board of Aldermen in the following form:

This plat of _____ including easements and rights-of-way accepted by the Board of Aldermen has been submitted to and approved by the Urich Board of Aldermen by Ordinance No. ____, duly passed and approved by the Mayor of Urich, Missouri on the ____ day of _____, 20__.

(SEAL)

Mayor

ATTEST:

City Clerk

16. Floodplain location, or statement that none exists.
 17. Name and address of developer and surveyor making the plat.
 18. Scale of the plat at not less than one inch represents one hundred (100) feet (the scale to be shown graphically and in feet per inch), date, and north point.
 19. Information required to be recorded on the final plat or a reference to documents required to be recorded with the final plat. Such information shall include but not be limited to covenants that run with the land and conditions of final plat approval imposed by the Board of Aldermen.
 20. If requested by the Zoning Administrator, the Planning & Zoning Commission or the Board of Aldermen, the following additional data shall be submitted with the final plat:
 - a. A title report by an abstract or title insurance company or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on, the plat.
 - b. A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on deposit with officials to meet this requirements.
 - c. A copy of any deed restrictions applicable to the subdivision.
- E. Improvements and Dedications. The Final Plat shall conform to the approved Preliminary Plat. All public improvements and facilities to be provided by the developer shall be approved by the Zoning Administrator and installed prior to the issuance of an occupancy permit, or adequate security in lieu of making

improvements shall be provided. All required dedications and easements shall be offered for dedication on the final plat by the applicant before the Planning and Zoning Commission shall approve the Final Plat; however, the approval of a plat does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the appropriate City authorities make a written acceptance.

- F. Effect of Final Plat Approval. Final Plat approval shall confer upon the applicant the right to apply for building permits and to develop the subject tract or parcel pursuant to the terms and conditions pursuant to which the Final Plat approval was granted by the Board of Aldermen, provided however, that an applicant may apply for a conditional building permit in the event final plat approval has not been obtained. No lot in the subdivision may be sold until the Final Plat has been officially recorded.

3.10 Minor Subdivisions.

- A. Situations Covered. Minor subdivisions may include:
1. A division of land into no more than three (3) lots.
 2. An adjustment in boundaries between the owners of adjoining platted lots.
 3. An adjustment of building lines.
 4. A resurvey to combine two (2) or more lots or portions of lots into one lot.
- B. Submission requirements. The minor subdivision plat application shall be filed with the Zoning Administrator as follows:
1. A reproducible original and a sufficient number of copies of the proposed minor subdivision plat as specified on the application;
 2. All other information required by this Ordinance or as specified on the application;
 3. A completed application form; and
 4. The applicable plat review fee.
- C. Contents. The minor subdivision plat shall contain all information otherwise required of a Final Plat, provided, however, that the Board of Aldermen may waive or otherwise modify any such required information.

D. Consideration and approval of minor subdivisions. Consideration and approval of a minor subdivision plat shall occur as a Final Plat, except that a preliminary plat is not required.

3.11 Zoning Amendments.

A. Zoning Amendments Authorized. The text of this Ordinance or the Official Zoning Map may be amended from time to time by the Board of Aldermen.

B. Initiation of Application. An owner of real property within the City, or that owner's authorized representative, may, upon proof of ownership, apply for amendment to the Official Zoning Map for that landowner's property. Such amendment may also be initiated by the Planning and Zoning Commission, the Zoning Administrator or the Board of Aldermen. An application by a property owner for a change in this Ordinance or the Official Zoning Map shall be on a form supplied by the Zoning Administrator. Said application shall be completed in its entirety and filed with the Zoning Administrator who shall set a public hearing date before the Commission.

C. Report and Recommendation by Commission. Upon conclusion of the public hearing, the Planning and Zoning Commission shall forward to the Board of Aldermen its recommendations for any change to the Official Zoning Map or this Ordinance together with its approval, conditional approval or denial of the application where an amendment to the Official Zoning Map is requested.

D. Decision by Board of Aldermen. Upon the receipt of the recommendation of the Commission, the Board of Aldermen shall consider the application and the recommendation of the Commission. If the Board of Aldermen approves an application, it shall adopt an ordinance to that effect. The amending ordinance shall define the change or boundary as amended, and order the Official Zoning Map to be changed to reflect such amendment.

3.12 Variances

A. Authorized. The Board of Adjustment may authorize an Area Variance, based upon practical difficulties, which would constitute an unreasonable deprivation of use, provided the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done, or for a Use Variance from the provisions of this Ordinance where, owing to unique conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship.

B. Conditions. In granting a variance, the Board of Adjustment may impose such conditions, safeguards and restrictions 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 this Ordinance.

C. Procedure. The applicant for variance shall complete and file the appropriate application form(s) with the Zoning Administrator. The Zoning Administrator shall determine if the application is complete. Complete applications shall be scheduled for review at the next regularly scheduled meeting of the Board of Adjustment. Notice shall be provided as required by these regulations.

D. Appeals. Any person aggrieved by any decision of the Board of Adjustment may file in the Circuit Court of Henry County, Missouri, a petition in the manner and form and within the limitations period provided by law.

SECTION 4 - ZONING DISTRICTS

4.1 ZONING DISTRICTS – GENERAL

A. Establishment of Zoning Districts. In order to classify complimentary uses and segregate incompatible uses of land and buildings, the following districts are hereby established:

A	Agricultural
RR	Rural Residential
N	Neighborhood
CN	Neighborhood Commercial
CH	Highway Commercial
MO	Main Street Overlay
P	Planned Overlay District

B. Zoning Map. The Official Zoning Map (“Zoning Map”) and the explanatory material thereon is hereby adopted by reference and declared to be a part of these Regulations. Such Zoning Map and all the notations, references and other matters shown on the Map shall be as much a part of these Regulations as if the notations, references and other matters set forth by said Map were all fully described in the Zoning Regulations. The Zoning Map shall be on file in the office of the City Clerk and shall bear the signature of the Mayor attested by the City Clerk under certification as the Official Zoning Map.

C. Zoning District Boundaries. The boundaries of zoning districts within these Regulations are as indicated upon the Zoning Map. Whenever the City approves an amendment to the Zoning Map, such amended Zoning Map is made a part of these Regulations by reference.

D. Changes in the Zoning Map. No change in the Zoning Map shall be made except in accordance with these Regulations. All such changes, together with the ordinance number and the date of change, shall be recorded on the Zoning Map by the City Clerk, with the signature of the Mayor.

E. Interpretation of the Zoning Map. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as following streets, highways, alleys or other public rights-of-way shall be construed to follow the centerlines thereof.

2. Boundaries indicated as following platted lot lines shall be construed as following the lot lines.

3. Boundaries indicated as approximately following section lines, quarter lines, quarter section lines, or quarter-quarter section lines shall be construed as following the lines.

4. Boundaries indicated as following corporate limits shall be construed as following corporate limits.

5. Boundaries indicated as following the rivers, streams, creeks or other waterways shall be construed to follow the centerlines.

6. Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Zoning Map or, if not dimensioned, shall be determined by the scale shown on the Zoning Map.

7. Where a district boundary divides a lot of record, the Planning and Zoning Commission may permit, as a conditional use permit, the extension of the district regulations for either portion of the lot to the remaining portion of the lot, provided that the district regulations may not be applied for a distance greater than fifty (50) feet beyond the established district boundary line.

8. Where physical features are at variance with those shown on the Zoning Map, or in other circumstances not covered by the foregoing, the Zoning Administrator shall interpret the district boundaries subject to appeal to the Planning and Zoning Commission, consistent with the land use maps, goals, objectives, policies and actions as set forth in the City's adopted Comprehensive Plan.

F. Maintenance of the Zoning Map. The Zoning Administrator shall maintain the Zoning Map.

4.2 DISTRICT A (AGRICULTURAL DISTRICT).

A. Purpose. The Agricultural District is intended to help retain large tracts of land for agricultural purposes and to minimize conflicts between agricultural uses and adjacent development. The principal purpose of this district is to provide for large tracts of open land (10 acres or more) devoted to active agricultural and open space uses, including crop farming, animal raising, pasture and woodlands with related residential and farm structures and equipment.

B. Permitted Uses. In District A, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Agriculture, horticulture, nurseries, greenhouses, orchards and general farming, including raising and pasturing of livestock, goats, hogs, etc., but not dry-lot feeding, and raising, fattening, killing or processing of chickens, turkeys and other poultry, providing there shall be no feeding or disposal of garbage, rubbish or offal unless a permit for such operation is issued by the Board of Aldermen, under such restrictions as the Board of Aldermen may impose.
2. Riding stables provided the stables shall be located not less than one hundred (100) feet from any property line.
3. Dairies, dairy farming including enterprises which are incidental to the dairy operations.
4. Fur farming for the raising of fur bearing animals, provided buildings and pens shall be located not less than one hundred (100) feet from any property line.
5. Kennels, provided the buildings and pens shall be located not less than two hundred (200) feet from any property line; fish hatcheries, apiaries and aviaries.

C. Accessory Uses.

1. Accessory uses, including repair shops, windmills, sheds, garages, barns, silos, bunk houses, incidental dwellings, buildings and structures commonly required for any of the above uses, and roadside stands of not over two hundred (200) square feet in area offering for sale only products which are produced on the premises.

D. Performance Standards. See Table 4-1.

4.3 DISTRICT RR (RURAL RESIDENTIAL DISTRICT)

A. Purpose. The Rural Residential District is intended for very low density residential use, with lots consisting of one or more acres of land.

B. Permitted Use. In District RR, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Dwellings, single family detached.
2. Churches, temples, synagogues and associated outreach services.

3. Public parks and playgrounds, public recreation or community buildings, public museums, public administrative buildings, public libraries, police stations and fire stations.
4. Public schools and private schools with curricular equivalent to that of a public school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
5. Golf courses, not including golf course club houses (miniature golf courses or driving ranges are not permitted). Golf course club houses are subject to the conditions of Section 5.
6. Railroad rights-of-way, not including railroad yards.
7. The use of buildings or premises for such public utility services as are authorized by the Public Service Commission or by permit of the Board of Aldermen.

C. Accessory Uses. Accessory uses as set out in Section 5.

D. Performance Standards. See Table 4-1.

4.4 DISTRICT N (NEIGHBORHOOD).

A. Purpose. The Neighborhood District is composed of areas developed for single-family residences and areas of open land that might reasonably be developed similarly.

B. Permitted Uses. In District N, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Dwellings, single family detached.
2. Churches, temples, synagogues and associated outreach services.
3. Public parks and playgrounds, public recreation or community buildings, public museums, public administrative buildings, public libraries, police stations and fire stations.
4. Public schools and private schools with curricular equivalent to that of a public school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
5. Railroad rights-of-way, not including railroad yards.

C. Accessory Uses. Accessory uses as set out in Section 5.

D. Performance Standards. See Table 4-1.

4.5 DISTRICT CN (NEIGHBORHOOD COMMERCIAL).

A. Purpose. The Neighborhood Commercial District is intended primarily for neighborhood office and commercial uses. This district should be utilized by those businesses which will generate traffic in volumes no greater than local traffic capacities. The Neighborhood Commercial District is also intended to accommodate mixed uses and incorporate residential purposes.

B. Permitted Uses. In District CN, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Administrative and Business Offices
2. Arts and Crafts Studio (Limited)
3. Automotive rentals and washing
4. Business Support Services
5. Business or Trade School
6. Commercial Off-Street Parking
7. Communications Services
8. Consumer Convenience Services
9. Consumer Repair Services
10. Day Care Services (Limited)
11. Day Care Services (Commercial)
12. Dwelling, single family, multiple family
13. Financial Services
14. Food Sales (Convenience)
15. Food Sales (General)
16. Funeral Services
17. Medical Offices

18. Personal Improvement Services
19. Personal Services
20. Professional Offices
21. Restaurants; provided that drive through windows or restaurants that allow or provide for ordering through a speaker system shall not be permitted
22. Retail Sales or Rental (Convenience)
23. Retail Sales or Rental (General)
24. Small Animal Services

C. Accessory Uses. See Section 5.

D. Performance Standards. See Table 4-1 and Section 5.3.

4.6 DISTRICT CH (HIGHWAY COMMERCIAL DISTRICT).

A. Purpose. The Highway Commercial District is intended predominately for commercial activities of a service nature which typically draw traffic from outside the City or off of the highway.

B. Permitted Uses. In District CH, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use allowed in District CN, excluding residential
2. Agricultural Sales and Services
3. Animal Services
4. Arts and Crafts Studio (Industrial)
5. Animal Services
6. Automotive Rentals
7. Automotive Repair Services
8. Automotive Washing
9. Building and Grounds Maintenance Services

10. Cocktail Lounge, provided the front entrance is not less than 300 feet from any existing school, church or day-care and not less than 300 feet from a residential district
11. Commercial Embalming Services
12. Commercial Off-Street Parking
13. Construction Sales and Services (General) or (Limited)
14. Custom Manufacturing
15. Exterminating Services
16. Gasoline Stations
17. Hotel/Motel
18. Indoor Entertainment, provided the front entrance is not less than 300 feet from any existing school or church and not less than 300 feet from a residential district.
19. Indoor Sports and Recreation, provided the front entrance is not less than 300 feet from any existing school or church and not less than 300 feet from a residential district.
20. Laundry Services
21. Liquor Sales
22. Pawn Shops
23. Research Services
24. Restaurants (Convenience, General, Limited)

C. Accessory Uses. See Section 5.

D. Performance Standards. See Table 4-1 and Section 5.3.

4.7 Main Street Overlay District (District MO)

A. Introduction. The Main Street Overlay is intended to create a uniform aesthetic appearance to the City center.

B. Permitted Uses. All uses allowed in the underlying district are further allowed in the Overlay subject to the additional controls in this subsection. For example, if the underlying district of the Main Street Overlay is zoned CN

then the permitted uses in CN are continued as permitted uses in the Main Street Overlay district.

C. Any construction or development in the Main Street Overlay shall meet the following standards:

1. Each exterior wall shall be constructed with a minimum of 50% of the surface area covered with the following materials:

a. Masonry. Masonry construction shall include all masonry construction which is composed of solid, cavity, faced, or veneered-wall construction, or similar materials.

b. Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.

c. Brick material used for masonry construction shall be composed of hard fired (kiln fired) all-weather common brick.

d. Stucco or approved gypsum concrete/plaster materials.

e. Glass Walls. Glass walls shall include glass curtain walls or glass block construction. A glass curtain wall shall be defined as an exterior wall which carries no floor or roof loads and which may consist of a combination of metal, glass, and other surfacing material supported in a metal framework.

f. Wood (Plywood paneling shall be prohibited.)

g. Any other material not specifically excluded, provided the material is approved by the Board of Aldermen.

2. Each exterior wall facing a public street shall consist of no less than 30% coverage of building materials noted in subparagraph 4.7.C.1.

3. All remaining exterior walls shall be constructed of materials in subparagraph 4.7.C.1, or wood.

4. Prohibited Materials on All Exterior Walls

a. Concrete finish or precast concrete panel (tilt wall) that is not exposed aggregate, hammered or sandblasted.

b. Metal panels with a depth of less than one inch or a thickness less than U.S. Standard 26 gauge.

c. Plywood or masonite panels.

5. Exposed front and street sidewall facades, excluding windows, doors, or overhead doors, consisting of a single undifferentiated plane with a single texture or color, shall be prohibited.
6. Not less than fifteen percent (15%) of the area of each front exterior facade and street sidewall where a building is located on a corner lot, excluding windows, doors, or overhead doors, shall be recessed, projected or alternately staggered from the primary plane of the wall. For purposes of this section, fascias shall not be counted as a projection from the primary plane.
7. Roof mounted equipment, excluding satellite dishes, shall be screened from view (100% opacity) or isolated so that it is not visible from ground level of any adjacent applicable public thoroughfare, up to a maximum of three hundred (300) feet away, and no more than three (3) feet of equipment shall be visible from other adjoining property. The appearance of roof screen shall be coordinated with the building to maintain a unified appearance.
8. Electrical and mechanical equipment in excess of three (3) feet in height, and visible from any adjacent public thoroughfare or a residentially zoned area shall be screened from view (100% opacity), up to a maximum of three hundred (300) feet away. Such screens and enclosures shall be treated as integral elements of the building's appearance.
9. Mirrored glass with a reflectance greater than 40% shall not be permitted on more than 20% of the exterior wall of any building.
10. Maintenance. The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated shall be refinished or repainted. Excessively faded shall be defined as a color change exceeding 7 Delta E (Hunter) units under ASTM D2244. Excessively chalked shall be defined as chalk in excess of ASTM D759 number 6 rating.
11. Any loading area adjacent to an exterior park boundary street or a residential area shall be buffered with landscape materials in conjunction with earthen berms.
12. All products that are stored or sold, and materials used in production, shall be kept inside a building and all services shall be rendered inside a building with the exception of outdoor play areas for licensed day care facilities.
13. All company service vehicles, fleet trucks, etc., used in conjunction with a permitted use shall be stored overnight such that they are screened

with a landscape buffer, or not visible from exterior park boundary streets or residential properties abutting the park boundary.

D. Accessory Uses. See Section 5 as it relates to the underlying district.

E. Performance Standards. See Table 4-1 and Section 5.3, if applicable, as it relates to the underlying district.

4.8 Planned Overlay District (District P).

A. Introduction. A planned overlay district shall be for the purpose of permitting and regulating the zoning districts previously cited in this Ordinance, and shall provide latitude and flexibility in location of buildings, structures, open spaces, play areas, parking, roads, drives, variations in setback and yard requirements. The Planning and Zoning Commission shall consider each plan and make its recommendation to the Board of Aldermen, which shall then make a determination as to approval or disapproval of the plan. Land may be zoned as District P (Planned Overlay District) by the Board of Aldermen on its own motion, whenever it is felt that such land would be better developed and fulfill the intent of the City's Future Land Use and Comprehensive Plan development. The owner or developer of such land designated as a District P (Planned Overlay District) by the Board of Aldermen shall submit a Site Development Plan to the Planning and Zoning Commission which must be considered by said Commission and recommendation made to the Board of Aldermen, and then approved by the Board of Aldermen before the land may be developed.

The owner or developer of land determined by the Board of Aldermen to be better developed as a planned development shall, prior to such development, prepare and submit to the Planning and Zoning Commission a site development plan with the following elements:

1. The boundaries of the area and the development of property adjacent to the area and within three hundred (300) feet thereof.
2. The existing topography at intervals no greater than five (5) feet.
3. Proposed location, number, type and arrangements of buildings, typical elevation, structures, parking areas, existing and proposed streets, drives, open spaces, play areas and other reasonable information required by the Commission. The plan shall be accompanied by a plat giving full legal description of the boundaries of the property.
4. Building Elevations
 - a. Elevations of all sides of proposed buildings, including notation indicating building material to be used on exteriors and roofs.

- b. Location, size and materials to be used in all screening of rooftop mechanical equipment.

B. Applicability. Land may be zoned under this Planned District Classification RR-P through CH-P, inclusive, subject to the submission of the overall Site Development Plan to the Planning and Zoning Commission for a recommendation and report to the Board of Aldermen and approval of such Site Development by the Board of Aldermen. The Site Development Plan, as approved, shall be entered into the records of the Planning and Zoning Commission, Board of Aldermen and the Zoning Administrator, and conformance to the plan shall be mandatory, except as provided therein, or unless a change in such Site Development Plan is reviewed by the Planning and Zoning Commission because of change in conditions, and recommendation made to the Board of Aldermen, and such change is approved by the Board of Aldermen. The Zoning Administrator may allow the developer to make the following changes in the approved Site Development Plan as a result of unforeseen engineering problems:

1. Move private streets and driveways by not more than ten (10) feet.
2. Move the location of structures by not more than ten (10) feet so long as not to violate any setback regulations.
3. Move the location of any parking area by not more than twenty (20) feet so long as it would not come closer than twenty (20) feet to any residential structure or ten (10) feet from any street or right-of-way lines.
4. Change the configuration of any parking area so long as the number of spaces is not reduced.
5. Change the location of sidewalks and pathways provided that all points remain connected.
6. Change the building size by a total of not more than one hundred (100) square feet for a residential structure and by a total of not more than five percent (5%) for a commercial structure, so long as no setback and parking regulations are violated.

C. Use. The uses permitted in any planned district shall be the same as in the corresponding regular district, provided the Board of Alderman finds the use compatible with the existing and planned uses in the development and on adjacent properties. For example, the uses permitted in CN-P shall be the same as in CN.

D. Requirements and Standards. The amount of open space, buffer zone, yard, parking, play area, density, floor area ratio, and height requirements shall be determined by the Board of Aldermen after recommendation by the Planning and Zoning Commission. Buildings over the maximum allowable

height of the base district may be allowed, provided that any part of the structure over the maximum allowable height of the base district shall be setback from all property lines one additional foot for each additional foot in height. The Board of Aldermen shall use the requirements and standards found in the base zoning district as a guide in making such determination and may permit adjustments from these requirements and standards in the interest of efficient land development and utilization, integrating project better with the context and surrounding properties, or if it is deemed that other amenities or conditions beyond the individual site will be gained to the extent that an equal or higher quality development is produced.

1. A District P may be established on a tract of land in single ownership or with multiple ownership under unified control, or any area subject to any plan approved by the Planning and Zoning Commission.
2. The net area of land to be included in a District P and so designated, shall be at least two and one-half acres in size. The term "net area", as used herein, shall not include any areas within dedicated highways, streets, alleys or any other public ways or public property.
3. The location of any District P shall be on property which has direct access to major thoroughfares, and the Planning and Zoning Commission and Board of Aldermen shall satisfy itself as to the adequacy of the thoroughfares to carry the additional traffic projected to be generated by the development.
4. Applicants requesting rezoning to Planned Zoning shall submit a preliminary development plan for the proposed development to be considered as part of the rezoning application. The preliminary development plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities which shall have a fundamental relationship to the properties comprising the planned development, and shall not adversely affect the uses of properties immediately adjacent to the proposed development.
5. Applicants requesting approval of development plans on undeveloped Planned Overlay District properties in existence at the time this ordinance is adopted shall submit preliminary development plans concurrent with preliminary plats.
6. Development of a single lot or parcel not exceeding 1 acre is exempt from the requirements to submit a preliminary development plan.
7. The site development plan for any construction or development shall include provisions to meet the following standards:
 - a. Each exterior wall within 50 feet of the right of way of Missouri K Highway (Main Street), shall be constructed with a

minimum of 50% of the surface area covered with the following materials:

- (i) Masonry. Masonry construction shall include all masonry construction which is composed of solid, cavity, faced, or veneered-wall construction, or similar materials.
- (ii) Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.
- (iii) Brick material used for masonry construction shall be composed of hard fired (kiln fired) all-weather common brick.
- (iv) Stucco or approved gypsum concrete/plaster materials.
- (v) Glass Walls. Glass walls shall include glass curtain walls or glass block construction. A glass curtain wall shall be defined as an exterior wall which carries no floor or roof loads and which may consist of a combination of metal, glass, and other surfacing material supported in a metal framework.
- (vi) Wood (Plywood paneling shall be prohibited.)
- (vii) Any other material not specifically excluded, provided the material is approved by the Board of Aldermen.

8. Each exterior wall facing a public street shall consist of no less than 30% coverage of building materials noted in subparagraph 4.8.D.7.a.

9. All remaining exterior walls shall be constructed of materials in subparagraph 4.8.D.7.a, or the following:

- a. Wood
- b. Metal panels with a depth of no less than one inch and a thickness of U.S. Standard 26 gauge or more.

10. Prohibited Materials on All Exterior Walls

- a. Concrete finish or precast concrete panel (tilt wall) that is not exposed aggregate, hammered or sandblasted.

b. Metal panels with a depth of less than one inch or a thickness less than U.S. Standard 26 gauge.

c. Plywood or masonite panels.

11. Exposed front and street sidewall facades, excluding windows, doors, or overhead doors, consisting of a single undifferentiated plane with a single texture or color, shall be prohibited.

12. Not less than fifteen percent (15%) of the area of each front exterior facade and street sidewall where a building is located on a corner lot, excluding windows, doors, or overhead doors, shall be recessed, projected or alternately staggered from the primary plane of the wall. For purposes of this section, fascias shall not be counted as a projection from the primary plane.

13. Roof mounted equipment, excluding satellite dishes, shall be screened from view (100% opacity) or isolated so that it is not visible from ground level of any adjacent applicable public thoroughfare, up to a maximum of three hundred (300) feet away, and no more than three (3) feet of equipment shall be visible from other adjoining property. The appearance of roof screen shall be coordinated with the building to maintain a unified appearance.

14. Electrical and mechanical equipment in excess of three (3) feet in height, and visible from any adjacent public thoroughfare or a residentially zoned area shall be screened from view (100% opacity), up to a maximum of three hundred (300) feet away. Such screens and enclosures shall be treated as integral elements of the building's appearance.

15. Mirrored glass with a reflectance greater than 40% shall not be permitted on more than 20% of the exterior wall of any building.

16. Maintenance. The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated shall be refinished or repainted. Excessively faded shall be defined as a color change exceeding 7 Delta E (Hunter) units under ASTM D2244. Excessively chalked shall be defined as chalk in excess of ASTM D759 number 6 rating.

E. Any loading area adjacent to an exterior park boundary street or a residential area shall be buffered with landscape materials in conjunction with earthen berms.

F. All products that are stored or sold, and materials used in production, shall be kept inside a building and all services shall be rendered inside a building with the exception of outdoor play areas for licensed day care facilities.

G. All company service vehicles, fleet trucks, etc., used in conjunction with a permitted use shall be stored overnight such that they are screened with a landscape buffer, or not visible from exterior park boundary streets or residential properties abutting the park boundary.

H. Preliminary Development Plan -- Content and Submission Requirements. The following list delineates the elements which are to be submitted at the same time as the rezoning request. No rezoning request will be considered until all required elements have been submitted.

1. Two full size copies and two 11" x 17" copies of the preliminary development plan shall be submitted in support of the application for rezoning. The preliminary development plan shall contain the following information:

a. North arrow and scale. All preliminary development plans are to be drawn to a standard engineer's scale. All items shown on the preliminary development plan, including, but not limited to, streets, driveways, and buildings shall be drawn to scale. The actual scale used will depend on the development and shall be subject to the approval of the Planning Officer.

b. With regard to the subject property only:

(i) Existing topography with contours at 5-foot intervals, and delineating any land areas within the 100-year floodplain.

(ii) Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public streets and any existing easements.

(iii) Sufficient dimensions to indicate relationships between buildings, property lines, parking areas and other elements of the plan.

(iv) General extent and character of the proposed landscaping.

(v) Preliminary storm water collection, detention, and erosion control plans, showing existing facilities.

(vi) An analysis of the capacity of the existing sanitary sewer receiving system.

- c. With regard to areas within 200 feet of the subject property:
 - (i) Any public streets which are of record.
 - (ii) Any drives which exist or are proposed such that their location and size are shown on plans on file with the City, except those serving single-family houses.
 - (iii) Any buildings which exist or are proposed such that their location and size are shown on plans on file with the City. Single-family and two-family residential buildings may be shown in approximate location and general size and shape.

2. A schedule indicating total floor area, land area, parking spaces, open space, land use intensity and other quantities which are described in the preliminary development plan.

3. A schedule indicating the stages proposed to be followed in the construction of the development.

4. Two copies of a preliminary sketch shall be submitted depicting the general style, size and exterior construction materials of the buildings proposed. In the event of several building types, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.

5. Two copies of a thoroughfare plan, showing the general arrangements of streets within one thousand (1000) feet of the boundaries of the area proposed for development.

6. Traffic Impact Analysis (TIA). A TIA may be required by the Zoning Administrator whose decision is appealable to the Planning and Zoning Commission whose decision is appealable to the Board of Aldermen. In addition, the Planning and Zoning Commission or Board of Aldermen on their own motion may require a Traffic Impact Analysis. Elements which will be considered in the determination of requiring a Traffic Impact Analysis, include, but are not limited to:

- a. Developments in the adjacent traffic corridor,
- b. Areas of existing high traffic congestion,
- c. Proposed development of a size, i.e., building square footage, number of employees, that a significant increase in area traffic is expected.

I. Preliminary Development Plan – Revisions.

1. Changes in the preliminary development plan which are not substantial or significant may be approved by the Planning and Zoning Commission, and disapproval of such changes by the Planning and Zoning Commission may be appealed to the Board of Aldermen within 10 business days of the Planning and Zoning Commission decision.
2. Substantial or significant changes in the preliminary development plan may be approved after rehearing by the Planning and Zoning Commission; such rehearing shall be treated as a rezoning request.
3. For purposes of this Section, "substantial or significant changes" in the preliminary development plan shall mean any one or more of the following:
 - a. Increases in the floor area of each building or buildings presented in the preliminary development plan by more than 10% or decreases in the floor area of any building by equal to or greater than 50%.
 - b. Increases in lot coverage by more than 5%.
 - c. Increases in the height of any building by more than 20%.
 - d. Changes of architectural style which will make the project less compatible with surrounding uses.
 - e. Changes in ownership patterns or stages of construction that will lead to a different development concept.
 - f. Changes in ownership patterns or stages of construction that will impose substantially greater traffic loads on streets and other public facilities.
 - g. Decreases of any peripheral setback of more than 5%.
 - h. Decreases of areas devoted to open space of more than 5% or the substantial relocation of such areas.
 - i. Changes of traffic circulation patterns that will affect traffic outside of the project boundaries.
 - j. Modification or removal of conditions or stipulations to the preliminary development plan approval.
4. The determination of whether a proposed revised preliminary development plan contains "substantial or significant changes" shall be made by the Zoning Administrator.

J. Final Development Plan -- Content and submission requirements. The following list delineates the elements which are to be submitted for approval of a final development plan:

1. Two full size and two 11" x 17" copies of a final development plan for any building or buildings to be constructed within the development shall be submitted in support of the application.
2. The Site Plan shall contain the following information:
 - a. The boundaries of the area and the development of property adjacent to the area and within three hundred (300) feet thereof.
 - b. Finished grades or contours for entire site at not less than 2 foot contour intervals.
 - c. All adjacent public street right-of-way, existing and proposed, with centerline location.
 - d. All adjacent public street and private drive locations, widths, curb cuts and radii (existing and proposed).
 - e. Location, width and limits of all existing and proposed sidewalks.
 - f. Location, size and radii of all existing and proposed median breaks and turning lanes.
 - g. Distance between all buildings, between buildings and property lines and between all parking areas and property lines.
 - h. Location of all required building and parking setbacks.
 - i. Location, dimensions, number of stories and area in square feet of proposed buildings.
 - j. Area of land on site plan in square feet or acres.
 - k. Limits, location, size and material to be used in all proposed retaining walls.
 - l. Location and dimensions of all driveways, parking lots, parking stalls, aisles, loading and service areas and docks.
 - m. Location, height, candle power, direction of lighting and type of outside lighting fixtures for buildings and parking lots.
 - n. Location, size, type of material and message of all proposed monument or detached signs.

o. Pertinent peripheral information, to include adjacent developments, alignment and location of public and private driveways and streets, medians, public and semi-public easements.

p. Final storm water collection, detention, and erosion control plans.

q. Final analysis of the capacity of the existing sanitary sewer receiving system.

3. Building Elevations

a. Elevations of all sides of proposed buildings, including notation indicating building material to be used on exteriors and roofs.

b. Location, size and materials to be used in all screening of rooftop mechanical equipment.

4. Landscaping and Screening

a. Landscape plan calling out size, species, location and number of all proposed landscape material.

b. Notation of all areas to be seeded or sodded.

c. Location, size and materials to be used for all screening and/or outside trash enclosure areas.

K. All final development plans are to be drawn to a standard engineer's scale. The actual scale used will depend on the development and shall be subject to the approval of the Zoning Administrator.

L. The following shall be submitted in support of the application for final development plan approval:

a. Deeds of dedication for all rights-of-way or easements required as a result of preliminary development plan approval if conveyance thereof is not to be made by plat.

b. A copy of all covenants and restrictions applicable to the development if required by the terms of the approved preliminary development plan.

c. Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of such

agency required pursuant to approval of the preliminary development plan, if required by the terms of the approved preliminary development plan.

d. Evidence of satisfaction of any stipulations of the preliminary development plan approval which were conditions precedent to consideration of the final development plan.

M. Final Development Plan – Consideration.

1. Application for a final development plan approval shall be submitted for approval by the Planning and Zoning Commission and by the Board of Aldermen.

2. The Planning and Zoning Commission may recommend approval, approval with stipulations or conditions, or recommend disapproval of any development plan, and the Board of Aldermen may approve, conditionally approve or disapprove any final development plan.

3. In the event of a determination that changes in the proposed final development plan are substantial changes from the approved preliminary development plan, and thereby denied by the Board of Aldermen, the same or a similar application may not be considered again by the Planning Commission and Board of Aldermen except through the public notice and hearing process applicable to rezoning requests.

4. No building permit shall be issued for any construction in this District P until the Board of Aldermen has approved the final development plan for the building and site.

5. The proponents of a Planned District shall prepare and submit a schedule of construction, which construction shall begin within a period of one year following approval of the final development plan by the Board of Aldermen. Failure to begin the construction as scheduled shall void the final development plan as approved, unless a request for an extension of time is made by the proponents to the Board of Aldermen and approved by said Board.

6. After the zoning change has been made and the final development plan has been approved, and when, in the course of carrying out this plan, adjustments or rearrangements of buildings, parking area, entrances, heights or open spaces are requested by the proponents, and such requests conform to the standards established by the approved final development plan for area to be covered by buildings, parking spaces, entrances, height, set-back and other requirements, such adjustments may be approved by the Zoning Administrator pursuant to the final development plan considerations.

7. In addition to the above, the Zoning Administrator may, without the approval of the Planning and Zoning Commission or Board of Aldermen, allow the developer to make the following changes in the approved Final Plan as a result of unforeseen engineering problems:

- a. Move private streets and driveways by not more than ten (10) feet.
- b. Move the location of structures by not more than ten (10) feet so long as not to violate any setback regulations.
- c. Move the location of any parking area by not more than twenty (20) feet so long as it would not come closer than twenty (20) feet to any residential structure or ten (10) feet from any street or right-of-way lines.
- d. Change the configuration of any parking area so long as the number of spaces is not reduced below the required number of spaces.
- e. Change the location of sidewalks and pathways provided that all points remain connected.

8. Along any other property line abutting or adjoining a residentially zoned district, there shall be a setback of at least ten (10) feet for any building or parking lot. The Planned District shall be permanently screened from such abutting or adjoining properties zoned for residential use by wall, fence or other suitable enclosure at least six (6) feet in height. The area adjacent to such wall or fence shall be planted with trees and shrubs to form an ornamental screen, and trees and shrubs shall be properly and adequately maintained by the developer.

9. The building line along any street shall be consistent with the building line established in any neighboring residential districts. The Planning and Zoning Commission may recommend to the Board of Aldermen a reduction in the above required setbacks where the situation will reasonably warrant such reductions, and the Board of Aldermen may, in their discretion, adjust such setbacks.

10. Parking and loading regulations. See Section 8.

11. Landscaping and screening. See Section 7.

Table 4-1 – Zoning District Performance Standards

	A	RR	N	CN	CH
Minimum lot size (sq. ft. or acres)	10ac	1ac	15,000 sf	10,000 sf	20,000 sf

Urich Unified Development Ordinance

Maximum building height (feet)	45	35	35	40	50
Minimum building setbacks (feet)					
front	40	40	30	20	20
side	20	20	12	10	10
rear	40	40	25	10	20
Minimum lot width (feet)	150	150	100	70	100
Minimum lot depth (feet)	225	200	120	125	150
Minimum Floor Area (sq. feet)	1,200	1,200	1,200	N/A	N/A
Maximum Impervious Cover	N/A	N/A	45%	N/A	N/A

A	Agricultural
RR	Rural Residential
N	Neighborhood
CN	Neighborhood Commercial
CH	Highway Commercial
MO	Main Street Overlay
P	Planned Overlay District

SECTION 5 - ADDITIONAL CONTROLS

5.1 Conditional Use Permits.

A. Purpose and Intent. Conditional uses are those uses which generally are compatible with the permitted land uses in a given zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

B. Status of Conditional Permitted Uses.

1. The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved.
2. Approval of Conditional Use Permit shall be deemed to authorize only the particular use for which the permit is issued.
3. No use authorized by a conditional use permit shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new conditional use permit in accordance with the procedures set forth in these regulations.
4. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these regulations, other appropriate provisions of the ordinances of the City of Urich, or any permits required by regional, state or federal agencies.

C. Application for Conditional Use Permit.

1. An application for a conditional use permit may be submitted by the property owner or by the property owner's authorized representative.

D. Public Hearing.

1. The Planning and Zoning Commission shall hold a public hearing on the application and make a recommendation to the Board of Aldermen.
2. The Board of Aldermen shall hold a public hearing on the application. At the completion of the hearing, the Board of Aldermen may grant permission for the conditional use permit if the proposed use meets the following conditions:
 - a. The proposed use at the specified location is consistent with the Comprehensive Plan and any other plans;

- b. The proposed use is consistent with the general purpose and intent of this Ordinance;
- c. The proposed conditional use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity;
- d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include, but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both, to ameliorate such impacts;
- e. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous to the existing and anticipated traffic in the neighborhood.

E. If the proposed use requires a division of land, an application for a subdivision or other land division shall be submitted in conjunction with the application for a conditional use permit. Approval of the conditional use permit shall not become effective until final approval of the subdivision application; provided, that if the land is to be divided in phases, the approval of the conditional use permit shall take effect upon final approval of the phase of the subdivision containing the property on which the conditional use is to be located.

F. Decision on Conditional Use Permit and Appeal. The Board of Aldermen shall render its decision on the conditional use permit application, and may impose conditions as are reasonably necessary to assure compliance with applicable general or specific standards stated in these regulations after review of the application and other pertinent documents and any evidence made part of the public record. Any conditions imposed by recommendation of the Planning and Zoning Commission may be modified subsequently by the Board of Aldermen. The permit shall set out regulations, restrictions, limitations and termination date so that reasonable control may be exercised over the use. If the appropriateness of the use cannot be assured at the location, the application for conditional use permit shall be denied as being incompatible with existing uses or uses permitted by right in the district.

G. Vesting of Rights and Transferability of Permits.

1. The mere issuance of a conditional use permit gives no vested rights to the permit holder.
2. A right to continue a conditional use shall vest only if the project is constructed and the use is actually begun. Such right shall be subject to expiration and revocation under the terms of this ordinance.
3. A conditional use permit may be conveyed with the land only if a right to continue the use has vested. The transfer of a permit in which no right has vested shall be invalid. Nothing in this section shall be construed to alter the expiration date of permits or the authority of the Board of Aldermen to revoke a permit.
4. A permit cannot be assigned or transferred to a different parcel of land.
5. A permit holder may apply to the Planning and Zoning Commission for a determination of whether a right to continue the use has vested under the terms of this ordinance.
6. Every person or entity attempting to convey a conditional use permit shall give notice in writing to the Planning and Zoning Commission within seventy-two (72) hours after having sold, transferred, given away or otherwise disposed of an interest in or control of a parcel of land for which a conditional use permit has been issued. Such notice shall include the name and address of the successor in interest or control of the parcel. Receipt of such notice shall not constitute acceptance of an invalid transfer.

H. Lapse of Permits. A conditional use permit in which no vested right has been established, shall lapse and become void unless the applicant applies for any building permit incident to the proposed use within two years of the date of approval by the Board of Aldermen. Upon the written request of the property owner and for good cause shown, the Board of Aldermen may grant one extension of not more than one year. An application for extension will be considered only if it is submitted, in writing, prior to the expiration of the initial period.

I. Expiration of Permits. A conditional use permit shall be valid for a limited period of time to be specified in the terms of the permit. A permit may be renewed upon application to the Board of Aldermen, subject to the same procedures, standards, and conditions as an original application.

J. Revocation of Conditional Use Permits.

1. Any conditional use permit granted under the authority of this section is subject to revocation for any or all of the following reasons:

- a. Non-compliance with any special conditions imposed at the time of approval of the conditional use permit.
- b. Violation of any provisions of the ordinances of the City pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permit holder, agents of the permit holder, or tenants.
- c. Violation of any other applicable provisions of the ordinances of the City or any state or federal law or regulation by the permit holder, agents of the permit holder, or tenants, provided that such violations relate to the conduct or activity authorized by the conditional use permit or the qualifications of such persons to engage in the permitted use.
- d. Attempted transfer of a permit in violation of this Ordinance.
- e. Revocation is necessary to preserve the public health, safety, and welfare.

2. Procedure for Revocation.

- a. Revocation proceedings may be initiated by the Zoning Administrator or Board of Aldermen.
- b. Unless the permit holder and the landowner agree in writing that the permit may be revoked, the Board of Aldermen shall hold a public hearing to consider the revocation of the conditional use permit.
- c. The City shall give the permit holder and landowner notice of the scheduled revocation hearing at least fifteen (15) days prior to the date scheduled for such hearing by certified mail, return receipt requested. If such notice cannot be delivered or is not accepted, notice may be given by publishing a notice of hearing in a newspaper of general circulation in the City and by posting a notice of hearing on the property at least fifteen (15) days prior to the date scheduled for the hearing.
- d. The public hearing shall be conducted in accordance with rules of procedure established by the Board of Aldermen. At

the conclusion of the public hearing, the Board may render its decision or take the matter under advisement.

e. No conditional use permit shall be revoked unless a majority of those elected to the Board of Aldermen is satisfied by a preponderance of the evidence that grounds for revocation exist. Any motion for the revocation of a conditional use permit shall clearly state the grounds for revocation.

K. Conditional uses.

1. Aviation fields, airports, and heliports, including the sale of aviation fuel as an accessory use, under such restrictions as the Board of Aldermen may impose on land, buildings or structures, within an approach or transition plan or Turning Zone, to promote safety of navigation and prevent undue danger from confusing lights, electrical interference or other hazards. The following conditions must be met:

a. Plans of any airport or heliport shall include all approach and departure paths as necessary to assure safe and adequate landing and take-off area and shall be supplemented by a favorable report by the local airport district office of the Federal Aviation Administration (FAA).

b. Adequate safety provisions shall be provided and indicated by plans which control or restrict access to the landing and take-off areas by the general public.

c. Landing and take-off areas shall be surfaced in such a manner as to avoid the blowing of dust or dirt onto neighboring property.

d. The proposed use will not be contrary to the public interest or injurious to nearby properties.

2. Cemeteries, burial grounds, graveyards, mausoleums, or crematories, provided that all applicable state regulations are met.

3. Clubhouses, country club and golf course, subject to meeting all the conditions and restrictions set forth below:

a. The property shall be at least four (4) acres in size.

b. The property shall have direct access to a primary or secondary major thoroughfare or marginal access street, or the club property, when in connection with a subdivision plan or an overall plan for community development, may be located on a minor street or streets having a minimum right-of-way width of

sixty (60) feet and a minimum pavement width of thirty-four (34) feet between the club site and a primary or secondary major thoroughfare or marginal access street.

c. The front, side and rear yard for all buildings and structures, including outdoor recreation areas and parking lots, but excluding fences and walls, shall be at least thirty (30) feet in width or depth.

d. Off-street parking shall be provided on the basis of one (1) space for every two (2) members.

e. Vehicular access shall only be from a major street or, when the club site is located on a minor street, vehicular access shall be only from a minor street having a minimum right-of-way of sixty (60) feet and a minimum pavement width of thirty-four (34) feet.

f. Parking areas shall be hard-surfaced, and outdoor recreation facilities and parking areas shall be appropriately screened by landscaping or a wall where adjacent to adjoining residential property. Outdoor lighting shall be so designed as to reflect away from adjoining residential property. Outdoor recreation facilities shall not be used later than 10:00 p.m. and lighting for such facilities shall be turned off at that time.

4. Day Care Center, if center is planned in a family home occupied by the day care provider. A day care facility in a family home which receives more than four (4) persons for care for any part of the twenty-four (24) hour day is considered a center. The following requirements shall apply:

a. The permit shall be issued to a particular provider. A change in the day care provider shall require another public hearing.

b. All applicable state licensing requirements must be met. Proof of a current state license shall be required.

c. The primary use of the home shall be residential.

5. Golf driving range or miniature golf courses.

6. Group Homes.

a. Group Home Facility as a residential facility for the care of individuals who, upon completion of a course of treatment in a facility which provides an extensive treatment program for

individuals with disabling emotional disturbances, are in need of an interim structured living situation to allow for their resocialization and reintegration into community living, or for a group of developmentally disabled individuals only. Group home facilities do not include any home in which eight or fewer unrelated mentally retarded or physically handicapped persons reside (RS MO 89.020). A group home facility shall be subject to the following conditions and restrictions:

b. That the maximum number of persons in a facility shall not exceed ten (10) individuals and two (2) resident staff members.

c. That the facility shall provide off-street parking in the ratio of one (1) space per every four (4) individuals and one (1) space per every resident staff member.

d. That the parking shall be adequately paved and screened from adjoining properties.

e. That the facility shall be a secondary facility operated and maintained by a facility which provides intensive treatment for individuals with disabling emotional disturbances or a contract facility wherein the individuals remain under the jurisdiction of the County or the State or a facility operated for developmentally disabled.

f. That the property shall have a minimum lot area of 10,000 square feet.

g. That there shall be a minimum building size of two hundred fifty (250) square feet per resident and resident staff.

h. That there shall be no exterior evidence of such a use and there shall be no sign advertising the nature of the use.

i. That the facility shall not be used as a residence for substance abusers or ex-offenders.

j. That at the time of original approval no facility shall be located within one thousand (1,000) feet of another such facility or of a halfway house, a convalescent home, a children's nursery or a group day care home; provided, however, that the Board shall have the authority to waive this requirement, provided that the facilities are separated by a major thoroughfare, railroad track, major waterway or other comparable man-made or natural barrier.

k. That the residential character of the structure shall be maintained.

l. That the applicant shall demonstrate there is not a negative impact on property within five hundred (500) feet of the proposed facility and such facility will maintain the residential character of the neighborhood.

m. That the permit shall be limited to a two-year period but may be renewed by the Board after a public hearing; provided that in any request for renewal the applicant shall demonstrate the character of the neighborhood has been maintained, there has been no negative impact upon properties within five hundred (500) feet, and the facility has been maintained in accordance with the acceptable community standards.

7. Convalescent, nursing and adult day care centers, subject to meeting the following conditions and restrictions:

a. The property shall have a minimum lot area of twenty thousand (20,000) square feet and shall have a minimum lot width of one hundred (100) feet.

b. Not less than five hundred (500) square feet of lot area is provided for each patient.

c. Side yards are at least one hundred percent (100%) greater than the side yard required in the district.

d. Off-street parking is provided for on the basis of one (1) space for each living unit; or, in the case of dormitory design, one (1) space for each four (4) beds and one (1) space for each employee.

e. The number of beds, if dormitory design, does not exceed six (6) times the number of dwelling units per square foot of lot area in the district in which the use is located; or, the number of living units does not exceed twice the number of dwelling units per square foot of lot area in the district in which the use is located.

f. A permit may be issued for a specified period, as well as for an unlimited time at the request of the applicant and at the discretion of the Board. If the permit is for a specified period of time, the Board may renew the permit upon expiration.

8. Convenience storage. Landscaping/screening, exterior architecture, and lighting must be approved by the Board of Aldermen.

9. Nurseries, garden centers, and greenhouses (retail and/or wholesale) or other retail or wholesale suppliers of fertilizer or manure products.
10. Swimming pools, commercial.
11. Amusement parks, baseball or athletic fields, race tracks, or fairgrounds and incidental concession facilities, subject to the following conditions:
 - a. The facilities and grounds shall be a sufficient distance from any area zoned residential so that noise, traffic generation, and other effects will not be adverse to the residential neighborhood. Where the property adjoins the aforesaid zoning districts, no building or facility shall be nearer than one hundred (100) feet and no driveway or parking area shall be nearer than fifty (50) feet of such common boundary unless topography or other factors justify a lesser setback.
 - b. Plans for shrubbery, landscaping and fencing shall be presented to the Board and made a part of the permit.
 - c. Sound amplification systems or any other noise caused by the operation shall not exceed sixty-five (65) decibels as measured at the property line.
 - d. Outdoor lighting shall be so designed as to reflect away from adjoining residential-zoned property.
 - e. Access to the property shall be directly from major streets (primary and secondary arterials).
 - f. Parking space for patrons and employees shall be provided on site equal to one (1) space for each five hundred (500) square feet of total site area exclusive of setback and parking areas, or one (1) space for each four (4) persons based on the anticipated capacity, whichever is greater. The foregoing are minimum standards for parking; the Board may require additional parking if review of the proposed operation so indicates.
 - g. A permit may be issued for a specified period as well as for an unlimited time. If the permit is for a specified period of time, the Board may renew the permit upon expiration.
12. Equipment rental businesses that require outdoor storage.
13. Signs, greater than seventy-two (72) square feet.

14. Billboards (off-premise signs), subject to the following conditions.

a. Billboards targeting messages at drivers on the interstate and primary highways within the City have a significant adverse impact on the safety of the traveling public when such structures, because of their size, lighting, spacing, location, height or design distract or confuse travelers, interfere with vision, or obscure traffic signs or signals. Billboards targeting messages at drivers on the interstate and primary highways within the City also have a significant adverse aesthetic impact on the community when such structures dominate the surrounding environment both visually and physically with their large sizes, bright lighting, close spacing, intrusive locations, and great heights. The adverse aesthetic impact of billboards can be especially harmful at entryways to the City, which are a visitor's first impression of the community. Billboards are off-premise signs.

b. Therefore, the erection and placement of billboards along the interstate and primary highways within the City are subject to reasonable regulations relative to size, lighting, spacing, location and height to avoid adverse safety and aesthetic impacts. Avoiding such adverse impacts is intended to further the substantial public interest in protecting private investment in adjoining properties and public investment in the interstates and highways, promote the recreational value of public travel, preserve the natural beauty of the community, provide a favorable first impression of the community and promote the safety of public travel. The City hereby relies, at least in part, upon Section 71.288, RSMo for the regulations herein.

c. A conditional use permit is required for a billboard.

d. Placement of billboards.

(i) Billboards shall be located on private property.

(ii) A billboard shall not be located closer than one thousand five hundred feet (1,500') from any other billboard. Spacing shall be determined based on signs that have received a conditional use permit or that are established as legal non-conforming uses. Signs having receive prior authorization or that are a legal non-conforming use shall have priority over a later applicant in determining compliance with the spacing restrictions. Where two (2) different applications conflict with each other, so that only one of the applications may be granted,

the first application received by the Zoning Administrator will be the first considered for approval. The second application shall remain pending until resolution of the first application, and if the first application is approved, the second application shall be denied.

(iii) To preserve the natural beauty and promote the recreational value of public travel in the City, billboards shall not be located within one thousand feet (1,000') of a corporate boundary of the City.

(iv) To preserve adjoining property values and avoid adverse aesthetic impacts, billboards shall not be located within 1,000 feet of land zoned for residential purposes.

(v) Billboards shall be permitted only 660 feet of the nearest edge of the right-of-way of the following interstate, primary or state highways: Mo. 7 Highway.

(vi) No billboard shall be permitted to be mounted, attached or affixed to a building rooftop or the walls of any building.

e. Lighting of billboards.

(i) Billboards shall not include any revolving or rotating beam or beacon of light that simulates any emergency light or device.

(ii) Billboards shall not include any flashing, intermittent, or moving light or lights, except electronic message boards designating public service information such as time, date, temperature or similar information.

(iii) Billboards may be lighted by external lighting, such as floodlights, thin line and gooseneck reflectors, provided the light source is directed upon the face of the billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or highway or into any portion of adjacent properties and the lights are not of an intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.

(iv) Billboards shall not be illuminated so that it interferes with the effectiveness of, or obscures, an official traffic sign, device or signal.

(v) Billboards shall not have a maximum average lighting intensity level that exceeds twenty (20) footcandles.

f. Size of billboards. Billboards shall not exceed a maximum area of any one sign of three hundred fifty square feet (350 ft²) with a maximum height of twenty (20') feet and maximum length of forty feet (40'), inclusive of border and trim but excluding the base or apron, supports and other structural members. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, double faced, or in a V-type construction with not more than two (2) displays to each facing, but the sign structure shall be considered as one sign.

g. Setbacks and height of billboards.

(i) To provide a safety zone to prevent injury or property damage from collapse caused to acts of nature of other causes, billboards shall meet the following minimum setback requirements from all points of the sign: at least forty-five (45') from its nearest edge to the rights-of-way of any interstate, primary or state highway; at least forty-five feet (45') from all property lines and all roofed structures; at least forty-five (45') from any other structure that would require a building permit for its construction.

(ii) To provide a further safety zone to prevent injury or property damage from collapse of billboard caused by acts of nature or other causes, billboards shall not exceed twenty feet (20') in height above the right-of-way grade from which it is viewed. In cases where the grade at the location of the proposed billboard is higher than the right-of-way grade adjacent to which it is located, the City may require the overall height of the sign to be lowered as a condition of granting a permit to prevent the sign from unreasonably detracting from the visibility of other neighboring signs or properties.

(iii) The application for the billboard sign permit shall contain documentation to the satisfaction of the Zoning Administrator that the applicant has secured the legally enforceable right to prevent the erection of structures within the setback zones. No building permit shall be issued for construction of any building within the setback zone.

h. Service drives to billboards. Billboards shall be accessible by means of a paved drive that is internal to the lot or parcel on which the sign is located. All vehicles, equipment, and people used to build, service, maintain, and repair the signs must confine their activity so as not to interfere with pedestrian or vehicular traffic on public roads.

i. Additional information required prior to permitted of a billboard.

(i) Billboards shall not be permitted by the City until a permit has been issued by the Missouri Highway and Transportations Commission, or a letter of intent to do so.

(ii) Billboards shall not be permitted before the applicant has submitted the following certifications from the appropriate professionals registered in Missouri: Certification from a professional engineer registered in the State of Missouri that the soil and subsoil surface is capable of accepting the projected loads; Certification from a professional engineer registered in the State of Missouri as to the electrical portion of the sign; Certification from a professional engineer registered in the State of Missouri as to the structural strength of the sign; and A certified boundary survey from a surveyor registered in the State of Missouri of the site and its setback zones.

(iii) Billboards shall not be permitted before the applicant has submitted a sign survey to indicate the relative vertical and horizontal distances between the proposed sign and all principal freestanding signs within 1,250 feet. If by reason of height, size or spacing the proposed sign creates a significant disharmony with a principal freestanding sign within 1,250 feet or unreasonably detracts from the visibility of other neighboring signs or properties, the City may require reasonable modification of the billboard's dimensions to cure these deficiencies as a condition of granting a permit.

(iv) Billboards shall not be permitted before applicant has submitted to the City financial security in the form of a bond, letter of credit, or other financial security as approved by the City Attorney, a right of access, and any other measures necessary and to ensure compliance with these regulations.

j. Annual Inspection of billboards. Owners of all billboards created after the effective date of this ordinance shall be required to submit an annual inspection report from a Missouri licensed engineer concerning the sign's structural integrity. The certification shall be done on or before July 1 or each. Failure to submit a report may result in the immediate revocation of the sign's permit.

15. Recycling Facilities.

a. Definitions:

(i) Recycling Facilities. Facilities that accept recyclable materials.

(ii) Reverse Vending Machine. Reverse vending machines are mechanical devices that accept one or more types of empty beverage containers and issue a cash refund or redeemable coupon.

(iii) Recycling Collection Facility. A recycling collection facility is a facility for the deposit or drop-off of recyclable materials. A recycling collection facility is not a salvage yard. Such a facility does not do processing except limited baling, batching, and sorting of materials. It is designed to allow for a combination of bins, boxes, trailers, reverse vending machines, and other containers for the collection of recyclable materials.

(iv) Recycling Processing Facility. A processing facility receives material from the public and/or other recycling facilities and uses power-driven machinery to prepare materials for efficient shipment by such means as flattening, sorting, compacting, baling, shredding, grinding and crushing.

(v) Recyclable Material. Recyclable material is "feedstock" used for direct conversion to manufactured products. It includes, but is not limited to: cans, bottles, plastic, and paper. Items composed of more than one material, such as salvaged vehicular parts, are generally not considered a recyclable material.

b. Applicability.

(i) A Conditional Use Permit for a recycling collection facility may be approved in districts RR, and N, provided

the facility is located on the grounds of a church or school;
and

(ii) A Conditional Use Permit for a recycling collection facility may be approved in districts A, CN and CH.

(iii) This section does not apply to the following facilities: temporary recycling drives; one reverse vending machine; and recycling processing facilities. A processing facility is considered a salvage yard.

c. Conditions of a Conditional Use Permit Approval.

(i) The days and hours of operation are approved by the Board of Aldermen;

(ii) A site plan is submitted showing traffic circulation on the site and showing how the sign, lighting, landscaping and fencing requirements of this Ordinance will be met;

(iii) Materials are not stored or deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces;

(iv) Storage of materials is not allowed outside of the semi-trailers, bins, barrels or other appropriate containers;

(v) Containers are painted and well-maintained;

(vi) The site is kept clean and free of litter and debris, and weeds are controlled;

(vii) Activity is at least 150 feet from other property zoned for residential purposes; and

(viii) Reverse vending machines are located and/or soundproofed such that noise of the operation is imperceptible from the property line of property zoned or used for residential purposes.

16. Public Utility Structures and Equipment, which includes but is not limited to electric substations, peaker plants and similar electric utility structures.

17. Utility Transmission Lines. Upon application for the construction or use of utility transmission line structures, the applicant shall provide data pertaining to electromagnetic field radiation (EMF) rates for the structure(s).

18. Building Contractor/Construction Services, when operated as a home occupation.

19. Outdoor sale or lease of new or used boats or vehicles (including automobiles, vans, sport utility vehicles, trucks less than one ton, boats of any kind, personal watercraft or motorcycles) or small equipment.

20. Telecommunication towers, in Districts A and CH, subject to the regulations contained in Section 5.4.

21. Duplex or Triplex Dwelling.

a. Purpose. The purpose of a duplex and triplex conditional use permit is intended to accommodate two-family or three-family detached dwellings in residential districts. This use is to be generally located in districts of the city near higher density dwelling units or near commercial areas or may serve as a transition between residential and more intensive land uses.

b. Type of Structure Allowed. A duplex building type is a residential building where two dwelling units share a party wall, but are detached from any other structure, or a residential building with two dwelling units arranged one over the other on a single lot. A triplex building type is a residential building arranged in much the same manner as the duplex building type. A triplex building will accommodate three dwelling units by arranging one unit over two units which share a party wall, or two units which share a party wall over one unit. Each dwelling unit typically has an individual entrance from the exterior of the structure through either a discrete exterior staircase or through entrances leading to internal staircases.

c. Limitations on Number. The granting of this conditional use permit are limited to one per residential block within City limits.

d. Accessory Uses. Accessory uses are those permitted for in the surrounding district as provided in Section 5.

e. Landscape and Screening. See Section 7 as it relates to residential districts

f. Parking. See Section 8.

g. Performance Standards.

	Duplex and Triplex Dwelling
Minimum lot size (sq. ft. or acres)	10,000sf

Maximum building height (feet)	35
Minimum building setbacks (feet)	
front	15
side	10
rear	(0 if on party wall) 20
Minimum lot width (feet)	90
Minimum lot depth (feet)	100
Minimum Floor Area (sq. feet)	900
Maximum Impervious Cover	N/A

22. Manufactured Home.

a. Purpose. A manufactured home conditional use is intended to provide an appropriate development site for manufactured homes, taking into account the surrounding land uses and neighborhood. The manufactured home conditional use is intended to promote affordable housing consistent with the provisions of the Comprehensive Plan.

b. Definitions.

(i) MANUFACTURED HOME: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term “mobile home” shall mean “manufactured home” as defined herein.

(ii) MODULAR HOME: A structure that will be treated as the equivalent of site-built homes and require the following: (a) the pitch of the roof shall be no less than 5 feet rise for every 12 feet of run, for homes with a single predominant roofline; (b) the eave projections of the roof shall not be less than 10 inches (excluding roof gutters) unless the roof pitch is 8/12 or greater; (c) the minimum height of the first-story exterior wall must be at least seven (7) feet six (6) inches; (d) the materials and texture of

exterior materials must be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction; and (e) the modular home must be designed to require foundation supports around the perimeter.

(iii) RECREATIONAL VEHICLE: Every camping trailer, motor home, mini-motor home, travel trailer, truck camper or van camper used for recreational purposes which can be movable either by being driven or directly hitched to a vehicle.

c. Site area, trailer requirements and lot size requirements.

(i) Every manufactured home shall sit on a lot of a size and shape, which will provide a reasonable area for private use, and development of a single-family residence.

(ii) In no case shall the area of a manufactured home, awning, carport or other accessory structure or combination thereof exceed 50% of the total lot area.

(iii) The grade of the surface under the manufactured home must be designed to allow water to drain out from underneath the manufactured home.

(iv) The manufactured home must be anchored to concrete on all four corners and must be anchored in full compliance with Section 700.070, RSMo and the applicable state regulations.

(v) All manufactured homes shall comply with Chapter 700 of the Revised Statutes of Missouri.

(vi) No manufactured home, inclusive of all awnings or attachments thereto, shall be located closer than within 10 feet from any lot line, public road, street or alleyway.

(vii) All manufactured homes shall be connected to City water.

(viii) All sewage and waste water from all toilets, urinals, service sinks, bath tubs, showers, lavatories and all other sanitary fixtures in a manufactured home shall be connected to a public sanitary sewage collection system or other disposable system which is approved by the City.

(ix) All electrical work shall be done in compliance with the BOCA code.

(x) All gas and/or burning appliances shall be of an approved U.L. (Underwriters Laboratories), or its equivalent, vented type.

(xi) No wood burning heating system shall be allowed for use in any manufactured home unless the wood burning heating system was originally installed when the manufactured home was manufactured.

(xii) No manufactured home that is more than 10 years old at time of application shall be placed within the City limits.

(xiii) If a manufactured home, as defined in 700.010, RSMo is within the qualifications of 700.035, RSMo then the requirements regarding the building, plumbing, heating or electrical shall be those requirements in 700.010 to 700.015, RSMo, inclusive.

(xiv) Any manufactured home, which is nonconforming with each requirement of this ordinance, shall at the passage of this ordinance, not be sold, added to, enlarged, or modified in any manner unless after such sale, addition, enlargement or modification of the manufactured home complies with the requirements of this ordinance.

(xv) Any nonconforming manufactured home which, after the passage of this ordinance, becomes vacant for a period of 90 days, shall not thereafter be occupied unless the manufactured home conforms to the requirement of this ordinance, it is declared to be a nuisance and will be subject to the current City Municipal Code regarding Nuisances.

(xvi) The City, by a majority vote of the Board of Alderman, may waive the age requirement only on existing manufactured homes that have a change of ownership.

d. Prohibitions. Recreational vehicles, as defined in this section, are prohibited from use as dwellings, whether temporary or permanent within City limits.

e. Limitations on Number. The granting of this conditional use permit is limited to two per residential block within City limits

f. Liability.

(i) The owner of the land where the manufactured home is located shall be liable for all damage or expenses incurred by the City for any and all clean up and removal costs, or any other damage or expense the City incurs as relates to the manufactured home setup, removal or clean up of the manufactured home lot.

(ii) Any damage or expense incurred by the City which the landowner fails to pay to the City in full within six (6) months after the date the City sent notice by depositing said

notice by register or certified mail or delivered by the Henry County Sheriff Department shall constitute a lien on the property.

(iii) All persons so designated by the Mayor shall be “building inspectors” and shall inspect or cause to be inspected at any time he has reason to suspect the manufactured home has become nonconforming within this ordinance.

Table 5-1 Zoning District Authorization for Conditional Uses

Note: The “✓” symbol means that the listed use is authorized in the checked zoning district box if a conditional use permit is granted pursuant to Section 5.1. The absence of a “✓” symbol means that the land use is not eligible for a conditional use permit.

<u>Conditional Use</u>	<u>Zoning District</u>				
	<u>A</u>	<u>RR</u>	<u>N</u>	<u>CN</u>	<u>CH</u>
Amusement park, race tracks, fairgrounds, baseball/athletic fields	✓	✓		✓	✓
Aviation fields, airports and heliports	✓				
Billboards	✓				✓
Building Contractor/ Construction Services (as home occupation)			✓		
Cemeteries	✓	✓			✓
Clubhouses, country club and golf course	✓			✓	✓
Commercial swimming pool	✓	✓	✓		✓
Convalescent, nursing and adult day care center				✓	✓
Convenience storage				✓	✓
Day Care Center (including as home occupation)	✓	✓	✓		
Duplex and Triplex Dwelling	✓	✓	✓	✓	
Equipment rental businesses				✓	✓
Golf Driving Range	✓				✓
Golf Course, miniature	✓			✓	✓
Group Homes	✓	✓	✓		
Manufactured Homes	✓	✓	✓		
Nurseries, garden centers and greenhouses				✓	✓
Public Utility Structures and Equipment	✓	✓		✓	✓
Recycling Facilities	✓	✓	✓	✓	✓
Signs greater than 72 square feet and off-premise signs					✓
Utility Transmission Lines	✓	✓	✓	✓	✓
Telecommunications Tower	✓				✓
Vehicle or boat sales					✓

5.2 Home Occupations.

A. Purpose and Intent. The purpose of this section is to permit home occupations which will not change the character of adjacent residential areas. The intent of these zoning regulations is to conserve property values, as well as protect residential neighborhoods from excessive noise, excessive traffic generation, nuisances, health and safety hazards which may result from a home occupation conducted in the residential zones.

B. Permit required. A home occupation permit is required for all home occupations. Such permit is renewable at the same time as an occupation license and shall be renewable without additional hearings, provided no complaints regarding the business have been received by the City and subject to the provisions of this section. The Board of Aldermen may place conditions upon the permit.

C. Application. If it is determined that an application is not specifically allowed or does not appear to meet the criteria of this section, issuance of a home occupation permit shall be considered by the Planning Commission and Board of Aldermen, following a public hearing by each body.

D. Performance Standards. All home occupations must comply with the following performance standards:

1. The use of the dwelling unit as a home occupation shall be deemed to be clearly incidental and subordinate to its use for residential purposes if the home occupation occupies less than twenty-five percent (25%) of the square footage floor area of the residence.
2. No more than one person, other than those residing on the premises, shall be engaged in the activities of the home occupation.
3. A home occupation may attract patrons, students, or any business-related individuals only between the hours of 6:00 a.m. and 9:00 p.m.
4. No more than two (2) home occupations shall be permitted within any single dwelling unit.
5. There shall be no exterior displays, no exterior storage of equipment, including unlicensed equipment, and materials, and no open lot storage.
6. Home occupations shall not produce offensive noise, vibration, smoke electrical interference, dust, odors or heat. Any noise, vibration, smoke electrical interference, dust, odors or heat detectable beyond the property lines or beyond the walls of the dwelling unit if the dwelling unit is a multifamily structure shall not be permitted.

7. Home occupations shall not require internal or external structural alterations of the principal residence which may change the outside appearance of the principal residence or change the residential character of the property.
8. Home occupations shall not require the installation of equipment or machinery creating utility demand, noise, fumes or other impacts in excess of equipment or machinery that is customary in a residential area.
9. No electric devices may be used in any home occupation which may cause electrical interference or create visual and audible interference in any radio or TV receivers in violation of FCC standards, or cause fluctuations in off-site line voltages.
10. Except in the A and RR zoning districts, no on-premise advertising for the home occupation shall be allowed. Window areas must not purposely or intentionally be used as display areas or to offer merchandise for sale. In the A and RR Zoning Districts, a six (6) square foot sign advertising the home occupation shall be permitted. No home occupation sign shall be located within a street right-of-way.
11. In the A and RR zoning districts, home occupations may be operated from accessory buildings. Except in the A and RR zoning districts, all related activities shall take place entirely within the residential dwelling, except when the Zoning Administrator finds that such activity is similar to non-commercial activities normally associated with single family homes.
12. Except in the A zoning districts, no pedestrian or vehicular traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area.
13. No delivery truck shall operate out of a residential district as a function of a home occupation. A single delivery vehicle may be operated from a home occupation established in an agricultural district.
14. Low-intensity (traffic generation, land use, noise, etc.) occupations, professions and business activities, and those uses or activities of a similar nature may be permitted as home occupations subject to the conditions of these regulations and other applicable federal, state or local laws. Small Engine repair, Building Contractors, Day Care Center and Beauty/Barber Shops may be permitted unless otherwise subject to conditional use permit requirements.
15. This section does not permit the establishment of unlisted home occupations unless they comply with all other standards of these Zoning Regulations.

Permitted Home Occupations¹

Home Occupation	District			
	A	RR	N	CN
Antique Sales	✓	✓	✓	✓
Artist, Composer, Photographer	✓	✓	✓	✓
Arts & Crafts Production/Sales	✓	✓	✓	✓
Beauty Shop/Barber	✓	✓	✓	✓
Brokers	✓	✓	✓	✓
Building Contractor/Construction Services ²	✓	✓	✓	✓
Computer Applications	✓	✓	✓	✓
Cooking/Preserving	✓	✓	✓	✓
Electronics Repair	✓	✓	✓	✓
Insurance Agents	✓	✓	✓	✓
Instruction ³	✓	✓	✓	✓
Jewelry Repair	✓	✓	✓	✓
Professional Services ⁴	✓	✓	✓	✓
Sales Representative ⁵	✓	✓	✓	✓
Secretarial Service	✓	✓	✓	✓
Seamstress/Tailor	✓	✓	✓	✓
Small Engine/Appliance	✓	✓		
Word Processing/Typing	✓	✓	✓	✓

¹ The table lists specific home occupations and the districts in which they are permitted. Other home occupations may be permitted by the Zoning Administrator if they meet the standards specified in this section.

² Includes, but is not limited to, carpentry, electrical, masonry, painting and plumbing.

³ Art, Dance, Music, Tutoring; Limited to no more than two (2) students at one time.

⁴ Accountant, Architect, Attorney, Engineer, Etc.

⁵ Provided there is no exchange of tangible goods on the premises, though mail distribution may be allowed.

E. Prohibited Home Occupations. The following occupations, professions, and business activities and those of a similar nature are specifically prohibited as home occupations:

1. Ambulance services;
2. Animal/veterinary clinics;
3. Clinics, hospitals;
4. Medical/Dental Office;
5. Mortuary;
6. Restaurants;

7. Taxi services.

F. Permit revocation. Home occupation permits, once granted, may be revoked by the Board of Aldermen after notice and hearing before the Board of Aldermen. The following shall be considered as grounds for revocation of a home occupation permit:

1. Any change in use or any change in extent of use that is different from that specified in the applicable criteria of this section or from that specified in the conditions placed upon the permit by the Board of Aldermen.
2. Failure to allow periodic inspections by representatives of the City at any reasonable time when an adult member of the family is present.
3. Failure to comply with the home occupation performance standards set forth in these regulations.

5.3 Site Plan Review.

A. Purpose. The purpose of requiring Site Plan Review is to ensure that proposed development conforms with these regulations and includes a compatible arrangement of structures, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, site drainage, and open spaces. Site review shall consider the siting of proposed construction and its impact upon the existing topography and natural vegetation, and the relationship of proposed construction to existing public and private improvements in the immediate area and its conformance to the policies and standards of the Comprehensive Plan. The design shall encourage the elimination of unnecessary grading, and endeavor to retain the natural character of the site including the preservation of trees and other natural features.

B. Applicability.

1. Every request for rezoning of property to the following districts shall require a site plan review: CN and CH.
2. A site plan shall be required for all new construction or exterior additions or changes to any structure used for multi-family, commercial or industrial that is located within five hundred feet of the rights-of-way of E.O. Graham; Main Street (K Highway); and Mo. 7 Highway.
3. This Section 5.3 shall not apply to property zoned with the Planned Overlay District (District P) pursuant to Section 4.8 because that district already has a site plan review and approval process.

4. No development approval or building permit shall be issued for a development subject to site plan review until such site plan has been approved by the Board of Aldermen upon recommendation by the Planning and Zoning Commission.

C. Contents. All Site Plans shall be prepared at scale and in a minimum size of 11" x 17" with a maximum size of 22" x 34". The Site Plan shall show or have attached the following information:

1. Name, address, phone number, fax number and email address of record landowner, architect/engineer/surveyor and contractor;
2. Size, use and location of existing and proposed structures, sidewalks, bicycle and pedestrian paths and drives on the subject property, and existing structures and drives adjacent to the property;
3. Location of floodplain areas subject to flooding, centerlines of drainage courses, and finished floor elevations of proposed structures;
4. Location of proposed drives, parking areas, traffic access points, signalization, deceleration lanes and alternative access routes;
5. Property lines, platted setback lines, and lot dimensions;
6. Location, number and dimensions of existing and proposed parking spaces;
7. Final grades;
8. Location of existing trees greater than 8 inches in diameter and proposed landscaping;
9. Drainage information as to on and off-site flows sufficient to demonstrate compliance with the improvement requirements of these Regulations and other laws and regulations;
10. Buffers, landscaped areas and fences; and
11. All environmentally sensitive lands on-site or within five-hundred (500) feet of the site including but not limited to wetlands, habitat areas, hillsides, steep slopes, lakes, treed or forested areas, Brownfield sites and streams and stream corridors.
12. A traffic impact analysis ("TIA") may be required by either the Zoning Administrator, Planning and Zoning Commission or Board of Aldermen.

13. Building elevations shall be provided showing all sides of the proposed building(s), including notation indicating material and color to be used on exteriors and roofs.

14. A landscape plan showing size, species, location and number of all proposed landscape material, including whether areas are to be seeded or sodded, and location, size and materials to be used for all screening and/or outside trash enclosure areas.

D. Standards

1. Commercial and industrial frontages require a minimum 10' landscaped buffer.

2. Rear areas that back onto uses other than commercial must also have a 15' landscape screen that provides 75% screening year round.

3. Entryways to shopping areas or areas of combined commercial use shall collocate entry.

4. All trash service areas must be enclosed on three sides. These areas and ground level mechanicals require landscape.

5. Commercial uses should design for cross access within the development.

6. Storm water management must be provided for in accordance with these regulations.

7. Retaining walls, if required, should not exceed six (6) feet in height.

8. There should be no permanent outdoor storage of materials within twenty-five feet (25') of a state right of way of Mo. 7 Highway, unless waived by the Board of Aldermen.

9. Parking lot lighting standard shall be no higher than twenty feet (20') tall. That all exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass, and glare across, the property lines and or disability glare at any location on or off the property. The "maintained horizontal luminance recommendation" set by the illuminating Engineers Society of North America (IES) shall be observed.

10. The following building materials shall be used for office and commercial/retail buildings for at least forty percent (40%) of the front wall, exclusive of windows and doors:

- a. Masonry – brick, stone, concrete masonry units with split-face, fluted, scored or other rough texture finish.
 - b. Concrete – precast, cast in place, or tilt up panels provided a rough texture is present or to be added.
 - c. Stucco – including E.I.F.S. and Dryvit.
 - d. Structural clay tile.
 - e. Glass – excluding mirror glass which reflects more than 40 percent of incident visible light
 - f. Metal – used only in an incidental role (e.g., trim), architectural features, standing seam metal roofing or other architectural metal siding or roofing as approved by the Board of Aldermen.
 - g. Any other material, not otherwise prohibited, provided the material is approved by the Board of Alderman.
11. The following material shall be prohibited on all exterior walls:
- a. Concrete finish or precast concrete panel (tilt wall) that is not exposed aggregate, hammered or sandblasted.
 - b. Metal panels with a depth of less than one inch or a thickness less than U.S. Standard 26 gauge.
 - c. Plywood or Masonite panels.
12. All screening areas are to be landscaped with a 75% opacity (75% of tree/shrub cover used for screening is evergreen) with a combination of trees, both deciduous and evergreen, and shrubs.
13. Buffer areas shall consist of a combination of trees and shrubs, not less than four (4) trees per hundred feet (100') of required buffer and at least 1 ½" in diameter. Additionally three (3) shrubs per every tree are required.
14. Roof mounted equipment, excluding satellite dishes, shall be screened from view (100% opacity) or isolated so that it is not visible from ground level of any adjacent applicable public thoroughfare, up to a maximum of three hundred feet (300') away. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.

15. All electrical and mechanical equipment in excess of three feet in height, located adjacent to the building and visible from any adjacent applicable public thoroughfare shall be screened from view (100% opacity), up to a maximum of three hundred feet (300') away. Such screens and enclosures shall be treated as integral elements of the building's appearance.

16. Mirrored glass with a reflectance greater than 40% shall not be permitted on more than 20% of the exterior walls of any building.

E. Review and Approval.

1. Site plan approval shall be by ordinance adopted by the Board of Aldermen upon recommendation by the Planning and Zoning Commission, in accordance with Sections 3.2, 3.3 and 3.4.

2. The requirements of this Section may be waived or modified by the Board of Aldermen. The purpose of such waiver or modification should be to allow for a variety of architectural designs and innovative site planning.

a. Site Planning. All desirable site features, such as healthy existing trees or views, should be incorporated in the site plan. The relationship of the site design to surrounding uses including setbacks, building heights, parking, open spaces and drives should be considered.

b. Architectural Design. The project design should take into account surrounding uses, building materials, style and size. Unreasonable continuous and unbroken wall plans should be avoided. Architectural elements or features that create a variety of scale relationships should be included.

3. Unless a longer time shall be specifically established as a condition of approval, site plan approval shall lapse and become void twelve (12) months following the date on which such approval became effective, unless prior to the expiration a valid legal building permit is issued and construction is commenced and diligently pursued toward completion.

4. Site plan approval may be extended upon the applicant's written request for extension and continuance of the plan as approved by the Board of Aldermen prior to expiration. Approval of any such extension request shall be for a period of twelve (12) months. No further extension shall be granted and the applicant shall be required to re-site plan. Subsequent to this extension, the site plan shall be considered valid so long as the plan remains consistent with all applicable City codes and the Comprehensive Plan.

5. Upon violation of any applicable provision of this Section or, if granted subject to conditions, upon failure to comply with conditions, site plan approval shall be suspended by the Zoning Administrator upon notification to the owner of a use or property subject to the site plan, until a public hearing shall be held by the Board of Aldermen as to whether such suspension shall be affirmed, conditionally affirmed or revoked.

5.4 Telecommunication Towers.

A. Definitions:

1. **ALTERNATIVE STRUCTURES:** shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design structures that camouflage or conceal the presence of antennas or towers.

2. **ACT:** shall mean, The Communications Act of 1934, as it has been amended from time to time, including, but not restricted to The Telecommunications Act of 1996, and shall include future amendments to the communications Act of 1934.

3. **AFFILIATE:** When used in relation to an operator, another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator's principal partners, shareholders, or owners of some other ownership interest; and when used in relation to the City, any agency, board, authority or political subdivision affiliated with the City or other person on which the City has a legal or financial interest.

4. **ANTENNA:** Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes and omni-directional antennas or other devices designed for transmitting or receiving television, AM/FM radio, digital signals, microwave, telephone cellular, or similar forms of electronic communication.

5. **ANTENNA HEIGHT:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure or antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

6. **ANTENNA SUPPORT STRUCTURE:** Any pole, telescoping mast, multi legged tower, tripod, or another structure which supports a device used in the transmitting or receiving of electromagnetic signals of any sort or kind.

7. **BAND:** A clearly defined range of electromagnetic frequencies dedicated to a particular purpose.

8. **BROADCAST:** To transmit information over the airwaves to two or more receiving devices simultaneously.
9. **CELL SITE:** A tract or parcel of land that contains the cellular communication antenna, its support structure, and ancillary facilities such as building(s), parking facilities, and may contain other associated facilities incumbent to cellular communications operations.
10. **CELLULAR TELECOMMUNICATIONS:** A Commercial Low Power Mobil Radio Service licensed by the Federal Communications Commission (FCC) in a specific geographic area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.
11. **CELLULAR TELLECOMMUNICATIONS FACILITY:** A cellular telecommunications facility consisting of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone equipment.
12. **CHANNEL:** A segment of a frequency band. Also referred to simply as a "frequency".
13. **CITY:** The City of Urich, Missouri.
14. **CO-LOCATION:** Locating wireless communications equipment from more than one provider on a single site.
15. **COMMON CARRIER:** A radio service licensed by the FCC in which a single licensee is authorized to supply local and/or long distance telecommunications service to the general public has established and stated prices.
16. **COMMUNICATION TOWER:** A guyed, monopole, or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication signals.
17. **COMMUNICATION FACILITY:** A land use facility supporting antennas and microwave dishes that send and/or receive radio frequency signals. Communications facilities include structures or towers and accessory buildings.

18. **COMMUNICATIONS TRANSMISSION SYSTEM OR COMMUNICATION SYSTEM:** A wired communications transmission system, open video system, or wireless communications transmission system regulated by this Ordinance.
19. **CROSS BAR:** A structure at or near the top of the mobile radio service telecommunications facility which provides support and horizontal separation for antenna(s).
20. **DIGITAL TECHNOLOGY:** A method whereby voice and data messages are converted into digits that represent sound intensities at specific points of time and data content.
21. **DIRECTIONAL ANTENNA:** An antenna or array of antennas designed to concentrate a radio signal in a particular direction.
22. **DISH ANTENNA:** A dish-like antenna used to concentrate and link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.
23. **EFFECTIVE RADIATED POWER (ERP):** The product of the antenna power input and the numerically equal antenna power gain.
24. **FAA:** shall mean the Federal Aviation Administration.
25. **FCC:** shall mean the Federal Communications Commission.
26. **FREESTANDING LOW POWER MOBILE RADIO SERVICE FACILITY:** A low power mobile radio service telecommunications facility that consists of a stand-alone support structure, antenna(s) and associated equipment. The support structure may be a wooden pole, steel monopole, lattice tower, or other similar vertical support.
27. **FREQUENCY:** The number cycles completed each second by a microwave; measured in hertz (HZ).
28. **GOVERNING AUTHORITY:** shall mean the Board of Aldermen of the City of Urich, Missouri.
29. **GUYED TOWER:** A communication tower that is supported, in whole or part, by guy wires and ground anchors.
30. **INTERFERENCE:** Disturbances in reception caused by intruding signals or electrical current.
31. **LAND MOBILE SYSTEMS:** Two-way radio service for mobile and stationary units in which each user is assigned a particular frequency.

32. **LATTICE TOWER:** A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.
33. **LICENSE:** The rights and obligations extended by the City to an operator to own, construct, maintain, and operate its system within the boundaries of the City for the sole purpose of providing services to persons within or outside of the City.
34. **LOW POWER COMMERCIAL MOBILE RADIO NETWORK:** A system of low power commercial telecommunications facilities which allow wireless conversation or data transmission to occur from site to site.
35. **LOW POWER COMMERCIAL MOBILE RADIO SERVICE:** A service which must include the following attributes:
- a. Profit from the operation of the service realized.
 - b. Interconnected to Public Switch Network.
 - c. Available to the public or such classes of eligible users as to be effectively available to a substantial portion of the public and must propose to or has developed, multiple networked sites within the region.
36. **LOW POWER TELECOMMUNICATIONS FACILITIES:** An unmanned facility consisting of equipment for the reception, switching and/or receiving of wireless telecommunications operating at 1,000 watts or less effective radiated power (ERP), including but not limited to the following:
- a. Point-to-point microwave signals.
 - b. Signals through FM radio transmitters.
 - c. Cellular, enhanced Specialized Mobile Radio (ESMR) and Personal Communications Network (PCN).
 - d. Private low power mobile radio service.
37. **LOWER POWER MOBILE RADIO TELECOMMUNICATIONS FACILITY:** A facility which consists of equipment for the reception, switching, and transmission of low power mobile radio service communications.
38. **MHZ:** Megahertz or 1,000,000 HZ.

39. MICRO-CEL: A low power mobile radio service telecommunications facility used to provide increased capacity in high-demand areas or to improve coverage in areas of weak coverage.
40. MICROWAVE: Electromagnetic Radiation frequencies high than 1,000 MHZ highly directional signal used to transmit radio frequencies from point to point at a relatively low power level.
41. MICROWAVE ANTENNA: A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.
42. MOBILE AND LAND BASED TELECOMMUNICATION FACILITY: Whip antennas, panel antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless transmission with low wattage transmitters not to exceed 500 watts from a sender to one or more receivers such as for mobile cellular telephones and radio system facilities.
43. MONOPOLE TOWER: (a.k.a. Self-Support Tower) A communication tower consisting of a single pole, constructed without guy wires and ground anchors.
44. MW/cm²: Micro watts per square centimeter; a measurement of the intensity of radio frequencies hitting a given area.
45. OMNIDIRECTIONAL ANTENNA: (a.k.a. Whip Antenna) An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it is designed.
46. PANTEL ANTENNA: (a.k.a. Sector Antenna) An antenna that transmits signals in specific directions, and are typically square or rectangle in shape.
47. PERSONAL COMMUNICATIONS SERVICE (PCS): Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. Such mobile technology promises to allow each customer to use the same telephone number wherever he or she goes. Also known as Personal Communications Network (PCN).
48. PRIVATE LOW POWER MOBILE RADIO SERVICE: All other forms of wireless telecommunications which have some similar physical facilities to a Low Power Commercial radio service but do not meet the definition of a commercial mobile radio service.
49. PUBLIC PROPERTY: Any real property, easement, right-of-way, air space, or other interest in real estate, including a street, owned or controlled by the City or any other governmental agency or unit.

50. REPEATER: A low power mobile radio service telecommunications facility that extends coverage of a cell to areas not covered by the originating cell.

51. ROOF AND/OR BUILDING MOUNT FACILITY: A low power mobile radio service telecommunications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances or building face).

52. SELF-SUPPORT TOWER: A communication tower that is constructed within guy wires and ground anchors. (Examples could include lattice and monopole tower types).

53. SPECIALIZED MOBILE RADIO (SMR): A mobile radio which is utilized in conjunction with an Enhanced Special Mobile Radio Network, which includes dispatch and interconnect services.

54. TELECOMMUNICATIONS: The transmission, between or among points as specified by the user, of information of the user's choosing, without change in form or content of the information as sent and received.

55. TOWER: shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guyed towers, monopole tower. The term "tower" included radio and television transmission and reception towers, microwave towers, common-carrier towers, cellular telephone towers, alternative towers structures and the like.

56. VHF: Very High Frequency with bands from 30-300 MHZ; includes FM radio, VHF television (channels 2 to 13) and some land mobile and common carriers.

57. WAVELENGTH: The distance between points of corresponding phases of a periodic wave of two constant cycles. Wavelength = wave velocity/frequency.

B. General Provisions. The antenna and facilities shall meet all Federal Communications commission requirements for radio frequency emissions. A structural certification from an engineer registered to practice in the State of Missouri shall be submitted. The certification shall establish that the electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC.

1. Federal Requirements. All towers shall meet or exceed current standards and regulations of the FCC, the FAA and any other agency of the federal or state government with the authority to regulate towers and antennas. If any applicable regulation or standard is revised, then the

owner of the tower shall bring such tower into compliance within six (6) months of the effective date of such revised standard or regulations. Failure to bring towers and antennas into compliance within the time period allowed shall also constitute cause for removal of the tower or antenna at the owner's expense.

All towers and antennas constructed within the City of Urich, Missouri shall comply with all applicable building codes and the applicable standards for towers as published by the Electronic Industries Association as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with codes and/or standards, the owner shall have thirty (30) days in which to bring such tower into compliance. If the owner fails or refuses to bring such tower into compliance, the City may cause the removal of such tower at the sole expense of the owner.

2. Removal of Abandoned Towers. Any antenna or tower which is not operated for its original intended purpose for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such tower shall remove same within ninety (90) days of receipt of notice from the City notifying owner as such abandonment. If the tower is a joint use facility, that is it is being used by two or more users, then all users must have not used the tower for the twelve (12) month period. If the tower is not removed within the ninety (90) day period, the City may cause the tower to be removed at the sole expense of the owner.

3. Amateur Radio and Receive-Only Antenna. This Ordinance is not intended to govern any federally licensed amateur radio and receive-only privately owned satellite dishes and does not apply to any privately owned antenna or tower less than seventy (70) feet in height.

4. As-Built Plans. Within thirty (30) days of the initial completion of construction or of any structural modification to the existing structure, the owner shall submit two (2) sets of as built engineering and architectural plans to the City. Such plans shall show the location of the tower by latitude and longitude, and state plane coordinates and shall accurately depict all of the telecommunications facilities associated with the tower on site pursuant to the franchise, license and permits associated therewith.

5. Inspection. At least every twenty four (24) months, the tower shall be inspected by an expert who is qualified in the maintenance, inspection and/or erection of communication towers. This inspection shall be conducted in accordance with the tower inspection checked list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Support Structures". One copy of the inspection report shall be forwarded to the City no less than thirty (30) days after completion of said inspection.

6. Underground Placement Cables, Wires, and Facilities. In all areas of the City where the cables, wires and other like facilities of public utilities exist or are required to be placed underground, an operator shall also place its cables, wires, and other facilities underground.

7. Disturbances to Property. In the case of disturbance to any street or thoroughfare or other public property, caused by an operator during the course of construction or maintaining its system facilities, an operator shall, at its own expense, replace and restore all paving, sidewalk, driveway, landscaping, or any surface of any street or other public property disturbed to condition as good as or better than the condition as before the disturbance in accordance with applicable federal, state or local laws, rules, regulations, codes or administrative decisions. The duty to restore the street or other public property shall include the repair of any area identified by the City as being weakened or damaged as a result of a cut or other invasion of the pavement or other property.

C. Conditional Use Permit. No tower shall be erected unless and until a Conditional Use Permit therefore has been obtained from the City.

D. Zoning District In Which Permitted. Telecommunications towers and associated facilities may only be permitted by Conditional Use Permit in District A and CH, and on any land owned by a political subdivision regardless of the underlying zoning.

E. Setback Requirements. Minimum setback requirements for telecommunications tower shall be no less than two hundred (200) feet or equal to the height of the tower (including antenna) if the tower is less than two hundred (200) feet tall.

F. Separation. No telecommunications tower over ninety (90) feet in height shall be located closer than one quarter mile from any existing tower.

G. Aesthetics. All towers and accessory facilities shall be sited to have the least particle adverse visual effect on the environment, Towers shall not be lighted except to assure safety as required by the FAA. Towers should be painted gray or light blue unless other standards are required by the FAA. In all cases, monopole towers shall be preferable to guyed towers or free standing structures. Where mounted on or attached to existing buildings, antennas shall be painted to blend with the décor of the host structure as nearly as possible.

1. Accessory Equipment Storage Mobile or immobile equipment not used in direct support of the tower facility shall not be stored on the sited of the tower, unless repairs to the tower are being made.

2. Lighting Upper portions of towers shall be lighted if required by the FAA or FCC. If security lighting is required, care shall be taken to minimize light directed toward adjacent properties and rights-of-way.

H. Application And Permit Requirements.

1. Each application shall include a minimum of the following:
 - a. Written authorization from the property owner of the proposed site.
 - b. A site plan:
 - (i) Drawn to scale
 - (ii) Showing the Property Boundaries
 - (iii) Showing any tower guy wire anchors and other apparatus
 - (iv) Existing and proposed structures
 - (v) Scaled elevation view
 - (vi) Access road(s) location and surface material
 - (vii) Parking area
 - (viii) Fences
 - (ix) Location and content of signs (including warning if required)
 - (x) Exterior lighting specifications
 - (xi) Landscaping contours (minimum of five (5) intervals)
 - (xii) Existing land uses surrounding the site
 - (xiii) Proposed buildings associated with the facility including:
 - Plan and elevation
 - Proposed use
 - c. A written report including:
 - (i) Information describing the tower height and design.

- (ii) A cross section of the structure.
 - (iii) Engineering specifications detailing construction of tower, base and guy wire anchorage.
 - (iv) Information describing the proposed painting and lighting schemes.
 - (v) Information describing the tower's capacity, including the number and type of antennas that it is capable of accommodating.
 - (vi) Radio frequency emission data.
 - (vii) All tower structural information certified by a registered engineer.
- d. Written statement regarding the appropriateness of the chosen site.

5.5 Adult Businesses.

- A. Introduction. [RESERVED]
- B. Findings of Fact. [RESERVED]
- C. Regulations.

1. **Applicability.** This section shall apply to any bookstore, media store or video store, in which as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas.

2. An adult business, which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction, characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:

- a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose;

- b. An operator's station shall not exceed thirty-two square feet (32 ft²) of floor area;
- c. If the premises has two or more operator's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations;
- d. The view required under this subsection shall be by direct line of sight from the operator's station;
- e. It is the duty of the operator to ensure that at least one (1) employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by such operator station; and
- f. It shall be the duty of the operator and of any employees present on the premises to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks, or other materials or enclosures at all times that any patron is present on the premises.

D. Spacing Requirements. An adult business (as defined in Section 2) shall be subject to the following spacing requirements:

- 1. The proposed adult business shall not be located within one thousand feet (1,000 ft) of any preexisting school, church, or licensed child care center or child care center that has been inspected by the City or Fire District, or ii) one thousand feet (1,000 ft) of any public building or park, or property zoned for residential purposes, which uses are located within the city limits. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest portion of the parcel containing the adult business to the closest portion of the parcel containing any preexisting school, church, licensed child care center or child care center that has been inspected by the City or Fire District, public park or property zoned for residential purposes located within the City;
 - a. provided the phrase "property zoned for residential purposes" shall not include any property zoned for residential use for which a conditional use permit has been granted for an indefinite period of time which permit allows a non-residential use;
 - b. provided further, the list of protected uses set forth herein shall exclude streets, alleys and highway rights-of-way

2. The proposed adult business shall not be located within one thousand feet (1,000 ft) of any other adult business for which there is a license issued by the City regardless of whether such businesses are located on the same property or separate properties. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest portion of the parcel containing the adult business to the closest portion of the parcel containing any other adult business located;

a. provided the list of protected uses set forth herein shall exclude streets, alleys and highway rights-of-way

5.6 Accessory Uses.

A. Definition and Applicability.

1. In a residential zoning district, an accessory structure or use is a subordinate or incidental structure or use, attached to or detached from the principal structure, and which is not used for commercial purposes, except as provide for home occupations.

2. In non-residential zoning districts, an accessory structure or use is a subordinate structure or use, the use of which is secondary to and supportive of the principal structure.

3. Accessory uses include any use that is authorized in the district which is secondary or subordinate to the primary use.

B. Performance Standards for Accessory Dwelling Units. A dwelling unit may be allowed as an accessory use to the principal dwelling unit under the following conditions:

1. Accessory dwelling units may be constructed only in A and RR zoning districts;

2. The accessory dwelling unit may be constructed only upon the issuance of a building permit;

3. The accessory dwelling unit shall be a permanent structure;

4. Accessory dwelling units shall be considered independent buildable sites, and be connected to public water and sewer service where available or have on-site water and sewer facilities;

5. The accessory dwelling unit may not be sold separately from the sale of the entire property, including the principal dwelling unit;

6. The accessory dwelling unit shall comply with all required building setbacks for the principal residential use;
7. The overall height of an accessory dwelling shall be limited to one story, provided that a garage apartment or non-residential caretaker's quarters, may be located over a garage;
8. When the accessory dwelling is directly attached to the principal dwelling, it shall be considered an integral part of the main building; and
9. Accessory dwellings shall not exceed 1,000 square feet of heated area.

C. Standards for Accessory Buildings or Structures in Residential Zoning Districts. Accessory buildings or structures may be allowed in residential zoning districts pursuant to the following conditions:

1. Detached accessory buildings shall be prohibited from being placed in front of the principal building and shall be placed in the rear yard, except that a detached garage may be located in front of the principal residence.
2. The minimum required side setback for the principal building shall be observed for accessory buildings; and
3. Accessory buildings adjacent to a side street shall have a side yard not less than that of the primary structure.
4. Pools, saunas, and jacuzzis having a depth of two (2) feet or more, provided the following conditions are met:
 - a. Below-grade pools, saunas and jacuzzis.
 - (i) Below-grade uses and associated above grade appurtenances (decks, equipment, etc.) shall be located behind the front building line and not less than ten (10) feet from any rear or side property line. In the case of corner lots, they shall not be less than twenty- five (25) feet from a front or street side property line and at least twenty (20) feet from a principal building on an adjoining lot.
 - (ii) The area in which the below-grade use is located shall be entirely enclosed and separated from adjoining property by a protective fence or other permanent structure not less than four (4) feet in height, measured from grade. Such protective enclosure shall be provided with gates equipped with self-closing and self-latching devices.

b. Above-grade pools, saunas, and jacuzzis.

(i) Above-grade uses and associated appurtenances (decks, equipment, etc.) shall be located behind the front building line and not less than ten (10) feet from any rear or side line. In the case of corner lots, they shall not be less than twenty-five (25) feet from a street side property line and at least twenty (20) feet from a principal building on an adjoining lot.

(ii) The area in which the above-grade pool, sauna, or jacuzzi is located shall be entirely enclosed and separated from adjoining property by a separate protective fence or other permanent structure not less than four (4) feet in height, measured from grade. Such protective enclosure shall be provided with gates equipped with self-closing and self-latching devices.

5. Private tennis courts shall not be constructed within twenty (20) feet of any adjoining residential property line. Tennis court fences or walls shall not exceed twelve (12) feet in height, and no lights for the tennis court shall be permitted within 25 feet of any adjoining residential property line.

6. Except as noted above, accessory structures shall comply with the minimum setback requirements established in the district.

7. In District N, one detached accessory storage building that does not exceed two hundred fifty square feet (250 ft²) is permitted.

8. In Districts A, and RR, there shall be permitted detached garages, barns or live stock structures not in excess of one thousand square feet (1000 ft²) per acre for lots not exceeding five acres in size, and for lots that do exceed five acres in size, then the garages, barns or live stock structures shall not cover more than fifteen percent (15%) of the lot area, inclusive of the principal structure and not more than fifteen percent (15%) of the rear yard, provided however, that in no event for lots that do exceed five acres in size, shall the garages, barns or live stock structures aggregately exceed twenty thousand square feet (20,000 ft²) in size.

9. Fences, Wood, chain link, masonry, wrought iron, and plastic fences are permitted in all zoning districts provided the following conditions are met:

a. No fence shall be constructed that will constitute a traffic hazard.

b. No fence shall be greater in height than three (3) feet in the required front yard, or six (6) feet in height in side or rear yards.

c. Barbed wire and electric fences are not permitted except in Agricultural zoning districts. When residential property abuts the agricultural property, the fence must be set back a minimum of ten (10) feet from the property line.

d. No fence shall be constructed without first obtaining a building permit.

10. A private stable will be allowed on a lot having an area of more than one acre, provided that it is located not less than one hundred (100) feet from the front lot line, nor less than thirty (30) feet from any side or rear lot line. On such lots, there shall not be kept more than one horse, pony or mule for each forty thousand (40,000) square feet of lot area; provided, however, that where any such stable exists and/or animals as herein provided for are kept, the owner or keeper shall cause the premises to be kept and maintained so as to comply with all state, county and municipal sanitary and health regulations regarding same.

11. The following uses are permitted as temporary uses for the time period specified and in the zoning district specified:

a. Christmas Tree Sales: Christmas tree sales are permitted in any commercial or industrial zoning district for a period not exceeding sixty (60) days prior to Christmas. Display must be on private property. Trees shall not be displayed within thirty (30) feet of the intersection of any two streets.

b. Contractors offices and equipment sheds and trailers which are accessory to a construction project are permitted during the duration of such project.

c. Real estate offices are permitted as an accessory incidental use for residential developments. The use is permitted within a model home or dwelling unit that is not occupied, or in a temporary structure set up for a real estate office. Such temporary structure must comply with all setback requirements and provide paved offstreet parking facilities. Such use may continue only until the sale of all properties within the development, as long as the office is occupied and staffed a minimum of four (4) days per week.

d. Sales of farm produce grown on the premise is permitted in Districts A and CH.

e. Carnivals, circuses and fairs are permitted in commercial zoning districts for a time period not exceeding three weeks.

f. Garage or yard sales are permitted in any zoning district provided that such use shall not exceed three (3) consecutive days in duration nor shall it occur in a residential district more than four (4) times in a year at any location.

SECTION 6 - Public Improvements

6.1 Adequate Public Facilities Required.

A. Purpose. The purpose of this Section is to ensure that land proposed for development shall be served by public facilities, at the levels of service established by the City, which are adequate to support and service the area of the proposed development. Land shall not be approved for development unless and until adequate public facilities exist or provision has been made for the following essential public facilities: public safety, water service, wastewater treatment and disposal, stormwater management, electrical service, telecommunications service and transportation facilities. Public facilities shall be provided in a manner that is consistent with the Comprehensive Plan, this Ordinance and other standards adopted by the City.

B. Requirements. New development shall provide adequate facilities and services to accommodate demands from proposed development in conformance with the minimum standards established by the City. Improvements shall be constructed in conformance with the provisions of these regulations. New development shall be timed and phased at a pace that will ensure the adequate provision of public facilities and services for proposed and future development. Each phased development project shall be designed so that the project is capable of functioning effectively and independently at completion of each phase. Adequate roadway facilities shall be provided concurrently with new development and shall be designed and constructed in conformance with applicable City standards. All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The City may require the applicant of a subdivision to extend offsite improvements to reach the subdivision or to oversize required public facilities to serve anticipated future development as a condition of approval.

C. Condition of Approval. No development shall be approved unless such development has available adequate public facilities and services at the time that development approval is applied for, or such public facilities are contained within a fully funded capital improvement program or plan. Proposed public improvements shall conform to and be properly related to the City's Comprehensive Plan and all applicable capital improvements programs and plans, including the plans for roads, sanitary sewer, stormwater management, fire and water districts, school districts and other emergency service providers. Development approvals may be timed and phased where partial adequate public facilities are available.

6.2 Water.

A. Before approval of a preliminary or final plat, the applicant shall demonstrate the adequacy and potability of water available for fire protection and domestic use in the subdivision. Construction and installation of the water system shall be the subdivider's responsibility. To determine adequacy of water availability for fire protection, the minimum fire flow requirements contained in the version of the International Fire Code that the City has adopted, including its amendments thereto, shall be used, provided that the Board of Aldermen may waive or modify this requirement provided that the Fire Protection District is provided notice of its intent to do so and an opportunity to comment.

B. The size of the main shall be determined by a Missouri Registered Professional Engineer, with approval of the City, giving full consideration to future growth, fire protection and present needs.

C. Water mains shall be installed to within 5 feet of the furthestmost property line(s) as necessary to serve the development and future development(s).

6.3 Wastewater Systems.

A. Design Standards. All habitable structures and buildable lots shall be served by an approved means of wastewater collection and treatment. The wastewater system shall be designed and constructed in accordance with Sections 2500 and 5500 of the Kansas City Chapter of the American Public Works Association Standard Specifications and Design Criteria (December 16, 1992 and April 17, 1996, respectively), unless otherwise modified by the Director of Public Works. These design standards are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where recommended by the Zoning Administrator. Sanitary sewer systems shall be designed and built for the ultimate tributary population. Sewer capacities shall be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. Design flows shall be subject to approval of the Zoning Administrator for each particular development.

B. Off-Site Improvements. The developer of a parcel shall provide off-site improvements required to adequately serve a proposed development.

C. Extension/Oversizing. Upon recommendation of the Zoning Administrator and the Planning and Zoning Commission, the Board of Aldermen may require that wastewater lines be over-sized to accommodate planned development.

6.4 Stormwater Management. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in peaks

or velocity of downstream flooding. The City may require the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development.

6.5 Streets.

A. Arrangement of major streets in the subdivision shall comply with APWA standards and conform as nearly as possible to the Comprehensive Plan and Major Street Plan, and provisions shall be made for the extension of major and secondary thoroughfares. Except for courts and cul-de-sacs, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. No development approval shall be granted where adequate off-site transportation capacity is not available at time of development approval or contained within a fully funded capital improvement program or plan.

B. Streets shall be designed and constructed in accordance with Sections 2200 and 5200 of the Kansas City Chapter of the American Public Works Association Standard Specifications and Design Criteria (April 17, 1996), unless as otherwise stated in these regulations.

1. No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial or collector so that the street does not function at a Level of Service C or better. The applicant for any development projected to generate more than 500 vehicle trip ends per day may be required to submit a traffic impact analysis. If a TIA shows that a proposed development creates the need for additional off-site right-of-way or other improvement, the applicant may be required to provide right-of-way or improvement proportional to the demand created prior to development approval.

C. Minor streets should be so planned as to discourage their use by non-local traffic. Courts or cul-de-sacs will be permitted where topography or other conditions justify their use and provisions shall be made for adequate traffic circulation. Cul-de-sacs shall normally not be longer than five hundred (500) feet, including a turnaround which shall be provided at the closed end, with an inside curb radius of at least forty-five feet (45') that is within a right-of-way radius of not less than fifty-two feet (52').

1. For residential uses, maximum block length shall be one thousand feet (1000') but no more than fifteen (15) times the minimum lot width, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum.

2. For commercial and industrial uses, the maximum block length shall be no more than two-thousand two hundred fifty feet (2,250').

3. Actual block length may be varied with the approval of the Planning and Zoning Commission. Such approval shall be based on topography, drainageways, and existing surrounding streets. Pedestrian ways and/or easements through the block may be required to serve nearby public facilities.

D. There shall be an adequate number of points of ingress to and egress from the subdivision to ensure sound traffic engineering design, smooth traffic flow into and out of all portions of the subdivision (based upon the projected traffic generation from the subdivision and projected traffic on streets adjacent to a subdivision), and the public's safety. In determining whether the subdivision provides for an adequate number of points of ingress and egress, all relevant factors shall be considered including but not limited to the following:

1. Residential Subdivisions. As a general rule, one (1) point of ingress to and egress from the subdivision should be required for each one hundred (100) dwelling units in the subdivision. Each required point of ingress to and egress from the subdivision shall be located so as to best serve the traffic generated by the subdivision.

2. Nonresidential Subdivisions. The adequacy of the number of points of ingress to and egress from nonresidential subdivisions shall be determined as a part of and based on the consideration of the site plan for the proposed development. The plat for such development shall show the same number of ingress and egress points as are shown on the approved site plan. If no site plan has been approved, all approvals of the preliminary plats shall be conditioned upon the final plat being consistent with the site plan with respect to the number of points of ingress to and egress from the subdivision.

3. General Factors.

a. Traffic accumulation. The level of traffic using each point of ingress to and egress from the subdivision should not exceed the level of traffic that the type of street proposed (i.e., residential, collector, etc.) is designed to accommodate.

b. Access for emergency vehicles. The points of ingress to and egress from the subdivision should be adequate to ensure that emergency vehicles can gain access to all proposed uses within the subdivision whenever necessary.

c. Intersection of points of ingress to and egress from the subdivision with streets abutting the subdivision. The impact of injecting traffic from the proposed subdivision into the existing street network shall be mitigated by location, design, and

control measures consistent with the standards of traffic engineering.

4. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

5. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels, shall be so arranged as to permit the continuous location and opening of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.

6. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The minimum angle of intersection of streets generally shall be sixty degrees.

7. Streets entering the opposite sides of a street shall either be directly across from each other or offset by at least one hundred (100) feet from centerline to centerline.

8. Dedication of half streets will not be approved except in the public interest.

E. Street Design Standards

Design Standard	Street Classification		
	Arterial	Collector	Residential
Minimum ROW	80'	60'	50'
Street Width (minimum) (Back to Back of Curb or where no Curb to edge of pavement)	44'	36'	28'
Grade (maximum)	7%	10%	10%
Design Speed (mph)	40-55	25-35	15-25
Number of Traffic Lanes	2-6	2	2
Width of Traffic Lanes	12'	12'	12'
Sidewalk (one side)	Required	Required	Required
Sidewalk width	4'	4'	4'
Curb and Gutter (both sides)	Required	Required	Required

Notwithstanding anything contained in these regulations to the contrary, the Board of Aldermen may waive or otherwise modify the requirement for installing sidewalks and curb and gutter when it deems necessary to achieve a “rural feel” to a proposed residential development and may instead allow the use of open drainage ditches.

Curb Radii. Where two (2) minor streets intersect at approximately right angles, so that the smallest angle of intersection is not less than eighty degrees, the curb at each block corner shall be rounded with a radius of fifteen (15) feet. At all intersections where minor streets intersect at an angle of less than eighty degrees, or where a minor street intersects with a major or secondary thoroughfare, or where two (2) or more secondary or major thoroughfares meet, cross or otherwise intersect in any combination, the curb radii at such intersections shall be subject to the approval of the Director of Public Works. Vertical face curbs and gutters shall be installed. Roll back curbs may be permitted in areas along streets serving residences.

6.6 Sidewalks.

A. A sidewalk shall be constructed on at least one side of the street as designated during the platting process for all residential developments. Sidewalk requirements for all non-residential developments shall be determined during the development process. Sidewalks in residential developments shall be constructed prior to the issuance of a certificate of occupancy, provided however, that the City may waive or modify this requirement, including allowing the developer to contribute funds in-lieu-of construction. The design and installation of all sidewalks shall meet all state and federal requirements, including but not limited to the Americans with Disabilities Act. Sidewalks shall be constructed either in the right-of-way or within appropriate easements, and shall be shown on the preliminary and final plats.

B. Sidewalks shall be concrete, shall conform to the applicable standards contained in these regulations and shall be a minimum of 48" wide and a minimum of 4" thick with handicapped access at all intersections. Sidewalks shall normally be separated from the edge of the street by a grassy strip 24" wide. All non-paved right-of-way shall be either sodded or seeded.

6.7 Easements.

A. An adequate easement for utilities shall be provided along each side of a side line of lots and/or the rear line of lots where necessary for the extension of a water main or sewer lines or similar utilities. Width shall also account for unusual topography or for easements needed for multiple utilities to ensure the proper placement and maintenance of utility lines.

B. Except where prohibited by topography, utility easements shall be located on lot lines in the rights of way of streets, or in separate utility easements. The City may require all easements for drainage or sewer to be selectively cleared

of undergrowth, trees and other obstructions by the applicant prior to final approval. No buildings or structures, except as necessary for utilities, shall be permitted within or on easements.

C. Utility easements shall connect with easements established in adjoining properties. Except as otherwise provided in these regulations, an applicant for a development approval shall ensure that adequate on-site and off-site easements are provided for future roadways, water, wastewater and other public utilities.

D. Utility easements shall be shown on the plat and dedicated in conjunction with recordation of the final plat.

E. Drainage easements for storm sewers may be required.

6.8 Fire Hydrants. All new subdivisions shall have fire hydrants. The applicant shall be required to show the location of the fire hydrants on the construction plans. The fire hydrants shall be designed as follows:

A. Fire hydrants shall be located not more than six hundred feet (600') apart as measured by road frontage for residential structures and not more than three hundred feet (300') apart as measured by road frontage for commercial structures. No structure shall be constructed more than six hundred feet (600'), as measured in a straight line, from a fire hydrant. The location of the hydrants shall be approved by the Zoning Administrator. Fire hydrants shall be constructed in accordance with Section 2901.4 of the Kansas City Chapter of the American Public Works Association Standard Specifications and Design Criteria (April 17, 1996).

B. Fire hydrants and underground water lines shall be installed prior to final paving of the streets shown on the construction plans.

C. Fire Hydrants shall comply with all provisions of the City Code.

D. Fire hydrants shall have sufficient water flow and pressure as determined by the Zoning Administrator, whose determination may be based on recommendations by the applicable water district and fire district.

6.9 Parks.

A. Findings. The Board of Aldermen hereby finds and determines that:

1. New residential development creates a need for new parks and open space facilities. Parks and open space facilities are necessary to:

a. To enhance community health by providing a healthy environment for children and City residents for recreation, relaxation and the relief of stress;

- b. To protect community character by providing an edge to neighborhood form;
- c. To provide safe and attractive areas for pedestrian travel;
- d. To protect property values; and
- e. To protect the quality of the air, water and stormwater runoff by providing open natural areas.

2. As the City continues to increase in population, available financial resources to purchase and develop lands for neighborhood park purposes from sources other than the general tax levy have diminished. Appropriate municipal planning and control is needed to ensure that lands suitable for economically feasible neighborhood park development are identified and preserved for public use during the land subdivision and development process. The provision of adequate neighborhood park facilities in newly developed residential areas to serve the recreational needs of the residents of these areas is an important factor in the maintenance of a high quality of life and contributes to the health and safety of citizens, especially children. In addition, adequate open space land should be reserved to retain the character of the City, protect wildlife habitats, cleanse the air and stormwater runoff and provide recreational opportunities.

3. Purposes. It is the purpose of this Section to:

- a. Define the obligation of developers to meet the park and open space needs generated by new development.
- b. Encourage the provision of adequate park and open space in higher density developments through a graduated scale for parkland dedication.
- c. Encourage the inclusion of neighborhood parks within larger residential developments in an effort to achieve a parkland goal of one hundred percent (100%) service area coverage of all areas within the City limits of the City of Urich.
- d. Encourage the development of larger neighborhood and regional parks by encouraging cash payment in lieu of parkland dedication in smaller residential developments. These cash payments will be applied to the acquisition of larger parks serving multiple neighborhoods within the impact area of the proposed development.

B. Applicability. The provisions of this Section shall apply to any person who applies for a subdivision or resubdivision of lands or a site plan.

C. Definitions. As used in this Section, the following terms shall have these prescribed meanings:

1. **COMMUNITY PARK:** A larger park generally five (5) or more acres that serves the residents living within a one (1) mile radius of the park.
2. **NEIGHBORHOOD PARK:** A local park generally less than five acres that serves the residents living within a one-half (½) mile radius of the park.
3. **REGIONAL PARK:** The largest of parks generally twenty (20) or more acres serving all the residents that live within the City.

D. Park Land Dedication Requirement.

1. It shall be a condition of a final plat of a residential subdivision that each subdivider, developer or owner will be required to make to and at the discretion of the Board of Aldermen either:
 - a. Land donation, or
 - b. Cash in lieu of land donation, or
 - c. Combination of both.

E. Formula For The Dedication Of Land.

1. If dedication of land is selected, the dedication shall be by plat and/or deed. The amount of dedication required shall correspond to the density of the subdivision and shall be calculated off of the following formula:

$$DLR = DU \times D \times .02$$

DLR = Dedicated land requirement.

DU = Number of dwelling units.

D = Number of people per dwelling unit per the most recent U.S. Census figures for Henry County.

.02 = Required acres per person based on twenty (20) acres per one thousand (1,000) people.

2. The projected population at full development shall be the criteria used to determine the amount of land to be donated. A formula of twenty

(20) acres per one thousand (1,000) people (projected full development) will be used. The standard utilized is that set forth by the Missouri Statewide Comprehensive Outdoor Recreation Plan.

F. Suitability Criteria. All designated open space, parks or recreational facilities shall be of suitable size, location, dimension, topography and general character and shall have proper road and/or pedestrian access, as may be appropriate, to be usable open space, as follows:

1. The minimum land area for a dedicated parkland tract shall be one (1) acre. Parkland shall be in a single parcel unless there are physical features, such as a railroad or water, separating the proposed tracts. Two (2) or more tracts may be considered for subdivisions including at least five hundred (500) dwelling units.
2. Stormwater retention areas or detention basins which are required as part of these regulations shall not qualify as a public open space.
3. Water (including streams, rivers, ponds and lakes), marsh, flood plains and wetland acreages shall not be used to comply with the land requirement of this Section, except as provided for required trail improvements listed in Subsection (F).
4. At least fifty percent (50%) of the gross area of any active open space required to be dedicated pursuant to this Section shall have a natural slope of four percent (4%) or less and shall not be located in an existing watercourse, drainage easement or water ponding area. In addition, that portion of the land must have a cover of six (6) inches or more of topsoil suitable for the seeding and cultivation of grass. If land proposed to be dedicated has a natural slope in excess of that required by this Subsection, but may be engineered to provide for a slope that meet the requirements imposed therein, the developer may engineer such land to satisfy the requirements of this Subsection.
5. Parkland shall be dedicated by the developer in a condition ready for full service with electrical, water and sewer access at the property line.
6. All land to be dedicated to the City for park purposes shall be shown and marked on the plat as "dedicated to the City of Urich, Missouri, for park purposes".

G. Privately Dedicated Recreation Space. The developer may comply with the provisions of this Section to furnish land for recreational purposes by privately dedicating recreational open space and/or preserving significant natural, cultural or historic features or landmarks under the following provisions:

1. The developer must provide an area that meets the minimum standards set forth in this Section related to size, suitability and location.

2. The developer must provide minimum neighborhood park improvements in a privately dedicated open space tract including, but not limited to: family picnic shelter, children's playground, and turf playfields.

3. All improvements to privately dedicated open space tracts should be included in the first (1st) phase of infrastructure installation for the development's first (1st) final plat. A public access easement over the entire area shall be required and shown on the final plat of the phase of development which includes the dedicated space.

4. Privately dedicated parkland shall be maintained by the developer or the lot owners in the subdivision under a legal agreement approved by the City as adequate to ensure its continued operation and maintenance.

5. A developer may seek a credit against the requirements of this Section for privately dedicated parkland. All requests shall be submitted to the Zoning Administrator and shall include the following information:

a. A site plan showing:

(i) Scale of the drawing and the boundaries, dimensions and orientation of the site to true north;

(ii) Topography at a minimum two (2) foot contour interval;

(iii) Location and layout of existing physical characteristics (vegetation, natural waterways and drainage ways, rock outcroppings, etc.) indicating any significant features to be removed, improved or preserved;

(iv) Location and layout of proposed improvements including landscaping, irrigation system, pathways and trails, play areas and playground equipment, lighting, fencing, structures, etc.;

(v) Ingress, egress and internal circulation for the site;

(vi) Relationship of the proposed site and proposed improvements to adjoining property.

b. An itemized list of the proposed improvements including a description, the quantity and estimated per unit cost figure for the individual improvements.

c. A statement of the methods and/or provision for ownership, maintenance and use of the site and proposed improvements.

d. Any materials and/or information determined by the Zoning Administrator to be necessary or appropriate for Board review.

H. Cash in lieu of land dedication.

1. Formula for cash in lieu of land.

$$\text{CLL} = \text{DLR} \times \text{APPA}$$

DLR = Dedicated land requirement above

CLL = Cash in lieu of land

APPA = Actual purchase price per acre

The greater of ten thousand dollars (\$10,000.00) or the actual purchase price of the amount of land to be donated shall be paid as the fee in lieu of actual donation. The actual purchase price of the property shall be reported to the City at the time of filing application for each final plat. Such reporting shall be required on a notarized disclosure form provided by the City.

If the City disputes such report of purchase price, the City may request information from the title company or bank listed on the disclosure form to establish conclusive evidence of the purchase price for the property.

2. Formula for partial land donation. When a portion of land dedication requirement is accepted, the remaining cash fee will be calculated and credited as follows:

a. (Dedicated land requirement minus number of acres accepted) times actual purchase price per acre; or

$$\text{CLL} = (\text{DLR} - \text{ALA}) \times \text{APPA}$$

ALA = Accepted land acreage

APPA = Actual purchase price per acre

I. Cash In Lieu Payment. The cash in lieu payment is due to the City at or prior to final signature certification by City officials of the final plat.

J. Certain Activity Prohibited. Following dedication of lands as provided herein, no person shall remove trees, vegetation or topsoil therefrom nor shall the lands be used for the purpose of stockpiling of earth or construction material or disposal of construction debris without the written consent of the Department of Parks and Recreation.

6.10 Street names. The City shall install street name signs at all street intersections as the streets are accepted by the City. The cost of installation, including the signs and labor costs, shall be paid by the subdivider, if street signs are required. Developers may propose street names, but final naming authority rests with the Board of Aldermen.

6.11 Street lights. A street light plan shall be designed by a registered professional engineer and approved by the Zoning Administrator. The City shall take the necessary steps in its capacity as a municipal corporation to secure placement of street lights by the applicable franchised electric utility service provider. The subdivider shall be responsible for all costs of installation and all costs incurred by the City therein.

6.12 Permanent reference points. The subdivider shall cause a registered land surveyor to install permanent reference points on all perimeter corners of the property and shall tie all property corners to the quarter section. The construction and placement of permanent markers shall conform to the current "Minimum Standards for Property Boundary Surveys, 10 CSR 30-2, Missouri Code of Regulations" (as amended).

6.13 Utility Lines.

A. In all subdivisions, power distribution lines shall be installed underground adjacent to lots proposed for residential, commercial or industrial use, except in the case of a lot split or a division of land or replat containing three (3) or fewer lots where overhead lines are in existence on abutting property. Power lines classed as transmission or three-phase feeder need not be placed underground. All installations shall be in conformance with the minimum standards and practices of the power company having jurisdiction.

B. Telephone lines. In all subdivisions, telephone lines shall be installed underground adjacent to lots proposed for residential use, except in the case of a lot split or other division of land or replat containing three (3) or fewer lots where overhead telephone lines are in existence on abutting property.

6.14 As-builts. As-built drawings must be received before acceptance of any improvement project by the City. The drawings must include results of a post-construction survey. The post-construction survey shall include the following:

A. Elevation of all sewer structures including pipe inverts and structure top elevations;

B. Final adjusted stationing of all sewer structures and water line valves, hydrants and blow-off assemblies; and

C. Final adjusted contours as shown in the grading plans and emergency drainage plan.

D. As-built drawings must include a certification by a professional engineer licensed in the State of Missouri stating that the drawings are as-built and conform to construction records and post-construction survey information.

6.15 Guarantee of Completion of Improvements

A. A Certificate of Occupancy shall not be granted until the required improvements have been completed and accepted and a maintenance bond has been furnished as required herein.

B. After the completion of such required improvements in an acceptable manner, as a guarantee that all public improvements have been done in a satisfactory manner, the subdivider shall provide a maintenance bond to the City in the amount of 50% of the total estimated cost of said improvements as determined by the Zoning Administrator. Said bond shall be required for two years following the City's issuance of a Certificate of Final Acceptance. The amount of the bond shall be filed with the City Clerk in an amount acceptable to the Zoning Administrator and in such form as accepted by the City Attorney. Approval of the bond form and submittal of the as-built drawings are minimum prerequisites to the issuance of a Certificate of Final Acceptance.

SECTION 7 - LANDSCAPING AND SCREENING.

7.1 Purpose. The purpose of this Ordinance is to improve the aesthetic qualities of the City and to protect and preserve the appearance, character and value of its neighborhoods.

7.2 Enforcement. This ordinance shall be a minimum standard and the regulations which are contained herein shall be enforced by the Zoning Administrator.

7.3 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

1. **GROUND COVER:** A low growing plant, other than turf grass, which forms a continuous cover over the ground surface.
2. **LANDSCAPE MATERIALS:** Any combination of living plant materials and nonliving materials such as rock, pebbles, sand, bark, pavers, earthen mounds, fencing, walls, fountains and other decorative materials.
3. **LANDSCAPING:** Landscaping shall consist of trees, shrubs, vines, turf, ground cover and other landscape materials which are utilized to enhance the aesthetic and functional qualities of a site.
4. **PLANT MATERIALS:** Living plants which include trees, shrubs, ground cover, turf and vines which are suitable for ornamental and/or functional use.
5. **SCREEN:** Screening shall consist of fencing constructed of cedar, redwood or other durable wood, or masonry walls. For the purpose of this ordinance, a screen shall be opaque to a height of six feet (6') above the ground surface.
6. **SHRUB:** A self-supporting woody plant which normally reaches a height of less than fifteen feet (15').
7. **TREE:** A self-supporting woody plant which normally reaches a height of at least fifteen feet (15').
8. **TURF:** Ground cover composed of one or more species of perennial grass which is grown as a permanent lawn.
9. **VINE:** A plant which is typically woody and climbs by supporting itself on some other plant or structure.

7.4 Landscaping and Screening Plan.

A. A landscaping and screening plan shall be required upon application for a building permit for new construction or structural alteration of buildings in all zoning districts excluding single family and duplex structures, as allowed in permitted areas with a conditional use permit. In cases where landscaping plan approval would cause harmful delay to the start of construction, the Zoning Administrator may issue footing and foundation permits for the project so that construction may proceed. Permits for construction beyond the footing and foundation shall not be issued until the landscaping plans have been submitted and approved. This ordinance shall not apply to structures for which landscaping and screening plans have previously been submitted and approved. Except as noted herein, landscaping and screening plans shall be approved prior to the issuance of building permits.

B. A landscaping and screening plan shall be required for only that phase of development for which the building permit is being acquired.

C. The landscaping and screening plan shall include the following information:

1. Scale at 1" = 20' to 50'.
2. North reference.
3. The location and size of all utilities on the site.
4. The location of all existing and proposed parking areas.
5. The location of all existing and proposed buildings and structures.
6. The location, condition, size and quantity of all proposed landscape materials. Plant materials shall be identified by both common and botanical name.
7. The location, size and common name of all existing plant materials to be retained.
8. Plant species shall be shown on the plan by indicating their mature crown spread drawn to scale.
9. The location and common name of all 12" diameter or larger (at 4.5 feet above ground) trees which are to be removed.

7.5 Minimum Standards for Landscaping.

A. The minimum landscaping requirements for all uses, including single family, shall be two (2) trees per building lot. Said trees shall be planted on private property, not on public property, and shall be not more than forty (40) feet apart and shall be located in the front or side yard. Said trees shall be a

minimum of 1 to 1-1/2 inches in diameter. The minimum landscaping requirements for all uses excluding single family and duplex developments, as allowed in permitted areas with a conditional use permit, shall be one (1) tree and two (2) shrubs per 5,000 square feet of total lot area.

B. All portions of all the sites including all landscaping strips, parkways, and screening areas dedicated to the public not covered with paving or buildings shall be landscaped. Open areas not covered with other materials shall be covered with turf or ground cover. Ground cover shall be utilized on all slopes in excess of twenty-five percent (25%).

C. Landscaping of parking lot interiors, exclusive of automobile storage and sales lots, shall be required for lots, which are more than one aisle in width in all zoning districts. This requirement shall only apply to new construction. The trees and shrubs used to meet the requirements of Paragraph A.1 above may not be counted toward this requirement.

1. The minimum requirement for parking lot interior landscaping shall be as follows: No less than two and one-half percent (2-1/2%) of the total parking lot square footage shall be landscaped. The number of trees used in the parking lot interior shall be not less than one (1) for each two hundred (200) square feet, or portions thereof, of required parking lot interior landscaping.

2. Interior landscaped areas shall be situated within the lot so as to be surrounded by parking lot pavement on at least three (3) sides.

3. Each landscaped area shall contain at least one (1) tree which is adaptable to the environment of parking areas and the remaining areas shall be landscaped using shrubs, ground cover and other suitable landscape material.

4. Each landscaped area shall be separated from the pavement material by concrete curbing or by an integral concrete sidewalk and curb.

7.6 Minimum Standards for Screening.

A. For all buildings except single family and two family dwellings, as allowed in permitted areas with a conditional use permit, all exterior trash storage containers shall be screened so that they are not visible from off the property. A permanent masonry or frame enclosure shall be provided for dumpsters and exterior trash storage containers. A detailed drawing of enclosure and screening methods to be used in connection with trash bins on the property shall be included on the landscape plan.

B. For all buildings, except residential structures, in Districts CN and CH, including planned overlay districts, a solid screen fence or wall shall be provided, not less than six feet (6') in height, along all sides and rear property

lines which are common to property zoned or used for residential purposes, except that such screening shall not extend in front of the building line or adjacent dwellings and shall not be required where such screening exists on the abutting residential property.

7.7 Plant Materials.

A. The following are the minimum plant sizes and conditions to be used in satisfying the requirements of this ordinance.

NEW PLANT MATERIALS

small ornamental trees	6' - 8'	B & B (1)
shade trees	1" — 1-1/2"	Caliper, B & B
evergreen trees	4' - 5'	B & B
medium to large shrubs	18" - 24"	B & B
dwarf to small shrubs	12" - 18"	B & B
ground cover	2 - 1/2"	P.P. (2)

(1) B & B = balled and burlapped; container grown stock may be used where appropriate

(2) P.P. = peat pot.

* small trees	15' - 30' ultimate height
medium trees	30' - 70' ultimate height
large trees	over 70' ultimate height
dwarf shrubs	less than 4' ultimate height
small shrubs	4' - 6' ultimate height
medium shrubs	7' - 10' ultimate height
large shrubs	over 10' ultimate height

B. The American Standard for Nursery Stock, published by the American Association for Nurserymen, is hereby incorporated by reference for the determination of plant standards.

C. Existing trees which are to be retained to satisfy the requirements of this ordinance shall meet the following standards:

1. For shade trees, the diameter 4.5 feet above ground shall be at least two (2) inches.
2. For ornamental trees, the height shall be at least eight (8) feet.
3. For evergreen trees, the height shall be at least six (6) feet.
4. Trees shall be free from mechanical injuries, insect infestations and disease.
5. Trees shall be protected from injury to roots, trunks and branches during grading and construction. Protective fencing, tree wells, and/or retaining walls shall be utilized where necessary to insure tree vigor upon completion of construction.

7.8 Approval of Plans. In situations where the contractor or owner feels that he is unable to comply with these requirements, the Planning and Zoning Commission shall determine if the proposed landscaping and screening plans are adequate.

7.9 Installation of Materials. Landscaping, as required by the provisions of this ordinance, shall be installed by the end of the first planting season following occupancy. For the purposes of this ordinance, there shall be two (2) planting seasons, which are from February 15 through May 31, and September 15 through November 30.

7.10 Maintenance.

A. The owner, tenant and their agent, if any, shall be jointly responsible for the maintenance of the landscaping and/or screening which shall be maintained in good condition. The plant materials shall be kept in a healthy, neat and orderly condition and shall be kept free from refuse and debris. Plants which are not in sound growing condition or are dead shall be removed and replaced with a plant of the same species, variety or cultivar.

B. Other landscape materials shall be maintained in proper repair and shall be kept clear of refuse and debris.

7.11 Obstruction of Sight Distance at Intersections.

A. Landscaping and/or screening materials shall not interfere with the line of sight between 2 1/2 feet and 8 feet above the curb within twenty-five (25) feet of the point of intersection of pavement in the following instances.

1. A vehicular access way or driveway and a street.
2. A vehicular access way or driveway and a sidewalk.
3. Two or more vehicular access ways or driveways.

7.12 Prohibited Plant Species. The following plants shall not be used to satisfy the requirements for new plant materials which are contained in this ordinance.

American Elm, Ulmus americana
Bolleana Poplar, Populus alba 'Pyramdalis'
Boxelder Maple, Acer negundo
Catalpa, Catalpa species
Cottonwood, Populus deltoides
Ginkgo, female only, Ginkgo biloba
Honeylocust, except thornless varieties, Gleditsia triancanthos
Lombardy Poplar, Populus nigra 'Italica'
Mimosa, Albexia julibrissin
Osage-Orange, except thornless and seedless varieties, Malcura pomifera
Red Mulberry, female only, Morus rubra
Siberian Elm, Ulmus pumila
Silver Maple, Acer saccharinum
Silver Poplar, Populus alba 'nivea'
Tree of Heaven, Alanthus altissima

SECTION 8 - OFF-STREET PARKING AND LOADING REGULATIONS.

8.1 Parking.

A. General Statement.

1. The purpose of this Section is to provide minimum standards for off-street parking and loading in order to lessen congestion in the streets; to insure adequate access and parking facilities for users of buildings; and to safeguard life, health, property and public welfare.
2. For all buildings or structures hereafter constructed, reconstructed, or expanded, off-street parking in the form of garages or areas made available exclusively for that purpose shall be provided. Such parking area shall be located entirely on private property, except the necessary drives may cross the right-of-way to connect the roadway with the parking area.
3. This issuance of a building permit shall require compliance with the parking area requirements as herein provided.
4. Dust proofing of parking areas (as required herein) shall apply upon the issuance of a building permit.

B. Schedule of Off-Street Parking.

1. Minimum number required: Off-street parking shall be provided in the amount specified below for the following uses. In the case of a use which is not specifically mentioned, the off-street parking requirements for a similar use shall apply. Similarity shall be determined by the Zoning Administrator. These requirements shall apply to each type of use regardless of the zoning district.

	USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH
1)	RESIDENTIAL		
	a) Single-Family Residences	2	Dwelling Unit
	b) Duplexes	2	Dwelling Unit
	c) Multi-Family Residences		
	Efficiency or Studio	1	Dwelling Unit
	1-2 Bedroom	1.5	Dwelling Unit
	3 or more bedroom	2	Dwelling Unit
	d) Hotels & Motels	1 Plus number required for restaurant, if any.	Room
	e) Fraternity & Sorority Houses	.5	Member
	f) Dormitories	.5	Resident
2)	COMMERCIAL		
	a) Banks	5	1,000 sf of gfa
	b) Offices	5.5	1,000 sf of gfa
	c) Offices - Medical & Dental	1	Employee,
		4	Doctor
	d) Restaurant	1	3 Seats
	e) Bowling Alley	5	Lane
		Plus number required for restaurant, if any.	
	f) Personal Services	5	1,000 sf of gfa
	g) Retail Stores	5	1,000 sf of gfa

	h) Service Stations, Gas Stations, Auto Repair Shop or Garage	5	1,000 sf of gfa with a min. reqd of 4 spaces regardless of size of building
3)	INDUSTRIAL - INCLUDING STORAGE, WHOLESALE AND MANUFACTURING		
	a) Brick or lumber yard or similar area	1	Employee, plus reqd for Retail & Office space
	b) Open storage of sand, gravel & petroleum	1	Employee, plus reqd for Retail & Office space
	c) Warehouse & enclosed storage – private	1	Employee
	d) Warehouse & enclosed commercial	1	Employee, plus storage - 3,000 sf of gfa
	e) Manufacturing operations - single shift	1	Employee, plus reqd for Retail & Office space
	f) Manufacturing operations - Multi-shift	1	Employee on largest shift plus Employee second shift reqd for Retail and/or Office space
4)	INSTITUTIONAL AND OTHER		
	a) Hospitals	1	2 beds, plus Employee
	b) Nursing Homes	1	4 beds, plus Employee
	c) Auditoriums, churches, theatres, stadiums, and other places of assembly	1	4 seats
	d) Colleges	1	2 Students, plus dorm requirement, if any
	e) Senior High Schools	1	Employee, plus 4 Students
	f) Elementary & Jr. High Schools	1	Employee, plus Classroom

	g) Day Care Facilities	1	8 Children, plus 1 Employee
* Note: Abbreviations are as follows: sf - square feet, gfa - gross floor area			

2. Method of computation:

a. Gross floor area (gfa) shall be determined by using the outside dimensions of the building for each floor. The only space which may be excluded is basement storage area.

b. Employees shall include all persons working or serving at a place of business, including the owner, manager, doctors, nurses, technicians, teachers, kitchen workers, and all other employees.

c. The number of employees shall be based upon the total number of employees on duty at any one time, when the maximum functional use of the building or land is being made.

d. A multi-shift operation shall include businesses which have more than one group of employees who are on duty for different periods of time.

e. Where more than one type of use is located either in the same building or in separate buildings in close proximity, such that a single parking area will be serving those uses, the number of parking spaces provided shall be not less than the sum of the separate requirements for each use.

f. When determination of the number of off-street parking spaces required by the formulas result in the requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

C. Joint Use of Parking Facilities. Where more than one type of use is located either in the same building, or in separate buildings in close proximity, joint use of the same parking facilities will be allowed as follows:

1. Uses normally open or operated during daytime hours, including retail stores, personal service establishments (such as beauty shops and barber shops), and business service establishments (such as banks and offices) may share parking facilities with the following uses:

a. Churches which have activities only on weekends or evenings may share such parking facilities to the extent of 100% of the parking spaces required.

b. Uses normally open or operated during evening or weekend hours, such as theaters, bowling alleys, dance halls, other places of amusement, and restaurants, may share such parking facilities to the extent of 50% of the parking spaces required.

2. A written agreement for the joint use of the off-street parking facilities shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney, and filed with the application for a building permit.

D. Dimensions of Parking Area.

1. Size of stalls. A required off-street parking space shall be a rectangle which is a minimum of 9 feet wide by 19 feet deep, placed at the prescribed angle so that it lies between the curb and the aisle. Except that stalls fronting on curbs with grass adjacent, may be reduced to 18 feet.

2. Aisle width. Aisles shall provide access to parking spaces and shall provide the necessary space for maneuvering into and out of each space. They may serve either double or single bays of parking. The width of aisles providing access and maneuvering space shall be as follows:

	<u>Parking Angle</u>	<u>Stalls Services by Aisle</u>	<u>Traffic Flow</u>	<u>Aisle Width</u>
1)	90°	One Side	One or Two Way	24 ft.
2)	90°	Both Sides	Two Way	24 ft.
3)	45°	One Side	One Way	16 ft.
4)	60°	One Side	One Way	16 ft.
5)	45°	Both Sides	One Way	16 ft.
6)	60°	Both Sides	One Way	20 ft.
7)	45°	Both Sides	Two Way	20 ft.
8)	60°	Both Sides	Two Way	20 ft.

3. Ingress and egress. Ingress and egress shall be by means of paved driveways not exceeding thirty-five (35) feet in width at points of connection with public streets. The minimum width of driveways for ingress and egress shall be the same as those specified above for aisles. Driveway width, for the purpose of this section, shall include only the pavement and not the curbs and gutters. The distance of a parking area entrance drive from the intersection of two streets, and the distance

between curb cuts, shall be based on the following street design standards. All measurements shall be taken from the right-of-way lines.

	Primary <u>Arterial</u>	Secondary <u>Arterial</u>	<u>Collector</u>	<u>Local</u>
Intersection ROW to Curb Cut	150'	150'	100'	20'
Between Curb Cut	200'	200'	50'	20'

E. Improvement of Parking Area.

1. **Surfacing and Curbing.** All off-street parking areas and all access drives shall be improved with a permanent dust-free surface consisting of a minimum of a 6" rolled stone base overlaid with a 1-1/2" asphalt surface, or a 4" asphalt base overlaid with a 1-1/2" asphalt surface, or a minimum of 4" of concrete.

2. All new construction in Districts RR thru CN platted after June 1, 2003 shall have concrete drives and parking, provided that driveways more than one hundred fifty feet (150') in length may use a minimum of 4" of asphalt, as long as the first ten feet of the driveway approach at roadway is concrete and with at least a twenty foot (20') long concrete pad in front of the garage doors.

3. All off-street parking areas and all access drives in commercial zoning districts shall have a boundary constructed of concrete curbing or an integral concrete sidewalk and curb with a vertical face.

4. **Maintenance.** Off-street parking areas shall be maintained in proper repair with a dust-free surface.

5. **Drainage Facilities.** For any use which will require a parking area to be newly constructed, added to, or altered in such a way as to affect drainage either on or off the site, as determined by the City, storm water drainage plans, including grading plans, shall be submitted to and approved by the City, prior to the issuance of a building permit.

6. **Permit Required.** No person, firm, or corporation shall initiate construction of a new parking lot, or expansion of an existing parking lot, without first obtaining a permit for such development from the City. Application for a permit shall be made upon the form provided and shall be accompanied by such information, plans and specifications as may be required. A permit shall not be required for resurfacing an existing parking area; and a permit shall not be required for customary driveways for single-family and duplex residential, as allowed in permitted areas with a conditional use permit, dwellings.

7. Time Limit. All required off-street parking areas shall be ready for use, including the above surfacing requirement, before the issuance of an occupancy permit. An extension of time will be granted due to adverse weather conditions.

F. Setback Requirements.

1. Off-street parking for single-family and duplex residential, as allowed in permitted areas with a conditional use permit, uses shall have no setback requirements.

2. Off-street parking for all other uses, including multi-family residential, commercial, industrial, and institutional uses, shall have a setback requirement of 10 feet (10') from the front property line. A ten-foot side and rear setback shall be maintained for these uses if the lot abuts areas zoned for agricultural, or zoned or used for residential purposes.

3. The area between the property line and the parking setback line shall be used for landscaping and/or screening as required in Section 7.

G. Location of Parking Areas. Off-street automobile parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that the parking area is required to serve.

1. For one and two-family dwellings - on the same lot as the building they are required to serve.

2. For three and four-family dwellings - on the same lot or parcel of land as the building they are required to serve. For the purpose of this requirement, a group of such uses constructed and maintained under single ownership or management that are contiguous shall be assumed to be on single lot or parcel of land.

3. For apartment houses containing four (4) or more dwelling units - on the same lot or parcel of land as the building they are required to serve, or on a separate lot or parcel of land not more than three hundred (300) feet from the nearest entrance to the main building being served, provided the lot or parcel of land selected for the parking facilities is located in an apartment district or a less restricted district.

4. For churches, hospitals, sanitariums, homes for the aged, convalescent homes, and other similar uses - the off-street parking facilities required shall be on the same lot or parcel of land as the main building or buildings being served or upon properties contiguous to that lot or parcel.

5. For uses other than those specified above, including commercial and industrial - off-street parking facilities shall be provided on the same lot or parcel of land as the main building being served, or on a separate lot or parcel of land not more than five hundred (500) feet from any entrance to the main building, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district.

H. Screening of Parking Areas. See Section 7.

I. Lighting of Parking Areas. Any lights used to illuminate the parking area shall be arranged, located or screened to direct light away from any adjoining residential use.

J. Additional Parking Regulations.

1. Head-In Parking. Head-in parking from any public right-of-way, which would allow traffic to back out directly into the public right-of-way, shall not be permitted. This paragraph shall not apply to single-family and duplex residential use.

2. Off-street parking, not required under this section, but voluntarily provided, shall comply with all the requirements with regard to location and construction.

3. Required spaces shall not be used for storage and shall be kept available for their parking function.

4. No trucks, tractors or trailers, excluding recreational vehicles, in excess of one (1) ton capacity shall be parked in a residential zone, except for deliveries.

5. Inoperative vehicles may not be stored or repaired (other than in enclosed garages) on the premises.

8.2 Loading. Any commercial business or industrial building, institution hereafter constructed, reconstructed, or expanded, in any district, shall provide adequate off-street facilities for the loading and unloading of merchandise and goods within or adjacent to the building, in such a manner as not to obstruct freedom of traffic movement on the public streets or alleys.

8.3 Accessible Parking Spaces requirements. When parking lots or parking garage facilities are provided, the number of accessible parking spaces shall be provided in accordance with Table 8-1 and the following provisions.

A. Location. Accessible parking spaces shall be located on the shortest possible accessible route of travel to an accessible building entrance. In facilities with multiple accessible building entrances with adjacent parking,

accessible parking spaces shall be dispersed and located near the accessible entrances. When practical, the accessible route of travel shall not cross lanes for vehicular traffic. When crossing vehicle traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.

B. Design and Construction. When accessible parking spaces are required by this section, they shall be designed and constructed in accordance with the following dimensions:

1. A required accessible parking space shall be a rectangle which is a minimum of 12 feet 6 inches wide by 20 feet deep, placed at the prescribed angle so that it lies between the curb and the aisle, or;
2. A required accessible parking space shall be constructed to the required dimensions of this section, with an adjacent access aisle of not less than 5 feet wide.
3. Accessible parking spaces shall be located on a surface with a slope not exceeding 1 vertical in 50 horizontal.

C. Signs. Every parking space required by this section shall be identified by a sign, mounted on a pole or other structure between 3 feet and 5 feet above the parking surface, at the head of the parking space. The sign shall be at least 12" by 18".

D. Method of Computation. Accessible parking spaces shall be counted as part of the total minimum number of parking spaces required by this Section.

Table 8-1.

NUMBER OF ACCESSIBLE PARKING SPACES

Total Parking Spaces Required in Lot	Minimum Number of Accessible Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6

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201-300	7
301-400	8
401-500	9
501-1000	2% of total spaces
Over 1000	20 spaces plus 1 space for every 100 spaces, or fraction thereof, over 1000

SECTION 9 - SIGNS

9.1 Purpose.

A. The purpose of this article is to provide minimum standards to safeguard life, health, property, property values and public welfare by regulating and controlling the quality of materials, construction, installation and maintenance of signs, in addition to the number, size, sign type, and type of illumination of all on-site signs and off-site signs and sign structures located on private property.

B. The ban of all signs on utility poles, governmental signs, public rights-of-way and other public property is necessary to protect the safety of workmen who must scale utility poles, to eliminate traffic hazards, and to preserve the aesthetic appeal of the city by eliminating clutter and visual blight.

9.2 Definitions.

APPROVED COMBUSTIBLE MATERIAL: Wood, or materials not more combustible than wood, and approved combustible plastics.

APPROVED COMBUSTIBLE PLASTICS: Those plastics which, when tested in accordance with American Society for Testing Materials standard methods for test for flammability of plastics over 0.050 inch in thickness (D635-44), burn no faster than 2.5 inches per minute in sheets of 0.060 inch thickness.

ATTENTION ATTRACTING DEVICE: Any flasher, blinker, animation, banner, clock or other object designed or intended to attract the attention of the public to an establishment or to a sign.

DETACHED SIGN: Any sign not attached to a building.

ILLUMINATED SIGNS:

Semi-Illuminated Sign - Any sign which is uniformly illuminated internally over its entire area, including the area of the sign, by use of electricity or other artificial light.

Indirectly Illuminated Sign - Any sign which is partially or completely illuminated at any time by an external light source which is so shielded as to not be visible at eye level.

Fully Illuminated Sign - Any sign which is illuminated by an external or internal light source which is visible.

INCIDENTAL SIGN: A sign which guides or directs pedestrian or vehicular traffic, or a sign in conjunction with a drive-through window, which may be mounted on the ground on a building or in connection with a detached sign.

MARQUEE SIGN: Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the roof line.

MONUMENT SIGN: An identification sign which rises from the ground, and general has no clearance under it.

OFF-PREMISE SIGN: A sign, including billboards and poster panels, which directs attention to a business, commodity, service, activity or product sold, conducted or offered off the premises where such sign is located.

ON-PREMISE SIGN: A sign which directs attention to a business, commodity, service, activity or product sold, conducted or offered on the premises where such sign is located.

PORTABLE SIGN: A sign that is not permanently affixed to one location and has the capability of being moved from one site to the next.

PROJECTING SIGN: Any sign extending more than one foot from the face of the building to which it is attached, or which extends more than one foot above the roof line.

ROOF SIGN: A sign, which extends above a roof or parapet wall of a building and which is wholly or partially supported by said roof.

SIGN: Any words, letters, numerals, figures, devices, designs, or trademarks by which information is made known to the public.

SIGN AREA: The area of a sign set out in these regulations shall mean the area encompassed by the perimeter of the sign.

The area of the sign shall be computed from the area enclosed by the perimeter upon which the letters, logo, etc. are placed. Except that when individual letters, logo, etc. are mounted individually and directly upon a building surface without change in the color or appearance of the surface background, the area of the sign shall be deemed to be the rectangle or other geometric form that encompasses the letters, logo, etc.

SNIPE SIGN: Any sign of a material such as cardboard, paper, pressed wood, plastic or metal which is attached to a fence, tree, utility pole or temporary structure, or any sign which is not securely fastened to a building or firmly anchored to the ground.

SUBDIVISION AMENITY SIGN: A sign directing traffic to amenities such as clubhouse or swimming pool within the subdivision.

SUBDIVISION ENTRANCE MARKER: A detached sign identifying the subdivision, located at one or more of the subdivision entrances.

TEMPORARY SIGN: A sign of cloth or other combustible material, with or without a frame, which is usually attached to the outside of a building on a wall or store front, for a limited period of time, such as a banner, or a sign which is not permanently attached to

the ground, building or other load bearing structure, such as a portable sign, balloon, or animation.

UNDER CANOPY SIGN: A display attached to the underside of a marquee or canopy and protruding over public or private sidewalks or right-of-way.

WALL SIGN: A sign attached to or erected against an exterior wall of a building or structure, which projects not more than twelve inches (12") from a wall and presents only one face with advertising copy to the public and does not extend above the roof line.

9.3 Sign Types Permitted: Zone Restrictions.

Permitted signs in each zoning district are as follows:

A. District A

1. One unilluminated sign not larger than thirty-two (32) square feet in area and not to exceed twenty (20) feet in height, pertaining to the sale, lease or identification of the premises upon which it is located, or to the sale of products raised thereon.
2. One unilluminated sign not to exceed six (6) square feet in area which advertises an authorized home occupation. If a detached sign is used, it shall not exceed three (3) feet in height and must be set back at least ten (10) feet from the front property line and five (5) feet from side or rear property lines.
3. Not more than two (2) on-premise, unilluminated or indirectly-illuminated subdivision entrance markers per street, with a maximum sign area of thirty-two (32) square feet and a maximum sign height of four (4) feet. When a structure is used to support a sign, total area and height of the structure shall not exceed forty-eight (48) square feet and six (6) feet, respectively. The structure of a subdivision entrance marker forms the outside shape and includes any frame, border, or base that forms an integral part of the display.
4. One (1) unilluminated subdivision amenity sign shall be allowed within the subdivision; it shall not exceed six (6) square feet in area, and shall not exceed eight (8) feet in height.
5. Churches and other institutional uses may display one (1) unilluminated, semi-illuminated or indirectly-illuminated detached sign showing names, activities and services therein. The sign shall not exceed forty (40) square feet in area and shall have a setback of ten (10) feet from any property line.

B. Districts RR thru N, inclusive

Signs as permitted in A.3 thru A.5 of District A, provided that District RR may also be permitted a sign as permitted in A.2.

C. Districts CN and CH

Unless otherwise provided, signs in these districts may be unilluminated, semi-illuminated or indirectly illuminated.

1. Each business or commercial establishment shall be permitted not more than three (3) wall or marquee signs provided the total area of signs on a facade shall not exceed ten percent (10%) of the total area of that facade.

2. In lieu of one of the above wall or marquee signs, one projecting sign or under canopy sign shall be permitted.

3. In lieu of one of the above attached signs, one (1) detached sign shall be permitted for each free-standing commercial building. It shall be set back not less than five (5) feet from the front property line and shall be set back from side property lines a distance not less than the height of the sign. The maximum height of the detached sign shall be twenty-five (25) feet.

4. In lieu of one detached sign, one (1) unilluminated, semi-illuminated or indirectly illuminated roof sign shall be permitted. A roof sign shall not exceed fifteen (15) feet above the roof and in no case shall the total height of the building and sign exceed the maximum allowable height for the zoning district.

5. A shopping center designed as one unified entity and consisting of one or several buildings, either attached or freestanding, shall be permitted one (1) detached sign identifying the entire center. All other signs in the center shall consist of wall, projecting, under canopy or marquee signs. The maximum height of the shopping center detached sign shall be twenty-five (25) feet.

6. Incidental signs are subject to the approval of the Zoning Officer and shall not exceed nine (9) square feet in area.

7. Off-Premise signs. See Section 5.1.

8. Signs in excess of seventy-two (72) square feet. See Section 5.1.

9. Not more than two (2) on-premise, unilluminated or indirectly-illuminated subdivision entrance markers per street, with a maximum sign area of forty-eight (48) square feet and a maximum sign height of six (6) feet. When a structure is used to support a sign, total area and height of the structure shall not exceed seventy-two (72) square feet and nine (9)

feet, respectively. The structure of a subdivision entrance marker forms the outside shape and includes any frame, border, or base that forms an integral part of the display.

9.4 Permits and Fees.

A. Permits Required. Except as otherwise provided in this Section, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit from the City.

B. Exceptions. Permits are not required under the following circumstances:

1. Replacing or altering changeable copy on theater marquees, billboards and similar signs.
2. Painting, repairing, cleaning or maintaining of a sign shall not be considered an erection or alteration which requires a permit unless a structural change is made or the alteration and painting is being done due to a change in ownership of the business or premises.

C. Exemptions. A permit will not be required for the following listed signs. These exemptions, however, shall apply only to the requirement of the permit and shall not be construed as relieving the owner of the sign from the responsibility for its erection, maintenance and appearance.

1. Construction project signs, with a maximum size of seventy-two (72) square feet.
2. Agricultural, residential, commercial and industrial acreage or commercial and industrial structure "for sale" or "for rent" signs.
3. Residential structure for sale or for rent signs, provided that it must be removed upon completion of the project or within ten (10) days after sale or letting of the property.
4. Political signs, subject to the following restrictions:
 - a. It shall be the responsibility of the property owner who gives permission for the use of his property for such signs or the political party for the political event or political candidate to have these signs removed not later than five (5) days after the election or event and they shall not be erected earlier than ninety (90) days prior to the election or event to which they pertain.
 - b. There shall be no political signs on any public utility pole, fence post, fences, trees or sides of buildings.

5. Traffic or other municipal or informational signs, legal notice, railroad crossing signs, danger, warning and such temporary, emergency or non-advertising signs necessary for traffic control or as may be approved by the Board of Aldermen.

6. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other metal.

7. Signs inside buildings, inside windows, or painted on windows or on glass portions of doors of buildings.

8. Temporary signs for special events for public, charitable, religious or fraternal organizations, subject to the following limitations:

a. Maximum size thirty-two (32) square feet per face.

b. One (1) per street frontage.

c. To be located on premises.

d. To be placed no sooner than thirty (30) days prior to the event and removed within five (5) days following the event.

D. Application for Permit. Application for a permit shall be made to the City upon a form provided and shall be accompanied by written approval of the property owner, site plans and specifications as may be required.

E. Permit Fees. Every applicant, before being granted a permit hereunder, shall pay a fee to the City based upon the fee schedule used for building permits.

F. Inspection. As soon as a sign has been erected, the permittee shall notify the Zoning Administrator who shall inspect such sign and approve the same if it is in compliance with the provisions of this Ordinance. The Zoning Administrator may from time to time as he deems, inspect all signs or other structures regulated by this Ordinance, for the purpose of ascertaining whether they are secure or whether they are in need of removal or repair. If the sign does not comply with the provisions of this Ordinance, the Zoning Administrator shall notify the applicant in writing of such non-compliance and give the applicant ten (10) days, or less if the Zoning Administrator determines a hazardous situation exists, to comply.

G. Permit Revocable At Any Time. All rights and privileges acquired under the provisions of this Ordinance, or any amendments thereto, are mere licenses revocable at any time. Installation shall be completed within six (6) months after date of issuance of the sign permit.

9.5 Additional Regulations.

A. Maintenance. All signs, together with all their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation. The Zoning Administrator may order the removal of any sign deemed to be a dangerous structure.

B. Prohibited Signs.

1. Snipe signs are prohibited and may be removed by the Zoning Administrator.

2. It shall be unlawful for any person to display any real estate advertisements or signs which recite that real property is to be used for purposes or will be zoned for land uses in the future, when in fact such real estate is not presently zoned for such purposes.

3. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.

4. Attention attracting devices, electrical signs and illuminated signs, which are an annoyance to residential neighborhoods, or may impair night vision, or are a hazard to traffic, or interfere with or conflict with traffic signals, whether inside or outside the building, are prohibited.

5. It shall be unlawful to post or erect any sign on utility poles, governmental signs, public rights-of-way or any other public property except those placed by agencies of the federal, state or local government.

C. Engineering Design and Materials

1. Wind Pressure Resistance. All signs shall be designed and constructed to withstand wind pressure of not less than twenty-five (25) pounds per square foot.

2. Except as specifically provided elsewhere, all permanent signs, sign structures, and non-structural trim shall be constructed of approved combustible or non-combustible materials.

3. Signs along all streets and boundaries shall not interfere with line of sight within 75 feet of the point of intersection of pavement of:

- a. A vehicular access way or driveway and a street
- b. A vehicular access way or driveway and a sidewalk
- c. Two or more vehicular access ways or driveways

d. No sign which obstructs sight lines at elevations between two (2) feet and eight (8) feet above roadways shall be located at any corner lot within the triangular area formed by the right-of-way lines and a line connecting them at points seventy-five (75) feet from their point of intersection or at equivalent points on private streets.

4. Obstruction of egress, openings, ventilation. A sign shall not be erected, constructed or maintained so as to obstruct any fire escape, window, door or other opening; or so as to prevent free passage from one part of the roof to any other part thereof. A sign shall not be attached in any form, shape or manner to a fire escape, or shall not be so placed as to interfere with an opening which is required for legal ventilation.

5. Letters, figures, characters or representations in cutout or irregular form maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

6. Illuminated Signs. Illuminated signs produced in quantity (other than signs custom-built for specific locations) shall be constructed in accordance with the "Standards for Electric Signs (U.L. 48) of the Underwriters' Laboratories, Inc." and bear the label of the Underwriters' Laboratories, Inc.

7. Electrical Signs. All electrical signs, either temporary or permanent, shall be connected to permanent electrical service installed according to the requirements of the National electrical code. All wiring for newly constructed detached signs shall be underground, unless this is determined to be prohibitive by the Zoning Administrator.

8. The following type signs shall have a seal of a registered engineer or registered architect affixed to the plans: attention attracting devices, detached signs, electrical, illuminated, marquee, portable, poster panel, projecting and roof. In addition, the following standards will apply:

a. Projecting signs shall not project more than five feet, six inches (5'6") beyond the face of the building. Projecting signs shall be a minimum of ten (10) feet above the level of any sidewalk from the bottom of the sign. Any projecting sign within twenty-five (25) feet of a street or alley intersection shall be a minimum of fourteen (14) feet above the sidewalk from the bottom of the sign.

b. All projecting signs shall be rigid mounted, shall be supported by strong steel brackets attached to walls of buildings with through bolts, expansion bolts or other equally secure methods, and shall be braced and held firmly in place with soft

iron or steel cables or chains of adequate strength. All such supports shall be attached to walls of buildings with expansion bolts or equivalent method.

c. Projecting signs which are permitted to extend above parapet walls may be attached to brackets fastened to roofs by means of through bolts but shall not be attached to any part of the wall above a point of bearing of the roof joists or rafters.

d. All roof signs shall be secured by or bear upon masonry bearing walls, columns, girders or roof joists. No roof sign shall be erected in a manner which prevents or tends to prevent free passage from one part of the roof to any other part thereof. Spider webs and A-frame structural members shall be prohibited.

e. Roof signs located on flat roofs shall allow a minimum clear open space of six (6) feet from the roof to the lowest point at the bottom of the face of the sign, and there shall be a minimum space of five (5) feet between adjacent vertical supports.

f. Wall signs shall be securely fastened to a masonry wall by means of anchors, bolts, expansion screws or similar connectors. A wall sign which is attached to a wall of wood may be anchored with wood blocks used in connection with screws and nails.

g. Under-canopy signs of greater than four (4) square feet shall be rigidly mounted, and there shall be eight feet, six inches (8'6") clearance between the base of any rigidly mounted under-canopy sign and the sidewalk. There shall be a minimum clearance of seven feet, six inches (7'6") between the base of any non-rigidly mounted under-canopy sign and the sidewalk.

h. Detached signs shall be supported with a maximum of two (2) poles, uprights, or supports.

9.6 Temporary Signs. Temporary signs may be permitted for special events, new ownership, or grand openings for business or organizational use. Special events do not include sales.

A. Duration of Permits. Except as specifically otherwise provided elsewhere in this section, permits for temporary signs shall be valid for twenty (21) days from date of issuance.

B. Permits Renewable. Permits for temporary signs may be renewed a maximum of one time for a maximum of twenty (21) days, except as specifically otherwise provided elsewhere in this section.

C. Number of Permits. Except as specifically otherwise provided elsewhere in this section, only one temporary sign permit may be issued at any one time for any business, industry or shopping center. The total number of days per year which a temporary sign may be displayed at any business, industry or shopping center shall be forty-two (42) days.

D. Construction. Construction of temporary signs shall meet the same engineering design and materials standards as for permanent signs.

E. Size. Except as specifically otherwise provided elsewhere in this section, size of temporary signs shall not exceed the size of signs permitted for permanent signs of similar permitted construction and location within the same zoning district.

F. Location. Temporary signs shall be erected entirely on private property and shall not be erected in locations which would conflict with Sections 9.5.C.4 and 9.5.C.5. Except as specifically otherwise provided elsewhere in this section, all temporary signs shall be located on the premises where the good, service or event is available.

9.7 Appeals. Appeals to sections of this ordinance for interpretation of engineering or structural standards shall be to the Board of Adjustment.

SECTION 10 - NONCONFORMING SITUATIONS AND VESTED RIGHTS

10.1 Definitions. Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this Section shall have the meaning set forth in this Section when used in this Article. Words used in this Article, but not defined in this Section, may be defined in Section 2 of this UDO.

A. Cost. The cost of renovation, repair or restoration shall mean the fair-market value of the materials and services necessary to accomplish a renovation, repair or restoration. Cost shall mean the total cost of all intended work, and no person may avoid the intent of this definition by doing the intended work incrementally.

B. Effective Date of This UDO. Whenever this UDO refers to the effective date of this UDO, the reference shall include the effective date of any ordinance that amends this UDO, if the ordinance, rather than this UDO as originally adopted, creates a nonconforming situation.

C. Nonconforming Lot. A lot that was not created for purposes of evading the restrictions of this UDO, which was lawfully platted and recorded and on file in the office of the Henry County Recorder prior to the effective date of this UDO, but which does not meet the minimum area requirement of the applicable zoning district.

D. Nonconforming Use. A primary use of property existing on the effective date of this UDO that occurs when property is used for a purpose or in any manner made unlawful by the use regulations or performance and design standards applicable to the zoning district in which the property is located. The term also refers to the activity that constitutes the use made of the property. The term does not refer to accessory use of property.

E. Nonconforming Structure. A structure that was lawfully constructed prior to the effective date of this UDO, but which could not be constructed under the terms of this UDO by reason of restrictions on area, lot coverage, height, setbacks (yards), location on the lot or other requirements concerning structures.

F. Structural value. The then current cost of a structure or its replacement value, if destroyed.

10.2 General statement of intent and policy. Within the zoning districts established by this UDO or its subsequent amendment, there exist a) lots; b) structures; and c) uses of land which were lawful before this UDO was adopted or amended, but which would now be prohibited, regulated or restricted under the terms of this UDO or its subsequent amendment. Such instances shall hereafter be considered lawful nonconformities. It is the intent of this UDO to recognize the legitimate interest of owners of lawful nonconformities by allowing these lawful nonconformities to continue, subject to the provisions contained herein. At the same time, it is

recognized that lawful nonconformities may substantially and adversely affect the orderly development, maintenance, use and taxable value of other property in the same zoning district, property that is itself subject to the regulations and terms of this UDO. To secure eventual compliance with the standards of this UDO, it is necessary to regulate intensity and size of lawful nonconformities and to prohibit the re-establishment of nonconformities that have been discontinued, or monitor a change to a more intense use or expansion of a use. To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date or amendment of this UDO and upon which actual building construction has been carried on diligently. The burden shall be on the landowner to establish entitlement to continuation of nonconforming situations or on the developer to establish entitlement to complete nonconforming projects. Appeals from an administrative decision related to this Section shall be to the Board of Aldermen.

10.3 Lawful nonconformities.

A. Lots. A structure may be constructed by right on any single lawful nonconforming lot within a zoning district, provided that all other requirements of the zoning district within which the lot is located are complied with, and all appropriate permits are obtained prior to any construction activity.

B. Structures. A lawful nonconforming structure may continue to exist so long as it remains otherwise lawful, provided that no reconstruction, enlargement or alteration of the structure shall occur that will increase its nonconformity, except as provided for in Section 10.6 of this UDO.

C. Uses of land. A lawful nonconforming use of land may be continued so long as it remains otherwise lawful and provided that no enlargement, increase or extension of the lawful nonconforming use of land occurs so that a greater area of land is occupied than that which was occupied on the effective date of this UDO or any amendment thereto that makes the use non-conforming, and that no additional structures or additions to structures existing on the effective date of this UDO shall be constructed on the same lot. Further, no such lawful nonconforming use of land shall be moved or relocated in whole or in part to any other portion of the lot on which it is located, other than that portion occupied at the time of effective date of this UDO. If any lawful nonconforming use of land is not used as such for any reason for a period of more than 180 consecutive days, any subsequent use of that land shall conform to the terms of this UDO.

10.4 Change from one nonconforming use of a structure to another. A nonconforming use may be changed to a new use, provided that the new use shall be of the same general character or of a character less intensive (and thus more closely conforming) than the existing, nonconforming use. The Zoning Administrator shall make the initial determination of whether a proposed use is a conforming use or is less intense, with an appeal to the Board of

Zoning and Adjustment. A nonconforming use may not thereafter be changed back to a less conforming use than then it was changed.

10.5 Lawful nonconforming uses superseded. Anywhere a lawful nonconforming use is replaced by a permitted use and the lawful nonconforming use is no longer occurring, that lawful nonconforming use shall not thereafter be resumed.

10.6 Reconstruction of certain lawful nonconforming structures. Should any lawful nonconforming structure be damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of damage, it may only be reconstructed in conformance with the provisions of this UDO. This subsection does not apply to residential structures, which structures may be reconstructed just as they may be enlarged or replaced as provided in Section 10.8. Reconstruction of a lawful nonconformity, where permitted, must commence within one hundred eighty (180) days of destruction. In those instances where reconstruction does not commence within this limited time frame, the lawful nonconformity will be considered discontinued and the structure shall only be reconstructed as a permitted use.

10.7 Completion of nonconforming projects -- vested rights. All nonconforming projects with respect to which a permit was issued prior to the effective date of this UDO may be completed in accordance with the terms of their permits, so long as those permits were validly issued, remain unrevoked and unexpired. If a development has been approved for completion in stages, this subsection shall apply only to the phase that is under construction.

10.8 Exception for residential nonconforming use. Any structure used for residential use and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of the previously existing nonconformities.

10.9 Repair, maintenance and restoration. Minor repairs to and routine maintenance of structures and property, where nonconforming situations exist, are permitted and encouraged. Major renovation, i.e., work estimated to cost more than fifty percent (50%) of the structural value of the structure to be renovated, shall not be permitted.

10.10 Determination of structural value and replacement cost. To determine the structural value and replacement cost of a lawful nonconforming structure, the owner seeking to undertake maintenance, reconstruction or repair, or restoration of a lawful nonconforming structure must submit written estimates, which must be obtained from three (3) separate contractors, detailing the cost of the applicable improvement or repair and the cost of replacement of the entire lawful nonconforming structure. The Zoning Administrator will establish the structural value and/or replacement cost based upon the average of these estimates.

SECTION 11 - VIOLATIONS AND ENFORCEMENT

11.1 Responsibility for Enforcement. The Zoning Administrator shall primarily enforce this UDO. If any building or structure is erected, constructed, reconstructed, altered, converted, moved or maintained, or any building, structure, or land is used in violation of this Ordinance or regulations made under its authority, the City may institute any proper action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, conversion, moving, maintenance or use; to restrain, correct or abate the violation; to prevent the occupancy or use of the building, structure, or land; or to prevent any illegal act, conduct, business or use in and to the premises.

11.2 Types of Violations. Any of the following shall be a violation of this UDO and of law and shall be subject to the remedies and penalties provided in this Ordinance, the City Code or the general police powers granted by Missouri law:

A. Subdivision, Development or Use Without Permit. To engage in any subdividing, development, use, construction, remodeling or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of this UDO without all of the required permits, approvals, certificates and other forms of authorization required by this UDO in order to conduct or engage in such activity;

B. Subdivision, Development or Use Inconsistent with Permit. To engage in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity;

C. Subdivision, Development or Use Inconsistent with Conditions. To violate, by act or omission, any term, conditions or qualification placed by the Commission, Board of Aldermen or Board of Adjustment, as applicable, upon a required permit, certificate or other form of authorization granted by the Commission, Board of Aldermen or Board of Adjustment to allow the use, development, sign, or other activity upon land or improvements thereon;

D. Subdivision, Development or Use Inconsistent with Unified Development Ordinance. By erecting, constructing, reconstructing, remodeling, altering, maintaining, moving or using any building, structure or sign or by using any land in violation or contravention of any zoning, subdivision, sign or general regulation of this UDO, or any amendment thereof;

E. Making Lots or Setbacks Nonconforming. By reducing or diminishing any lot area so that the setbacks or open spaces shall be smaller than prescribed by this UDO and the Final Plat;

F. Increasing Intensity of Use. By increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive requirements of this UDO;

G. Continuing Violations. By continuing any of the violations of this section, each day that a violation continues shall be considered a separate offense.

H. Removing, Defacing or Obscuring Notice. By removing, defacing, obscuring or otherwise interfering with any notice required by this UDO.

11.3 Remedies and Enforcement Powers. The City shall have the following remedies and enforcement powers:

A. Withhold Permits. The City may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon that there is an uncorrected violation of a provision of this UDO or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. Instead of withholding or denying an authorization, the City may grant such authorization subject to the condition that the violation be corrected. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

B. Revoke Permits. Any permit may be revoked when the Zoning Administrator determines:

1. That there is departure from the plans, specifications or conditions as required under terms of the permit;
2. That the same was procured by false representation or was issued by mistake; or
3. That any of the provisions of this UDO are being violated.

Such revocation may also include certificates to occupy or conduct business. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor or upon any person employed on the building or structure that such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed. As soon as is practically reasonable, Zoning Administrator shall hold a hearing with the permit holder or other adversely affected person.

C. Stop Work. With or without revoking permits, the City may stop work on any building or structure on any land that there is an uncorrected violation of a provision of this Unified Development Ordinance or of a permit of other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

D. Revoke Plan or Other Approval. Where a violation of this UDO involves a failure to comply with approved plans or conditions that the approval of such plans was made subject, the Board of Aldermen may, upon notice to the applicant and other known parties in interest (including any holder of building permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance, the provision of security of such other conditions as the Board of Aldermen may reasonably impose.

E. Injunctive Relief. The City may seek an injunction or other equitable relief in court to stop any violation of this UDO or of a permit, certificate or other form of authorization granted hereunder.

F. Abatement. The City may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition that they existed prior to the violation.

G. Other Remedies. The City shall have such other remedies as are and as may be from time to time provided by Missouri law and the City code for the violation of zoning, subdivision, sign or related UDO provisions. The remedies and enforcement powers established in this Section shall be cumulative.

11.4 Enforcement Procedures.

A. Non-Emergency Matters. In the case of violations of this Unified Development Ordinance that do not constitute an emergency or require immediate attention, the Zoning Administrator shall give notice of the nature of the violation to the property owners or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereinafter stated, after the persons receiving notice shall have ten days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States Mail or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. Emergency Matters. In the case of violations of this UDO that constitute an emergency situation as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the City may use the enforcement powers available under this Section without prior notice, but the Zoning Administrator shall attempt to give notice simultaneously with beginning enforcement action to the property owner, to any other person who is party to the agreement and to applicants for any relevant permit.

11.5 Violations of Prior Regulations. All violations under the previous regulations that exist within the City as of the effective date of this Unified Development Ordinance, shall continue to be violations and shall not be considered to be legal, nonconforming situations under this UDO. The City shall have the authority to secure remedies for violations of those regulations to the same extent that it may secure similar remedies for violations of this UDO.

11.6 Penalty for violations and civil remedies.

A. Civil citations. If the Zoning Administrator determines that a violation of this Ordinance or regulations made under its authority has occurred, the Zoning Administrator may issue the violator a civil citation, which shall be proceeded upon in accordance with the provisions herein. The civil citation shall be issued to the violator by the Zoning Administrator upon a uniform municipal infraction form provided by the clerk of the municipal court, which shall include a notice or summons to answer the charges against him within the time specified on the form for hearing before the municipal court. Upon issuance of a civil citation, the Zoning Administrator shall provide a copy of the notice or summons to the clerk of the municipal court.

B. Plea and fines. Any person issued a civil citation for a violation of this Ordinance or regulations made under its authority, for which payment of a fine may be made to the municipal court, shall have the option of paying the fine in the sum and within the time specified in the civil citation upon entering a plea of guilty and upon waiving an appearance in court. It shall be the duty of the municipal court to accept payment of a fine. The payment of a fine to the municipal court shall be deemed an acknowledgment of conviction of the alleged offense and the court, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment. Any person issued a civil citation may, in the alternative, enter a plea of not guilty, and upon the entry of a plea of not guilty, shall be entitled to a trial as authorized by law.

C. Fines for violations. Violations of any provision of this Ordinance are hereby declared to be public offenses and, pursuant to the authority of RSMo. 89.120, misdemeanors. The owner or general agent of a building or premises where a violation of any provision of the regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where a violation has been committed or exists, or the owner, general agent, lessee or tenant of any part of the building or premises in which a violation has been committed or exists, or the general agent, architect, builder, contractor or any other person who commits, takes part in or assists in any violation or who maintains any building or premises in which any violation exists shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00) for each and every day that such violation continues, or by imprisonment for ten (10) days for each and every day the violation continues or by both the fine and imprisonment, in the discretion of the court.

D. Civil lawsuits. The City shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this Ordinance and to abate nuisances maintained in violation thereof. In the event that any building or structure is or is proposed to be erected, constructed, altered, converted, moved or maintained in violation of this Ordinance, or any building, structure or land is proposed to be used in violation of this Ordinance, the City Attorney, or other appropriate authority of the City may, in addition to any other remedies, institute injunction, mandamus or any other appropriate actions or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, moving, maintenance or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises.