

City of Flint Hill

Planning and Zoning Manual

(complete with amendments)

**Last amended per
Ordinance No. 2011-16
Amending Appendix A
Ordinance No. 2011-15
Downtown Special District
updated-February 2012**

**ZONING ORDINANCE
CITY OF FLINT HILL
STATE OF MISSOURI**

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ZONING ORDINANCE
CITY OF FLINT HILL, MISSOURI
STATE OF MISSOURI

ARTICLE 1

TITLE, PURPOSE, AND LEGAL CLAUSES

- 1.01 **TITLE:** This Ordinance shall be known and may be cited hereinafter as the "Zoning Ordinance of the City of Flint Hill".
- 1.02 **REPEAL OF PREVIOUS ORDINANCE:** The City of Flint Hill Zoning Ordinance and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.
- 1.03 **PURPOSE:** The purpose of this ordinance is to regulate and control the zoning of land and consequent use of said land within the City of Flint Hill in order to promote public safety, health, and general welfare of the citizens. These regulations are specifically designed to:
- A. Protect the character and stability of residential, recreation, commercial, industrial, and open space areas within the City of Flint Hill and promote their orderly and beneficial development;
 - B. Provide privacy and convenience of access to property;
 - C. Regulate the intensity of land use and establish open areas surrounding buildings and structures necessary to provide adequate light and ventilation and to protect public safety and health;
 - D. Regulate and limit the height of buildings and structures;
 - E. Lessen and avoid congestion on public streets by providing off-street parking and loading;
 - F. Regulate and limit the density of population based on the City's ability to provide for water, sewerage, schools, parks, and other essential public services;
 - G. Divide the City into zoning districts and establish, by reference to a map, the boundaries of said districts;

- H. Fix reasonable standards to which land, buildings, structures, and their uses must conform;
- I. Prohibit uses, buildings, or structures which are incompatible with the character of development or uses, buildings, or structures permitted within specified zoning districts;
- J. Prevent illegal additions or alterations of existing buildings or structures;
- K. Protect against fire, explosion, noxious fumes and odor, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of public health, safety, and general welfare;
- L. Prevent overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- M. Preserve and enhance the taxable value of land, buildings, and structures throughout the City;
- N. Provide for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses;
- O. Designate and define the powers and duties of the official(s) administering and enforcing this Ordinance; and
- P. Provide penalties for the violation of this Ordinance.

1.04 VALIDITY AND SEVERABILITY CLAUSE: If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

1.05 COMPLIANCE WITH THE REGULATIONS: The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building shall be erected, converted, placed, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose and in the manner permitted in the district in which the building or land is located.
- B. No land required for yards, open spaces or off street parking or loading spaces about an existing building or any building hereafter erected or structurally altered shall be considered as required yard of lot area for more than one building.
- C. Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one main building on one lot except as otherwise provided in this Ordinance.

- D. No building may hereafter be erected or structurally altered to the extent specifically provided in this ordinance except as otherwise provided in this Ordinance.
- E. The provisions of these regulations shall be considered the minimum requirements for the promotion of the public health, safety, morals, comfort and welfare. Where provisions of the regulations of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of the regulations of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.
- F. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

1.06 **EFFECTIVE DATE:** This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

Abut (Abuts, Abutting or Abutted): To have a common zoning district boundary or lot boundary. For the purposes of this Ordinance, a lot line shall be considered to abut a zoning district line even though it may be separated therefrom by a street, parkway, sidewalk, public way, alley, waterway, railroad right of-way or portion thereof. "Adjacent," "adjoining," and "contiguous" shall have the same meaning as "abutting."

Accessory Building or Structure: A subordinate building or structure having a use customarily incident to and located on the lot occupied by the main building. 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.

Accessory Use: A use customarily incidental and subordinate to, and located on the same lot as the principal use.

Acupuncture: The practice of inserting fine needles through the skin at specific points to cure disease or relieve pain.

Acupuncturist: A person who practices acupuncture.

Adult Oriented Business: Any business which offers its patrons goods of which a substantial portion are adult oriented materials. Any business where more than fifteen percent (15%) of display space is used for adult oriented materials shall be presumed to be an adult business.

Adult Oriented Materials: Any device or any other items intended to provide sexual stimulation or sexual gratification to the customer including, but not limited to, any book, magazine, newspaper or other printed or written matter, picture, drawing, photograph, motion picture film, video, pictorial representation, statue, figure, or other three-dimensional object, recording, transcription or anything which is or may be used as a means of communication that depicts, describes or portrays human sexual intercourse, sodomy, bestiality, oral copulation, masturbation, urinary and defecatory functions, sadism, masochism, sadomasochistic abuse, exhibition of the genitals or any touching of the genitals, pubic areas or buttocks of the human male or female, whether alone or between members of the same or opposite sex, or between humans and animals, in an act of apparent sexual stimulation or gratification.

Agricultural: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of sales yards and auction yards for cattle or hogs shall be deemed an industrial and not an agricultural use.

Aircraft: Any device now known or hereafter invented, used or designed for navigation of, or flight through, the air.

Airport: An area, either at ground level or elevated on a structure, licensed by the Federal Government or appropriate State agency and approved for the loading, landing and takeoff of aircraft and including auxiliary facilities, waiting room, fueling and maintenance.

Alcoholic Beverage: Any intoxicating liquor as defined by Section 311.020, RSMo.

Alley: A minor public or private right-of-way shown on a plat, providing secondary vehicular access to the rear or side of a lot, block, or parcel of land otherwise abutting a street, and which may be used for public utility purposes.

Alteration: Any addition, removal, extension, or change in the location of any exterior wall, structural part or exit facilities of a main building or accessory building; any change in use from one zoning classification to another; or any moving of a building from one site to another.

Amusement Park: A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, restaurants and souvenir sales.

Animal Clinic/Hospital: An establishment where animals are admitted principally for examination and treatment by a doctor of veterinary medicine, with boarding facilities limited to that necessary for the treatment of the sick animal and not including open kennels or runs.

Animal Control Center: A public or private facility to hold, contain and care for stray or abandoned animals until an animal is adopted or returned to its owners.

Animal Husbandry: The non-profit maintenance of one (1) horse per acre, four (4) cattle per acre, two (2) goats per acre, twenty-four (24) poultry and/or cats, dogs, rabbits, chinchillas, guinea pigs or pigeons in excess of the amount permitted as household pets, with the slaughter of such animals as poultry, rabbits or beef cattle permitted only for consumption by the resident family, with animals other than household pets not kept within a dwelling or within twenty (20) feet of a dwelling on the same lot or within sixty (60) feet of any property line, and with housing and caging of animals adequate and sanitary and subject to all State health requirements for health and sanitation and with all animal food except hay and straw stored in rodent-proof containers.

Apartment: A room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

Apartment House: A multi-family apartment building of four (4) or more stories in height served by one (1) or more elevators. Typical apartment houses are designed with an internal single or double loaded corridor which opens to a number of apartment flats. Apartment houses, because of their height, are usually constructed with steel frame or reinforced concrete. Typical apartment houses of four (4) stories in height have a project density of twenty (20) to twenty-four (24) apartment units per gross acre.

Apartment Hotel: An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Arcade: A place in which games including, but not limited to, pinball machines and similar coin-operated machines, electronic video games, table games, billiard tables, skating, and bowling are made available for use by the general public.

Area Project:

1. Gross project area: Total project area.
2. Net project area: Total project area less land allocated to public street right-of-way, private streets, parking areas and any land allocated to specified non-project uses such as schools and churches when determining the "net residential project area" to be used as a basis for calculating the number of permitted dwelling units for a Planned Unit Development.

Art Display, Outdoor: A temporary collection of art displayed and/or offered for purchase in an outdoor setting.

Art Gallery: A room or series of rooms where works of art are exhibited and/or offered for purchase.

As-Built Plans: Construction plans revised to show a facility or structure as actually constructed and as it appears on the tract of land involved.

Athletic Fields, Private: A wide stretch of open land used for outdoor games such as baseball, football and soccer owned, operated and maintained in common by a residential development or other private party.

Athletic Fields, Public: A wide stretch of open land used for outdoor games such as baseball, football and soccer owned, operated and maintained by City, County or State Government.

Automobile: (See: definition of *MOTOR VEHICLE*).

Bakery: A place for baking and selling baked goods.

Bank: An office building or portion thereof which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up units on the same premises.

Bar: An establishment which serves liquor by the drink and/or meals on the premises and which derives over fifty percent (50%) of its gross revenue from the sale of alcoholic beverages.

Basement: That portion of a building which is completely below ground or which is partly above and partly below ground, but having more than one-half (1/2) of its height below grade.

Bed and Breakfast Inn: A dwelling unit wherein overnight lodging and a morning meal are provided for travelers for compensation, where three (3) or more guest rooms are provided.

Beverage Bottling Works: Commercial bottling service with no on-site food or drink service open to the public.

Big Box Store: (See: Superstore).

Block: An area of land within a subdivision that is entirely bounded by streets, highways, or right-of-way, except alleys, or between streets, highways, streams, parks, etc., or any other barrier, or combination thereof.

Board of Aldermen: The officially elected Board of Aldermen of the City of Flint Hill; the term may be abbreviated in this Ordinance as the "Board".

Boarding House, Rooming House or Lodging House: A building other than a hotel, occupied as a single housekeeping unit, where lodging, meals, or both lodging and meals are provided for four (4) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Boat: A vessel for traveling on water.

Buffer Strip: See "Greenbelt"

Building Coverage: The proportion of the lot area, expressed as a percent that is covered by the maximum horizontal cross-section of a building or buildings.

Building: Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels) nor any movable device, such as furniture, machinery, or equipment.

Building Height: The vertical distance from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof of a building or highest point of any permanent part of a structure other than a building.

Building Line or Setback Line: A line parallel to a street right-of-way line, edge of a stream or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such building line and right-of-way, streambank, or other property line.

Bulk: The term used to indicate the size and setback of a building or structure and the location of same with respect to another building or structure or to a lot line and includes the following: size and height of a building or structure; location or exterior walls of a building in relation to lot lines, streets, or other buildings; the floor area of a building in relation to the area of the lot on

which it is located; the open space allocated to a surrounding building; and the amount of lot area per dwelling unit.

Bus: A large motor vehicle designed to carry passengers usually along a fixed route according to a schedule.

Bus Depot: A building used for the reception and forwarding of bus passengers.

Campground: An area of land, including supporting sanitary and other facilities, for the overnight or temporary parking of recreational vehicles, pitching of tents, and other modes of camping.

Catering: An establishment engaged in the preparation of food and beverages for consumption at another location.

Cemetery: A place for burial of the dead, including crematory facilities as an accessory use.

Chiropractor: One who employs manipulation and specific adjustment of body structures to treat diseases or relieve pain.

Church: A building used principally for religious worship but the word church shall not include or mean an undertakers chapel, or funeral building, a religious educational institution or parochial school or day care center.

City: The City of Flint Hill, Missouri.

City Engineer: The officially appointed Engineer of the City of Flint Hill.

Clinic, Outpatient: An outpatient establishment where patients are not lodged overnight but are admitted for examination and treatment by one (1) or more physicians, dentists or medical professionals including chiropractors, psychologists or social workers.

Club or Lodge: A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

College or University: An institution of higher education offering undergraduate or graduate degrees.

Commission: The Planning and Zoning Commission for the City of Flint Hill, Missouri.

Comprehensive Development: A residential subdivision, a commercial or industrial park, or a Planned Unit Development as defined in the ARTICLE 17 of this Ordinance.

Comprehensive Plan: The City Plan adopted by the Commission pursuant to Chapter 89, RSMo.

Conditional Use: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses, if specific provisions for such zoning districts as conditional uses are made in this ordinance.

Condominium: The same as is defined by Section 448.1-103, RSMo.

Construction Plans: The engineering drawings showing types of materials and construction details for physical structures and facilities, excluding dwelling units to be installed in conjunction with development of a subdivision.

Contractor and Trade Shop: Shop with storage of materials and goods for eventual sale or installation off site for the use of contractor or tradesman such as upholsterer, plumber or electrician.

Convent/Monastery: A local community or house of a religious order or congregation.

Cul-de-sac: A local street with only one (1) outlet and having an appropriate turn around at the end for the safe and convenient reversal of traffic movement.

Curb Level: The mean level of the curb in front of the lot or in case of a corner lot, along that abutting street where the mean curb level is the highest.

Dairy Products: Milk-based products such as butter and cheese.

Day Care Center: A place which provides shelter and personal care on a regular basis for six (6) or more children or adults, who are not related within the third (3rd) degree of consanguinity to the operator, for four (4) or more hours of any part of a twenty-four (24) hour day, whether such place be organized or operated for profit or not. The term "day care center" includes any child day care facility, adult day care facility, kindergarten, nurseries or any other facility that falls within the scope of the definitions set forth above, regardless of auspices.

Day Merchant: A person who sells goods or services at a roadside or movable display for a single time period not longer than twenty-four (24) hours. A day merchant is prohibited from leaving any goods, displays, or vehicles at the venue longer than the twenty-four (24) hour licensed period.

Dedication: Intentional transfer by the developer to the public of ownership of or an interest in land for a public purpose. Dedication may be effected by formal deed of conveyance, or by any other method recognized by the laws of the State of Missouri.

Density: The number of dwelling units per acre of gross land area.

Dental Services: The prevention, diagnosis, and treatment of diseases, injuries, and malformations of the teeth, jaws, and mouth.

Detention Facility; Privately Operated Jail or Honor Camp, Private Reformatory or Juvenile Detention Facility: A place of confinement for persons held in lawful custody. A place under the jurisdiction of the City for the confinement of persons awaiting trial or those convicted of minor crimes.

Developer: Any person, persons, corporation, or government agency undertaking any development as defined in the Ordinance. The term Developer includes such commonly used references as sub-divider, owner, and proprietor.

Development: Any subdivision of land as herein defined or any material change in the use or appearance of any parcel of land subject to provisions of this Ordinance, or the act of building structures and/or installing site improvements.

District: A section or sections of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Domestic Animals: Animals kept exclusively for the personal enjoyment of the occupants of a principal building and including those animals normally kept as pets such as dogs, cats, birds, guinea pigs, etc.

Dormitory: A building with many rooms providing sleeping and living accommodations for a number of usually unrelated persons; usually associated with an educational institution as an accessory use.

Drive-In Establishments: Any business so developed that its retail or service character is primarily dependent upon serving patrons who remain in their motor vehicles in a driveway or parking spaces.

Duplex: A structure on a single lot containing two (2) dwelling units, each of which share a common wall, including without limitation the wall of an attached garage or porch and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance.

Dwelling: A building or portion thereof, designed exclusively for residential occupancy, including one (1) family, two (2) family and multiple-family dwellings, boarding and lodging houses, apartment houses and townhouses, but not hotels or motels.

Dwelling Area: The area of a dwelling unit is composed of those rooms designed for and exclusively used for residential purposes, including bedrooms, kitchen, dining room, den/library, bathrooms, family and living rooms, and hallways connecting these rooms.

Dwelling, Multiple-Family: A building or portion thereof, arranged, intended or designed for occupancy by three (3) or more families on a rental or ownership basis and commonly referred to as a triplex, four-plex, or apartment building.

Dwelling, Single-Family, attached: An attached building arranged, intended, or designed for occupancy by one (1) family.

Dwelling, Single-Family, detached: A detached building arranged, intended, or designed for occupancy by one (1) family.

Dwelling, Two-Family: A building arranged, intended, or designed for or occupied exclusively by two (2) families living independently of each other.

Easement: A right or privilege to use a portion of another's property for a particular purpose.

Engineer: A professional engineer registered in and pursuant to the Laws of the State of Missouri.

Exotic Animal: Animals kept or raised for use, pleasure or profit that are wild or unusual, typically zoo type animals. Shall include, but not limited to: bears, lions, tigers, reptiles, whales, dolphins, sea lions (seals), monkeys, elephants, panthers, giraffes, and antelope. These animals can only be kept in zoning districts that allow for zoos.

Fairgrounds: Place where a fair, or other events such as demolition derbies, tractor pulls, livestock exhibitions and equestrian events, may be held.

Family: One (1) or more persons who are related by blood, marriage, or adoption, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (5) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis. Or as further defined by State Statute.

Flood Plain: That area of land adjoining the channel of a river, stream, watercourse, lake or similar body of water which will be inundated by a flood which can be expected once every one hundred (100) years for that region, as defined by the U.S. Corps of Engineers and required by the National Flood Insurance Act.

Floor Area: For commercial business and industrial building or buildings, containing mixed uses; the sum of the gross horizontal areas of the several floors of the building measured from the exterior walls, but not including:

1. Attic space providing headroom of less than seven (7) feet;
2. Basement space not used for retailing;
3. Accessory water and cooling towers.

For residential buildings: the gross horizontal areas of the several floors of a dwelling exclusive of garages, basements and open porches measured from the external faces of the exterior walls.

Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street right-of-way.

Garage, Community: A building or portion thereof, other than a public or repair garage, providing storage for motor vehicles but no other services, such garage to be in lieu of private garages within a block or portion of block.

Garage, Private: An accessory building or portion of a main building used for storage of motor vehicles.

Garage, Repair: A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles and which is operated for commercial purposes.

Garage, Storage: A building or portion thereof, except those defined as a private, a repair or a community garage providing storage for motor vehicles with facilities for washing but no other services.

Garden Apartment Building: A two (2) or three (3) story multi-family apartment building usually of wood frame construction. The typical garden apartment building is designed with apartment flats which extend through the building without a central corridor. One half (1/2) of the units have ground level patios and the second-story units have balconies. In land planning the trend is toward two-story walk up buildings at low density, (typically fifteen (15) families per acre gross), with open spaces for recreational purposes and to preserve the natural terrain and trees. Frequently, a sloping site can be adapted to gain another story without necessitating more than one (1) flight of stairs.

Gasoline Station: Any premises used for the sale at retail of vehicle fuels or oils, but not including vehicle servicing, lubrication or repairs.

Green-belt or Buffer Strip: A strip of land located between incompatible land uses which is subject to private use restrictions, or a negative easement, or is dedicated to public use as open space, for the purpose of protecting the built environment of a subdivision or to enhance a street right-of-way, or both.

Greenhouse or Plant Nursery: An establishment where flowers, trees and other products that are commonly used as landscaping are grown and/or sold.

Group Home Facility for 8 or Fewer Persons: A residential facility, as defined by Section 89.020.2, RSMo., where up to eight (8) mentally, developmentally and physically disabled persons and two (2) house parents, unrelated by blood, marriage or adoption, reside as a family unit in a single-family residential dwelling, provided however, that the number of persons

residing in the home do not create overcrowded conditions and violate any ordinances herein. Meals, lodging, supervision and training are provided for the residents.

Group Home Facility for more than 8 Persons: A residential facility, as defined by Section 89.020.2, RSMo., where more than eight (8) mentally, developmentally and physically disabled persons and house parents, where there is at least one (1) house parent for every four (4) residents, unrelated by blood, marriage or adoption, reside as a family unit in a single-family residential dwelling, provided however, that the number of persons residing in the home do not create overcrowded conditions and violate any ordinances herein. Meals, lodging, supervision and training are provided for the residents.

Gymnasium: A building or portion thereof used for athletic training or sports activities, including accessory seating for spectators.

Hazardous Material or Waste: Any material or waste which:

1. Because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible illness.
2. May pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed.
3. Is required to be accompanied by a written shipping document describing the waste as "hazardous waste" or contains a reportable quantity of "hazardous substances" or radioactive material.

Heliport or Helipad: An area, either at ground level or elevated on a structure, licensed by the Federal Government or appropriate State agency and approved for the loading, landing and takeoff of helicopters and including auxiliary facilities, waiting room, fueling and maintenance.

Home Occupation: An occupation carried on entirely within a dwelling or accessory building by members of the family occupying the dwelling with no more than two (2) unrelated persons, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

Hospital: An institution providing primary health services and medical or surgical care to persons primarily suffering from illness, disease, injury, deformities and other abnormal conditions. The institution includes, as an integral part of it, related facilities such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

Hotel/Motel: A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than ten (10) sleeping rooms.

House: (See: Dwelling)

Hunting and Fishing Resort: A facility where lodging, or lodging and meals, are provided for compensation, while guests utilize the property for outdoor recreation, such as hunting and fishing.

Impound Lot: Any place where two (2) or more farm or motor vehicles or farm machinery, not in running condition, or part thereof, are stored in the open and not being restored to operation; any land, building or structure used for wrecking and storing such motor vehicles, farm machinery, or parts thereof, including the commercial salvaging of any other goods, articles or merchandise.

Institution: A building occupied by a nonprofit corporation or a nonprofit establishment.

Junk Yard: Use of land for indoor and/or outdoor storage, keeping, abandonment, sale or resale of junk including scrap metal, automobile parts, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment or for the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof. It shall also include any lot, lots or parcels thereof where two (2) or more vehicles which cannot be moved under their own power are gathered for a period longer than thirty (30) days.

Kennel: Any structure or lot where three (3) or more dogs and/or cats older than four (4) months of age and/or other animals, not including those used for agricultural purposes, are boarded, bred and/or offered for sale, not including stables.

Laundromat: A business that provides washing, drying or ironing machines and professional type cleaning and pressing equipment for hire to be used by customers on the premises.

Laundry or Dry-Cleaner: An establishment where a person drops off laundry and/or dry cleaning to be done off site.

Laundry, Service: A business providing washing, drying and ironing services operated by the employees on the premises.

Library: A publicly-operated establishment housing a collection of books, magazines, audio and video tapes and other material for borrowing and use by the public.

Livestock: Animals kept or raised for use, pleasure, or profit: typically farm animals. Shall include, but not limited to: cattle, horses, poultry, sheep, swine, deer, goats, llamas, mules, donkeys, bison, ducks, ostriches, emu, and alpaca.

Loading Space: A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, which space shall have a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

Lot: A measured portion of a parcel or a tract of land, set forth in a Recorded Plat, recorded or proposed to be recorded, and intended as a unit for transfer of ownership or for development.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot, Interior: Any lot other than a corner or through lot.

Lot, Through: A lot other than a corner lot, which has streets on two (2) opposite sides of the lot.

Lot Coverage: Lot coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three (3) feet of a roof over-hang. Roads, driveways, parking lots and swimming pools shall not be included in the maximum lot coverage requirements. The percent of lot coverage shall be computed as follows:

Percent of lot coverage = Square feet of ground coverage of all principal and accessory buildings divided by Total square feet of lot area.

Lot Lines: The lines bounding a lot as defined herein.

Lot Line, Front: The boundary between a lot and the street on which it fronts.

Lot Line, Rear: The boundary line or lines opposite and most distant from the front lot line; except that in the case of uncertainty the City Engineer shall determine the rear line.

Lot Line, Side: Any lot boundary line not a front or rear line thereof; a side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot Width: The horizontal distance between side lot lines, measured at the front building line.

Machine Shop or Welding Services: A business where the forging of iron and other metals takes place.

Manufactured Home: A factory-built single-family home on a non-removable chassis or structures which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, contains three hundred twenty (320) or more square feet, equipped with the necessary service connections, which include plumbing, heating, air-conditioning and electric systems, and made so as to be readily movable as a unit or units on its or their own running gear or a flatbed and designed to be used as a dwelling unit or units with or without a permanent foundation, and is built under a Federal code set by U.S. Department of Housing and Urban Development on June 15, 1976.

Manufactured and/or Mobile Home Park: Any plot of ground containing ten (10) acres or more which is equipped as required for support of manufactured or mobile homes and used or intended to be used by one (1) or more occupied manufactured or mobile homes, but under no circumstances shall the home spaces be sold or offered for sale individually. The term manufactured or mobile home park does not include sales lots on which unoccupied

manufactured or mobile homes, whether new or used, are parked for the purposes of storage, inspection, or sale.

Massage Therapy: Any establishment operating in conformity with the City Code in which, for any form of payment or consideration, a massage, alcohol rub, electric or magnetic treatment or similar treatment or manipulation of the human body is administered except when such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar person licensed by the State or as a service provided by a medical facility, athletic club, health club, reducing salon or similar establishment where massage or a similar manipulation of the human body is offered as an incidental or accessory service.

Mini-Warehouse (Self Storage): A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Mobile Home: A factory-built single-family home that is transportable in one (1) or more sections. In the traveling mode, the home is eight (8) feet or more in width or forty (40) feet or more in length and is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities which includes plumbing, heating, air-conditioning and electrical systems and is built before June 15, 1976, prior to the HUD code enactment.

Modular Building: A completely assembled and erected building designed and constructed in a factory for permanent occupancy, composed of two (2) or more prefabricated modules arranged and united together at the building site into one (1) integral structure, having need of a perimeter foundation permanent foundation; characteristic of modular buildings, the roofing and siding are applied at the building site concealing the junction or union of the modules and when completed and ready for occupancy the exterior appearance is such that the building is superficially and indistinguishable from a conventionally built building. The building once arranged and joined as one (1) integral structure shall be virtually incapable of being separated again into the component module parts for repeated transport to subsequent locations. It shall meet building codes and be considered real property. The term shall include buildings designed and intended for dwelling, business, educational or industrial uses. The term shall exclude mobile homes and manufactured homes, including those homes commonly referred to as "double-wide mobile homes", which, in brevity, are by design and construction movable or portable vehicular structures having no need of a permanent foundation and are capable of being separated again for repeated towing.

Mortuary Funeral Home: An establishment in which the deceased are prepared for burial or cremated. The facility may include a chapel for the conduct of funeral services, limited caretaker facilities and spaces for funeral services and informal gatherings or display of funeral equipment.

Motor Vehicle: Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

Motor Vehicle Body Shop: A building or a portion of a building arranged, intended and designed to be used for making repairs including auto painting and body work.

Motor Vehicle Service and Repair Shop: A building or a portion of a building arranged, intended or designed to be used for making repairs to motor vehicles; not to include auto painting and body work.

Motor Vehicle Wash: A structure containing facilities for washing vehicles.

Museum: An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

Negative Easement: A grant by the developer to the public, a corporation, or person(s) for use of a recorded strip of land for open space or other non-developed purposes.

Nightclub: An establishment dispensing more than fifty percent (50%) liquor and meals and in which there may be a stage on which music, dancing and/or other forms of entertainment are conducted.

Non-Access Reservation: A parcel or tract of subdivision land withheld from development and subject to private use and access restrictions for the purpose of protecting the environment of subdivision, or to enhance a street right-of-way, or to improve traffic flow on a principal street.

Non-Conforming Use, Building or Yard: A use, building or yard existing legally at the time of the passage of this Ordinance or any amendment thereto which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated.

Nursing Home: A residence or other place licensed by the State of Missouri as a nursing home.

Opera House/Concert Hall: A theater devoted principally to the performance of operas, musical concerts, or other musical or theatrical productions.

Open Space: Land dedicated or reserved for use by the general public or for use by residents of the subdivision, or land held out of development and retained in its natural conditions, with or without public access. Open space includes but is not limited to parks, parkways, playgrounds, school sites, wildlife or plant life preserves, and nature study areas.

Outdoor Display: Temporary display during a particular season of products for sale primarily outside of a building or structure, including vehicles, garden supplies, gas, tires and motor oil, boats, farm equipment and produce, burial monuments, building and landscaping materials and lumberyards, but not including outdoor storage.

Outdoor Storage: The keeping in an area outside of a building of any goods, junk, material, merchandise or vehicles in the same place for more than seventy-two (72) hours but not including the temporary outdoor display of seasonal goods or merchandise for sale.

Parcel or Tract: A continuous area or acreage of land which can be divided or subdivided as provided by this Ordinance.

Parking Area: An open, unoccupied space used or required for use for parking vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted and no fees are charged.

Parking Area, Lot, Facility or Garage (Public or Commercial): An open, hard-surfaced area, other than a street or other public way, used for parking automobiles or other motor vehicles and available to the public whether for a fee or as an accommodation to clients or customers.

Parking Lot: An open surfaced area used exclusively for the temporary storage of motor vehicles, but no vehicles may be equipped, repaired, rented or sold.

Parking Space: A surfaced area, enclosed in the main building or in an accessory building or unenclosed, having an area of not less than one hundred eighty (180) square feet, exclusive of driveways, permanently reserved.

Park Trailer: A modular type unit built on a single chassis mounted on wheels, designed primarily as temporary living quarters for seasonal or destination camping, and having a gross trailer area not exceeding four hundred (400) square feet and not less than two hundred forty (240) square feet in the setup mode.

Pawnbroker: Any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

Pet: A domesticated animal kept for pleasure rather than utility. Small animals including fish or fowl permitted in the house or yard and are customarily kept for personal use or enjoyment within the home. Shall include but not be limited to dogs, cats, rabbits, small mammals, common aquarium animals, fish, domestic tropical birds (i.e. canaries, parrots, parakeets), rodents and animals which may be classified as “ domestic other” (not defined as exotic or wild animals).

Pet, Domestic other: An animal that may be considered appropriate as a pet which is not classified as exotic or wild animal. The animal is kept for personal use and is customarily kept within the home. This classification may include such animals as pot bellied pigs, ferrets, or other animals that may be allowed as pets by the St. Charles County Community Health and the Environment Director.

Philanthropic or Religious Affiliated Club, Institution or Organization: A club or institution operated by a non-profit organization, where members meet for charitable or socially useful purposes.

Planned Unit Development: A tract of land consisting of at least five (5) acres to be developed as an entity according to a plan and which may contain multiple uses; a Planned Unit Development (PUD) may be planned, developed, and regulated as a single land use unit.

Plat: A map or chart of a tract of land or a subdivision of land.

Printing and Publishing: The production of books, magazines, newspapers and other printed matter, and record pressing and publishing, engraving and photoengraving, but excluding businesses involved solely in retail photocopying, reproduction, photo developing or blueprinting services.

Private Probation Office: A private company providing pre-sentence investigation reports or providing probation supervision pursuant to court order.

Professional Business and/or Personal Services: An office for the practice of professions such as architects, engineers, teachers, accountants, real estate agents, brokers or others duly trained and qualified to provide services of an executive or professional nature, or governmental offices. Also includes establishments providing personal services such as beauty/barber shops, spas, tanning, tailoring shoe repair or photography.

Property: That which can be owned, either by an individual or by a group in common.

Public Use Areas: Public parks, playgrounds, recreational areas, designated scenic or historic sites; school sites or sites for other public buildings; and other areas dedicated to public use or enjoyment.

Railroad Depot: A building used for the reception and forwarding of railroad passengers.

Recreational Facility, Private: Park, open space, golf course, tennis court, athletic club, swimming pool, clubhouse, rec-plex or other commonly associated facilities owned, operated and maintained in common by a residential development or other private party.

Recreational Facility, Public: Park, open space, golf course, tennis court, athletic club, swimming pool, clubhouse, rec-plex or other commonly associated facilities owned, operated and maintained by City, County or State Government.

Recycling Center: A place where recyclable materials, but not compostable materials, may be collected, stored, sorted, compacted, shredded, bundled, packaged or otherwise processed. A recycling center does not include the use of machinery or furnaces for melting, milling, cutting or shredding of metals or similar industrial processes.

Recycling Collection Station: A place where recyclable materials, except hazardous wastes, may be dropped off for the sole purpose of collection. A recycling collection station does not include the sorting or processing of material at a station.

Recycling Processing Center: A recycling center where machinery or furnaces for the melting, milling, and cutting of metals or similar industrial processes may be used.

Religious Assembly: A building, together with its accessory buildings and uses, used principally for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. Religious assembly shall not include or mean an undertaker's chapel, funeral building, religious educational institution, or parochial school or day care center.

Research Facility or Laboratory: An establishment for carrying on testing and investigation in the natural, physical, medical or social sciences, and which may also include engineering and product development.

Residential Care and/or Assisted Living Facility: Residences, for the elderly or for the sheltered care of persons with special needs, that provide rooms, meals, personal care and supervision of self-administered medication. Facilities may provide a combination of services such as recreational activities, financial services, social and personal counseling and transportation.

Restaurant: A building or portion thereof used or designed for on-premises food and beverage service for compensation, not including drive-in restaurants.

Restaurant, Drive-in: A restaurant where foods and beverages are customarily served or dispensed for consumption outside the enclosed structure. Sales and services may also be provided for consumption in a motor vehicle on the premises.

Reverse Frontage: When a subdivision lot occurs between two (2) non-intersecting streets, one (1) of which is a parkway, thoroughfare, or collector and the other is a minor residential street, the lot will front on the minor residential street and a non-access reservation will be provided buffering the rear of the lot from the traffic artery.

Right-Of-Way: The land opened, reserved, or dedicated for a street, sewer, water, walk, drainage course or other public purpose.

Salvage Yard: (See: Junk Yard)

School: Any building which is regularly used as a public, private or parochial school, elementary school, high school, college, university, professional school, business or secretarial school receiving some support from public, religious or charitable funds.

School, Private: Any school other than a public school, including schools owned and operated by a business establishment, a foundation or an institution, as well as private or parochial elementary, junior or senior high schools.

School, Public: Any school operated by a public school district or by a City, County, State or Federal Government agency.

Screen Planting: A hedge of closely spaced shrubs with dense foliage in all seasons that effectively blocks view. Among the species that include varieties that would provide the necessary conformation are: American Holly, Chinese Juniper, Rocky Mountain Juniper, Easter.

Seasonal Merchant: Any person doing business in this City who shall make sales, wholesale or retail, of any goods, wares or merchandise from any store, stand or place occupied for a period of time which is greater than twenty-four (24) hours and less than ninety (90) days.

Senior or Community Activity Center: A meeting place used by senior and/or all members of the community for social, cultural or leisure purposes.

Shooting Range: A place equipped with targets for firearm practice; can be operated as an indoor or outdoor facility.

Site Plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features--both natural and man-made--and, depending on requirements, the locations of proposed utility lines.

Shopping Center or Mall: A group of retail stores, planned and developed for the site upon which they are built and owned and managed as a unit with off street parking provided on the property.

Solid Waste: Garbage, refuse and other discarded material including, but not limited to, solid and liquid waste materials resulting from industrial, business, agricultural and residential activities.

Story: That part of a building included 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 between the surface of a floor and the ceiling next above. 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 a half story when between fifty (50) and seventy five (75) percent of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air.

Street: A general term denoting a public or private thoroughfare which affords the principal means of access to abutting property. The term includes all facilities which normally are found within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, court, or other such terms but shall not include pedestrian way or alley.

Strip Mall: A commercial development consisting of at least three (3) retail sales or service areas located in one (1) building with a total gross floor area of twenty thousand (20,000) square feet or less with separate main entrances to the exterior of the building with off-street parking provided on the property.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or the addition of new electrical circuits or plumbing fixtures to the building.

purpose of protecting the build environment of a development or to enhance a street right-of-way, or both.

Travel Trailers: Including automobile tent trailers, recreational vehicles, or house cars, designed to provide temporary mobile housing for highway and recreational travelers. Such use shall be considered equivalent to a hotel, tourist court or motel for zoning purposes.

Truck Stop: A business primarily engaged in the sale of diesel fuel, gasoline or other fuels to tractor trucks, along with accessory activities such as the sale of lubricants, accessories or supplies, or the servicing of tractor trucks or semi-trailers. A truck stop may include, as an accessory use, the parking and storage of tractor trucks and semi-trailers.

Use: The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

Utilities: Publicly or privately owned, operated and maintained facilities requiring licensing and monitoring beyond local levels and more selectively in their location within the community, such as sanitary landfills, sewage treatment plants and outfall sewers, radio and television transmitter towers, electrical substations and telephone exchanges, power generating plants and water towers.

Variance: A modification of the specific requirements of this Ordinance granted by Board of Adjustment in accordance with the terms of this Ordinance for the purpose of assuring that no property because of special circumstances applicable to it shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.

Vehicle: (See Motor Vehicle)

Vocational School: A use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a "College or University" or "School".

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 building shall be used. Where lots abut a street, all yards abutting said street shall be measured from the street right-of-way.

Yard, Front: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, Side: A yard between the main building and the adjacent side line of the lot, and extending from a front building line to the rear building line.

Yard, Rear: A yard between the rear lot line and the rear line of the main building and the side lot lines.

Zero Lot Line Dwelling Unit: A development approach in which a freestanding building is sited on one or more lot lines with no yard on the zero lot line side in order to increase the amount of usable open space on the remaining area of the lot: Zero lot line dwellings are designed with no windows facing the zero lot line side and are internally oriented to an enclosed, private courtyard or patio. Typically the zero lot line unit is a one (1) story, L-shaped single family house designed as a two (2), three (3) or four (4) bedroom unit on lots eighty (80) to one hundred (100) feet deep by forty (40), fifty (50), or sixty (60) feet wide, at density of five (5) to seven (7) families per gross acre. The zero lot line unit is usually designed in group or cluster arrangements and the land saved from conventional size house lots is used as common open space for recreation or to preserve natural features of the site.

Zoning Ordinance: The duly approved, enacted, and amended Ordinance which controls and regulates zoning in the City of Flint Hill.

ARTICLE 3

GENERAL PROVISIONS

3.01 ESTABLISHMENT OF ZONING DISTRICTS: The City of Flint Hill is hereby divided into the following zoning districts as shown on the official Zoning Map, which together with all explanatory matter shown thereon is hereby incorporated by reference and declared part of this Ordinance.

R-1A	Single Family Residential District
R-1B	Single Family Residential District
R-1C	Single Family Residential District
R-2	Two Family Residential District
R-3	Garden Apartment District
R-M	Manufactured or Mobile Home / Park District
C-0	Office District
C-1	Local Commercial District
C-2	General Commercial District
C-3	Highway Commercial
I-1	Light Industrial District
I-2	Heavy Industrial District
AG	Agriculture District
P-R	Park-Recreation District

3.02 CHANGES TO OFFICIAL ZONING MAP: That upon adoption of an ordinance by the Board of Aldermen of the City of Flint Hill that changes the zoning of any tract of land in the City limits, the official map shall be changed to reflect the new zoning. That the Zoning Map shall also show the ordinance number and date of adoption of any zoning changes.

3.03 AUTHORITY OF OFFICIAL ZONING MAP: The official zoning map shall be available to public inspection at the office of the City Clerk and shall be with the revised ordinance the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the City.

3.04 REPLACEMENT OF THE OFFICIAL ZONING MAP: In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Board of Trustees may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map.

The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bear the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance (Number 133) adopted on this map replaces and supersedes the previous Official Zoning Map." Unless the prior official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

3.05 RULES FOR INTERPRETATION: Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning map the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of a city, village, or township shall be construed as following such line.
- D. A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.
- E. A boundary indicated as following the centerline of a stream, river, lake or other body of water shall be construed as following such centerline.
- F. A distance not specifically indicated on the Official Zoning map shall be determined by the scale of the map.

3.06 APPLICATION OF REGULATIONS: The regulations established by this Ordinance within each zoning district shall be minimum regulations for promoting and protecting the public health safety and welfare and shall be uniform for each class or kind of land or building, dwellings and structure throughout each district, but the regulations in one district may differ from those in other districts. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance, the Board of Adjustment shall have the power in passing upon appeals to vary or modify the application of any of the, regulations or provisions of this Ordinance so that the spirit of this Ordinance shall be observed, public safety and welfare secured and substantial justice done.

3.07 SCOPE OF PROVISIONS: The provisions of this Ordinance shall apply to all uses, structures, improvements, and alterations approved by the City after enactment of this Ordinance.

3.08 SAVING CLAUSE: All rights or remedies of the City are expressly saved to any and all violations of any previous zoning ordinance or amendments thereto, of the City and that have accrued at the time of the effective date of this Ordinance and such accrued violation of previous zoning ordinances which would otherwise become non-conforming under this article, shall be considered as violations of the Ordinance in the same manner.

ARTICLE 4

R-IA SINGLE FAMILY RESIDENTIAL DISTRICT

4.01 **PURPOSE:** This district is composed of those areas of the City where the principal use is and ought to be single-family dwellings. The regulations of this district are designed to create and preserve a predominately urban character as evidenced by lot sizes, and street and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.

4.02 **PERMITTED USES:** The listing of permitted uses is set out in Appendix "A".

4.03 **CONDITIONAL USES:** The listing of conditional uses is set out in Appendix "A".

4.04 **REGULATIONS AND PERFORMANCE STANDARDS:** The following regulations shall apply:

A. Lot Area:

1. Single Family Dwellings shall be located on lots containing a minimum area of 3 acres.
2. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this District and the off-street parking required by Article 24.
3. Where a use is not connected to a public sewer or public water, the lot area shall be increased to the area determined adequate by the City Engineer to meet current health standards but in no case shall be smaller than three (3) acres in size, and shall require the review and approval of the Planning Commission.
4. Horses may be kept on a minimum of three (3) acres not to exceed one (1) horse per acre.

B. Lot Width and Depth: - The following minimum dimensions must be provided:

Lot Area	Min Lot Depth	Min Lot Width At the building line.
3 Acres	300	250

Where a lot fronts a cul-de-sac the minimum lot width shall be met at the 50 foot building line.

C. Lot Coverage: The maximum lot coverage by buildings or structures shall not exceed thirty (30) percent of the lot area.

D. Dwelling Size: The minimum dwelling size shall be 1600 square feet for a ranch house, 1800 square feet for a 1-1/2 story house and 2200 square feet for a two story.

E. Yard Requirements:

1. Front Yard: not less than fifty (50) feet.
2. Side Yards: not less than thirty (30) feet.
3. Rear Yard: not less than fifty (50) feet.

F. Height Requirements:

1. For Buildings and Structures: No building or structure shall exceed a height of two and one-half (2 ½) stories, or thirty-five (35) feet, whichever is less.
2. For Accessory Buildings: No detached accessory building shall be higher than twenty five (25) feet, nor higher than the main building. (See Article 18, Supplementary District Regulations for additional regulations for accessory buildings.)

G. Off-Street-Parking: Four (4) off-street parking spaces, 2 attached under roof, excluding basement. (See Article 24 for additional parking requirements).

H. Landscaping Regulations: See Article 22.

I. Fencing: See Article 18.11.

ARTICLE 5

R-IB SINGLE FAMILY RESIDENTIAL DISTRICT

5.01 **PURPOSE:** This district is composed of those areas of the City where the principal use is and ought to be single-family dwellings. The regulations of this district are designed to create and preserve a predominately urban character as evidenced by lot sizes, and street and drainage requirements. In addition to the dwelling permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.

5.02 **PERMITTED USES:** The listing of permitted uses is set out in Appendix "A"

5.03 **CONDITIONAL USES:** The listing of conditional uses is set out in Appendix "A".

5.04 **REGULATIONS AND PERFORMANCE STANDARDS:** The following regulations shall apply:

A. Lot Area:

1. Single Family Dwellings shall be located on lots containing a minimum area of 1 acre.
2. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this District and the off-street parking required by Article 24.
3. Public Sewer is required.
4. Public Water required if reasonably accessible.

B. Lot Width and Depth: - The following minimum dimensions must be provided.

Lot Area	Min Lot Depth	Min Lot Width At the building line.
1 Acres	200	150

Where a lot fronts a cul-de-sac the minimum lot width shall be met at the 50 foot building line.

C. Lot Coverage: The maximum lot coverage by buildings or structures shall not exceed thirty (30) percent of the lot area.

D. Dwelling Size: The minimum dwelling size shall be 1600 square feet for a ranch house, 1800 square feet for a 1-1/2 story house and 2200 square feet for a two story.

E. Yard Requirements:

1. Front Yard: not less than fifty (50) feet.

2. Side Yards: No part of the main dwelling shall be closer than thirty (30) feet to the side lot line; however, accessory structures may be no closer than ten (10) feet to the side lot line.
3. Rear Yard: not less than fifty (50) feet.

F. Height Requirements:

1. For Buildings and Structures: No building or structure shall exceed a height of two and one-half (2 ½) stories, or thirty-five (35) feet, whichever is less.
2. For Accessory Buildings: No detached accessory building shall be higher than twenty five (25) feet, nor higher than the main building. (See Article 18, Supplementary District Regulations for additional regulations for accessory buildings.) .

G. Off-Street-Parking: Four (4) off-street parking spaces, 2 attached under roof, excluding basement. (See Article 24 for additional parking requirements).

H. Landscaping Regulations: See Article 22.

I. Fencing: See Article 18.11.

ARTICLE 5-A

R-1C SINGLE FAMILY RESIDENTIAL DISTRICT

5-A.01 PURPOSE: This district is composed of those areas of the City where the principal use is and ought to be single-family dwellings. The regulations of this district are designed to create and preserve a predominately urban character as evidenced by lot sizes, and street and drainage requirements. In addition to the dwelling permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.

5-A.01 PERMITTED USES: All permitted uses set out in Article 5.02 (R-1B Single Family Residential District).

5-A.01 CONDITIONAL USES: All conditional uses set out in Article 5.03 (R-1B Single Family Residential District).

5-A.01 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply:

A. Lot Area:

1. Single Family Dwellings shall be located on lots containing a minimum area of one-half (1/2) acre (21,780 square feet).
2. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this District and the off-street parking required by Article 24.
3. Public Sewer is required.
4. Public Water required if reasonably accessible.

B. Lot Width and Depth: - The following minimum dimensions must be provided.

Lot Area	Min Lot Depth	Min Lot Width At the building line.
1/2 Acres	170	100

Where a lot fronts a cul-de-sac the minimum lot width shall be met at the 50 foot building line.

C. Lot Coverage: The maximum lot coverage by buildings or structures shall not exceed twenty-five (25) percent of the lot area.

D. Dwelling Size: The minimum dwelling size shall be 1,600 square feet for a ranch house, 1,800 square feet for a 1-1/2 story house and 2,200 square feet for a two story.

E. Yard Requirements:

1. Front Yard: not less than forty (40) feet.

2. Side Yards: No part of the main dwelling shall be closer than fifteen (15) feet to the side lot line; however, accessory structures may be no closer than ten (10) feet to the side lot line.
3. Rear Yard: not less than forty (40) feet.

F. Height Requirements:

1. For Buildings and Structures: No building or structure shall exceed a height of two and one-half (2 ½) stories, or thirty-five (35) feet, whichever is less.
2. For Accessory Buildings: No detached accessory building shall be higher than twenty five (25) feet, nor higher than the main building. (See Article 18, Supplementary District Regulations for additional regulations for accessory buildings.) .

G. Off-Street-Parking: Four (4) off-street parking spaces, 2 attached under roof, excluding basement. (See Article 24 for additional parking requirements).

H. Landscaping Regulations: See Article 22.

I. Fencing: See Article 18.11.

ARTICLE 6

R-2 TWO-FAMILY RESIDENTIAL DISTRICT

6.01 **PURPOSE:** This district is intended to delineate areas in the City which are suitable for two single-family attached dwellings occupying a common lot or parcel. This district is intended to create and preserve areas of essentially single-family residential character, utilizing two attached dwellings.

6.02 **PERMITTED USES:** The listing of permitted uses is set out in Appendix "A".

6.03 **CONDITIONAL USES:** The listing of conditional uses is set out in Appendix "A".

6.04 **REGULATIONS AND PERFORMANCE STANDARDS:** The following regulations shall apply:

A. Lot Area:

1. Two Family Dwellings shall be located on lots containing an area of one (1) acre.
2. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this District and the off-street parking required by Article 24.
3. Public Sewer is required.
4. Public Water required if reasonably accessible.

B. Lot Width and Depth: - The following minimum dimensions must be provided

Lot Area	Min Lot Depth	Min Lot Width At the building line.
1 Acres	200	150

Where a lot fronts a cul-de-sac the minimum lot width shall be met at the 50 foot building line.

C. Lot Coverage: The maximum lot coverage by buildings or structures shall not exceed thirty (30) percent of the lot area.

D. Dwelling Size: The minimum two family dwelling size shall be 3200 square feet for a ranch unit, 3600 square feet for a 1-1/2 story unit and 4400 square feet for a two story unit.

E. Yard Requirements:

1. Front Yard: not less than fifty (50) feet.
2. Side Yard: No part of the main dwelling shall be closer than thirty (30) feet to the side lot line; however, accessory structures may be no closer than ten (10) feet to the side lot line.

3. Rear Yard: not less than forty (40) feet.

F. Height Requirements:

1. For Buildings and Structures: No building or structure shall exceed a height of two and one-half (2-1/2) stories, or thirty-five (35) feet, whichever is less.

2. For Detached Accessory Buildings: No detached accessory building shall exceed a height of twenty-five (25) feet, nor higher than the main building. (See Article 18 for additional regulations for Accessory Buildings).

G. Off-Street Parking: Four (4) off-street parking spaces, 2 attached under roof/unit, excluding basement (See Article 24 for additional parking requirements).

H. Landscaping Requirements: See Article 22.

I. Fencing: See Article 18.11.

ARTICLE 7

R-3 GARDEN APARTMENT HOUSE DISTRICT

7.01 **PURPOSE:** This district is composed of those areas of the City where the principal use is or ought to be multiple-family dwellings at a low to moderate density. The regulations of this district are designed to permit a low density of population and a moderate intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and structures, or amenities which support, complement, or serve such a density and intensity. In addition to the dwellings permitted in this zoning district, there are permitted certain residential and public uses which have been strictly regulated to make them, compatible with the principle use of this district.

7.02 **PERMITTED USES:** The listing of permitted uses is set out in Appendix "A".

7.03 **CONDITIONAL USES:** The listing of conditional uses is set out in Appendix "A".

7.04 **REGULATIONS AND PERFORMANCE STANDARDS:** The following regulations shall apply in all R-3 Garden Apartment Districts:

A. **Site Area:** Any site zoned R-3 Garden Apartment District shall have a minimum area of not less than one (1) acre.

B. **Minimum Lot Area:**
Single Family ----- One Acre per dwelling unit
Two Family ----- 21,780 sq. ft. per dwelling unit - 1 acre minimum
Multi-family-(Buildings of 2 ½ stories or less) ----- 7,260 sq. ft. per dwelling unit - 1 acre minimum

However, in no case shall the total number of units per acre exceed six (6).

For uses other than residential, the lot area shall be adequate to provide the yard areas required in this district and the off-street parking required in Article 24.

C. **Lot Width (Measured at the Building Line):**
Single Family ----- one hundred ten (110) feet
Two-Family ----- one hundred ten (110) feet
Multi-Family (Buildings of 2 ½ stories or less) ----- one hundred fifty (150) feet

For uses other than residential, the lot width shall be adequate to provide the yard area required in this district and the off-street parking required in Article 24.

D. **Lot Coverage:** The maximum lot coverage by buildings and structures shall not exceed thirty-five (35%) percent.

Minimum Unit Size: 1,000 sq. ft. per unit plus 2 car attached garage

E. **Yard Requirements**

1. Front Yard: not less than fifty (50) feet.
2. Side Yards; not less than thirty (30) feet.
3. Rear Yard: not less than fifty (50) feet.
4. Accessory structures shall meet the same yard requirements.
5. The above requirements shall apply to every lot, building or structure.

F. Height Requirements:

1. No building or structure shall exceed two and one-half (2-1/2) stories above finished grade or thirty-five (35) feet (whichever is lesser) except as provided in Article 18.
2. Building containing three (3) stories may be occupied for residential purposes provided that the main entry to such buildings shall be located at mid-level so that no occupant shall be required to traverse more than one story of stairs from the main building entrance to the highest or lowest occupied story.

G. Distance Between Grouped Buildings: In addition to the required setback lines provided elsewhere in this Ordinance, in group dwellings (including multiple-family dwellings) the following minimum distances shall be required between each said dwelling:

Front to front -----	sixty (60) feet
Front to back -----	sixty (60) feet
Front to side -----	forty-five (45) feet
Side to side -----	thirty (30) feet
Back to side -----	forty-five (45) feet
Back to back -----	sixty (60) feet
Corner to corner -----	twenty (20) feet

In no instance shall a townhouse or garden apartment unit face directly upon the rear of another residential building.

H. Off-Street-Parking: As required in Article 24.

I. Site Plan Review by Planning Commission prior to issuance of a building permit.

J. Utilities: Any area zoned R-3 Garden Apartment District shall be served by approved public water and sewer facilities.

K. Landscaping and Screening Regulations: See Article 22.

L. Fencing: See Article 18.11.

ARTICLE 8

R-M MANUFACTURED (MOBILE) HOME/PARK DISTRICT

8.01 PURPOSE: This district is composed of those areas of the City where the principal use is and ought to be for manufactured and/or mobile home developments. In addition the purpose of this district is to:

- A. Assure that manufactured or mobile homes and their developments are an asset to the community and to prevent the development of those which would be a detriment to the community.
- B. To promote manufactured or mobile home developments with the character of residential neighborhoods.
- C. To protect the health, safety, and welfare of manufactured or mobile home residents and the surrounding community.
- D. To harmonize this type of residential development with other existing and proposed land uses.
- E. To assure adequate service by essential public facilities and services such as roads, police, water and sewers, and drainage structures.
- F. To assure that the persons or agencies responsible for the management of the manufactured or mobile home development shall be able to provide adequate public facilities and services.
- G. To assure that the establishment of any manufactured home development shall not be an excessive burden on public facilities and services.

8.02 PERMITTED USES: The listing of permitted uses is set out in Appendix "A".

8.03 CONDITIONAL USES: The listing of conditional uses is set out in Appendix "A".

8.04 GENERAL REGULATIONS:

- A. Building Permit: Any structure erected or expanded within a mobile home development, including any structures to be erected or expanded for any manufactured or mobile home site therein, shall require a building permit to be issued therefore by the City Engineer, and shall meet all regulations of this Ordinance and the Building Code.
- B. Application of Regulations: A manufactured or mobile home unit shall not be permitted to occupy a site either initially when brought into a development or upon addition or replacement which violated the yard requirements, area requirements, or minimum distances between units except in non-conforming manufactured or mobile home parks within this district.
- C. Periodic Inspection: The City Engineer or any other agents authorized by the City are hereby granted the power and authority to enter upon the premises of any such

development at any time for the purpose of determining and/or enforcing any provision or provisions of this or any other City ordinance applicable to the conduct and operation manufactured or mobile home developments.

- D. Performance Standards: Manufactured or mobile home developments shall meet the performance standards as required by Article 25.
- E. Site Plan Review: Site Plan Review by the Planning and Zoning Commission is required prior to issuance of building permits as required in Article 26. In those instances where the lots within a manufactured or mobile home development are to be recorded for sale purposes, the approval of a preliminary plat by the Planning Commission shall constitute compliance with this requirement.

8.05 DISTRICT REGULATIONS AND PERFORMANCE STANDARDS: The regulations set forth in the R-1B District, Article 5.04, shall apply, including the following:

- A. Lot Area: Every lot or parcel of land occupied by each dwelling shall contain an area of not less than one (1) acre.
- B. Lot Width: The minimum lot width shall be one hundred fifty (150) feet.
- C. Off-Street Parking: Three off-street parking spaces shall be provided for each dwelling unit. In no case shall the paved area designated for the required off-street parking encroach upon the street right-of-way. (See Article 24 for additional parking requirements).
- D. Public Utilities Required: In no case shall any manufactured or mobile home development be approved if any home will not be connected to or provided with public water and sanitary sewer services.
- E. Effect of Regulations: In their interpretation and application, the provisions of this Article shall be considered minimum requirements adopted for the promotion of the public health, safety and welfare. However, recognizing the pre-manufactured nature of manufactured or mobile home units, it is recognized that lots exceeding the minimum yard and area requirements of this Ordinance may be required to accommodate some units, and that suitable provisions shall be made by potential developers of such manufactured or mobile home developments in their advance planning to provide for such units. Based upon this guideline, the fact that the size of a particular manufactured or mobile home unit, or class of manufactured or mobile home units, are such that a violation of any of the minimum yard or area requirements would be created, this in itself shall not be considered an adequate basis for the granting of a variance from such requirements.
- F. Dimensional Requirements: From all manufactured or mobile home stands, the following minimum distance shall be maintained:
 - 1. Ten (10) feet from lots to a buffer strip.
 - 2. Thirty (30) feet to the boundary of such development which is not a public street.
 - 3. Fifty (50) feet to the right-of-way of any public street or highway.

4. Fifty (50) feet to any parking area designed for general parking in such development (general parking defines parking bays for other than residents).
 5. Fifty (50) feet to any service building in such development.
- G. Minimum Accommodations: Each manufactured or mobile home within such development shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachments to appropriate external systems.
- H. Landscaping Required:
1. Transition Strip: A transition strip of trees and shrubs not less than thirty (30) feet in-depth, as well as an additional twenty (20) feet rear or side yard set back shall be located and maintained along all boundaries of such developments, excepting at established entrances and exits serving such development. Said transition strip shall be of such density as to totally obscure all visible evidence of the development from adjoining property.
 2. Landscape Plan: An organized landscape plan shall be prepared as a separate document and submitted to the Planning and Zoning Commission during the required Site Plan Review for their review and approval. The Commission may either approve, approve with specific revisions or corrections or reject the submitted landscape plan.
 3. Landscape Maintenance: Any and all plantings in the development shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant material shall be replaced within a reasonable period of time but no longer than one growing season, as reflected upon the approved Landscape Plan.
- I. Orientation of Manufactured or Mobile Homes Upon Lots: All manufactured or mobile homes within manufactured or mobile home development regulated by the requirements of this Ordinance shall be placed upon their individual lots in such a fashion that the long axis of the manufactured or mobile home shall face the principal street frontage upon which the lot itself faces. In the case of corner lots, the manufactured or mobile home may face either street frontage. In the case of double-frontage lots, access shall be restricted to minor streets and not permitted upon collector or arterial streets.
- J. Minimum Development Area: That the total land area of a manufactured or mobile home or development shall not be less than ten (10) acres.

8.06 PUBLIC IMPROVEMENTS:

- A. Sanitary Sewerage and Water Facilities: Sanitary sewerage and water facilities shall be of such capacity as to serve all users of the home of development at peak periods. All lines shall be suitably sized and stubbed out to the property lines of the development to provide for future extension of the City sanitary sewerage and water systems for the respective areas remaining to be served.
- B. Storm Drainage Facilities: Storm drainage facilities shall be so construed as to protect those that will reside in the manufactured or mobile home or development, as well as the property owners adjacent to the development. Such facilities shall be of such capacity to

insure rapid and safe drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.

- C. Streets and Driveways: All roads, driveways, motor vehicle parking spaces shall be paved and constructed as to handle all anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles. All roads and driveways shall have curbs and gutters and must conform to all specifications given in the Subdivision and Land Development Ordinance.
- D. Sidewalks: Sidewalks not less than four (4) feet in width shall be required on both sides of all arterial and collector streets and on one side of all minor streets and cul-de-sacs.
- E. Construction Plans Required: All improvements, whether public or private, must conform to all standards and specifications of the City. Engineering drawings of all such improvements shall be submitted to, and reviewed, and approved by the City prior to the authorization to proceed with the construction of said improvements.
- F. Dumpsters: Where dumpster service is provided in lieu of individual unit trash pick-up, dumpsters shall be screened with six foot high privacy fence. Fencing shall completely obscure the dumpster from sight and shall feature a latched gate for access. Dumpster enclosures shall be maintained in good condition and gates shall be kept closed when not actively in use. Dumpsters shall have lids which shall be kept closed when not actively in use. Trash shall not be allowed to escape, blow or accumulate outside of dumpsters. Dumpsters shall be serviced as often as necessary to preclude overflowing to the point that lids cannot be closed. Dumpsters shall be maintained in good condition with functional lids and cleaned sufficiently often to preclude the accumulation of petrucible material and the emanation of objectionable odors.
- G. Mailboxes: A central mailbox facility shall be provided near the entrance to the mobile home park easily accessible to the carrier. Each lot shall be provided a lockable box sufficiently large to contain that resident's mail. The resident shall be provided with a key to access the box. The mailbox facility shall be weather tight and maintained in good condition.

8.07 MANUFACTURED OR MOBILE HOME SET-UP REQUIREMENTS:

- A. Manufactured or Mobile Home Stands: Each manufactured or mobile home shall be provided with a stand consisting of either a solid concrete pad not less than four (4) inches thick and not less than the length and width of the manufactured or mobile home that will use the site, or piers of fourteen (14) inches in diameter, thirty (30) inches deep, and placed on six foot centers. The stand shall be so constructed, graded, placed, and maintained to be durable and adequate for the support of the maximum anticipated load during all seasons.
- B. Blocks and Tie Downs: Each manufactured or mobile home shall be supported on uniform jacks or blocks and tied down as required by City Ordinance and State Law.
- C. Skirting: Uniform skirting of each manufactured or mobile home base shall be required, within fourteen (14) days after initial placement. Such skirting shall be of twenty-six (26) gauge solid sheet metal, aluminum or other non-corrosive metal or material of equal strength and so constructed and attached to this manufactured or mobile home so as to deter and prevent entry of rodents and insects. Storage of goods and articles underneath any manufactured or mobile home or out of doors at any manufactured or mobile home site shall be prohibited.

- D. Underground Lines: All electrical, telephone, and other lines from supply poles outside the park or other source to each manufactured or mobile home site shall be underground.
- E. Sanitary Sewer and Water Connections: All water and sanitary sewerage facilities, including the connection to all manufactured or mobile home sites, shall be constructed so that all facilities and lines are protected from freezing, from bumping, or from creating any type of nuisance or health hazard. Such connections shall not exceed ten (10) feet in length above ground.

8.08 NON-CONFORMING MANUFACTURED OR MOBILE HOME PARKS: Where on the date of adoption of amendment of this Ordinance, a lawful manufactured or mobile home or park existed that is no longer permissible under the provisions of this Ordinance, such manufactured or mobile home park may continue so long as it remains otherwise lawful subject to the following provisions.

- A. Violations not Validated: A non-conforming manufactured or mobile home or park in violation of a provision of the ordinance which this repeals shall not be validated by the adoption of this Ordinance.
- B. Enlargement: No such non-conforming manufactured or mobile home or park shall be enlarged, expanded or extended to occupy a greater area of land than was occupied on the date of adoption or amendment of this Ordinance and no additional accessory use, building, or structure shall be established thereon, unless in complete compliance with the requirements of this Ordinance. Nor shall the manufactured or mobile homes within the existing site be rearranged to increase their number of density within the existing confines of the park.
- C. Relocation: No such non-conforming manufactured or mobile home or park shall be moved in whole or in part to any other portion of such parcel or lot not so occupied on the date of adoption of this ordinance or to a parcel or lot not in conformance with this Ordinance.
- D. Destruction: Should any such non-conforming manufactured or mobile home or park be destroyed by any means to an extent of fifty (50) or more percent of its replacement, it shall not be reconstructed except in conformity with the requirements of this Ordinance.
- E. Discontinuance: If such non-conforming manufactured or mobile home or park ceases for any reason for a period of more than one hundred and eighty (180) consecutive days (except where government action causes such cessation) the subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Ordinance for the district in which such parcel or lot is located.
- F. Ownership: All non-conforming manufactured or mobile home or parks shall be and shall remain in one ownership and primarily designed for the purpose of renting spaces for the placement of manufactured or mobile home dwelling units. In no instance shall be non-conforming manufactured or mobile home park be sold as lots for permanent manufactured or mobile home residence.
- G. Ownership: All non-conforming manufactured or mobile home or parks shall maintain an up to date registry of each manufactured or mobile home unit and site, showing the length, width and, and area of the site, The registry shall be open inspection by the City.

- H. Limitation on Permitted Uses: Within all non-conforming manufactured or mobile home or parks, the permitted uses such park shall be limited to the following:
1. Manufactured or Mobile Homes.
 2. Accessory buildings or structures, under park management supervision shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park resident use only. No accessory building or structure shall exceed twenty-five (25) feet in height, nor two (2) stories; and shall meet the requirements of the Building Code.
- I. Minimum Distances: Within all non-conforming manufactured or mobile home or parks the minimum distances maintained between manufactured or mobile homes shall be in conformity with the requirements of the adopted Building and Fire Codes, applicable State Laws, or a development plan previously approved by the City, whichever standard being the more restrictive.
- J. Storage of Flammable Materials: Any fuel oil and/or gas storage shall be centrally located in underground tanks at least one hundred (100) feet from any manufactured or mobile home site. All fuel lines leading to a park and to manufactured or mobile home sites shall be underground and so designed as to conform with the Building Code and any State Code that is applicable. When separate meters are installed each shall be located in a uniform manner. This restriction shall not apply to propane gas tanks used for individual home use.
- K. Fire Extinguishers: Every manufactured or mobile home or park shall be equipped at all times with fire extinguishing equipment in good working order to such type, size, number and so located within the park to satisfy the regulations of the Missouri State Fire Marshall and the City.
- L. Park Maintenance: Park owners and management are required to maintain the physical and natural facilities and features of the park in a neat, orderly, and safe condition.
- M. Parking: No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner.
- N. Existing of Non-Conforming: In cases of doubt, and on specific questions raised concerning whether a manufactured or mobile home or park has non-conforming status, or if an element of such park has non-conforming status, it shall be treated as a question of fact and shall be decided by the Board upon receipt of a report and recommendation on the matter from the Planning Commission.

ARTICLE 9
C-O OFFICE DISTRICT

9.01 **PURPOSE:** It is recognized by this Ordinance that the value to the public of designating certain areas of the City for office use is represented in the employment opportunity to citizens and the resultant economic benefits to the City. This use is characterized by a minimal amount of such nuisance factors as noise, heat, glare, and the emission of air pollutants.

This district has been located within the City to permit the development of this office use, to protect adjacent residential areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which interfere with the operation of this type of business activity and the purpose of this district have been excluded.

9.02 **PERMITTED USES:** The listing of permitted uses is set out in Appendix "A".

9.03 **CONDITIONAL USES:** The listing of conditional uses is set out in Appendix "A".

9.04 **REGULATIONS AND PERFORMANCE STANDARDS:** The following regulations shall apply in all C-0 Office Districts:

- A. **Minimum Site Area:** Five (5) acres unless the project abuts an existing commercial or industrial district.
- B. **Minimum Lot Width:** Seventy-five (75) feet.
- C. **Lot Coverage:** The maximum lot coverage by structures shall not exceed twenty-five (25) percent.
- D. **Yard Requirements:**
 - 1. **Front Yard:** Not less than twenty-five (25) feet.
 - 2. **Side Yards:** least width of either side yard shall not be less than thirty (30) feet, except in the case of a corner lot or parcel where the side yard on the road or street shall not be less than twenty-five (25) feet.

Transition strips requirements for abutting residential will be twenty (20) feet planting screen plus thirty (30) feet side yard.
 - 3. **Rear Yard:** not less than thirty-five (35) feet. Transition strips requirements for abutting residential will be twenty (20) feet planting screen plus thirty-five (35) feet rear yard.
 - 4. The above yard requirements shall apply to every lot, building, or structure.
- E. **Height Requirements:**

1. No building or structure shall exceed two and one-half (2 1/2) stories above finished grade or thirty-five (35) feet (whichever is lesser) except as provided in Article 17.
 2. Buildings containing three (3) stories may be occupied for residential purposes provided that the main entry to such buildings shall be located at mid level so that no occupant shall be required to traverse more than one story of stairs from the main building entrance to the highest or lowest occupied story.
- F. Landscaping and Screening Regulations: As required in Article 22 (Note: Of particular importance when adjacent to residential uses.)
- G. Off-Street Parking: As required in Article 24.
- H. Site Plan Review by Planning and Zoning Commission prior to issuance of a building permit. As required in Article 26.
- I. Utilities: Any area zoned C-0 Office District shall be served by approved public water and sewer facilities.

ARTICLE 10

C-1 RESTRICTED BUSINESS DISTRICT

10.01 PURPOSE: This district is composed of those areas of the City where the principal use is and ought to be local retail, service and restricted repair business activities which serve surrounding residential neighborhoods. This district has been located within the City to permit the development of these business activities to protect adjacent areas against the encroachment of incompatible uses, and to lessen congestion on public streets. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

10.02 PERMITTED USES: The listing of permitted uses is set out in Appendix "A".

10.03 CONDITIONAL USES: The listing of conditional uses is set out in Appendix "A".

10.04 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply in C-1 Restricted Business Districts:

- A. Minimum Site Area: One (1) acre, unless the project abuts an existing commercial or industrial district.
- B. Minimum Lot Width: Seventy (70) feet.
- C. Lot Coverage: The maximum lot coverage by structures shall not exceed thirty (30) percent.
- D. Yard and Setback Requirements:
 - 1. Front Yard: not less than twenty-five (25) feet.
 - 2. Side Yards: not required in this district except where a side line of a C-1 lot abuts the side line of a residential or office lot; in that instance a side yard of thirty (30) feet shall be provided plus a transition strip. A side yard of twenty-five (25) feet shall be provided on the side of a corner lot. Transition strips requirements for abutting residential will be twenty (20) feet planting screen plus thirty (30) feet side yard.
 - 3. Rear yard: not less than thirty-five (35) feet. Transition strips requirements for abutting residential will be twenty (20) feet planting screen plus thirty-five (35) feet rear yard.
- E. Height Requirements: No building or structure shall exceed a height of thirty-five (35) feet or two and one half (2½) stories, whichever is less.
- F. Performance Standards:
 - 1. Wholesale sales are prohibited.

2. Outdoor storage or display of merchandise, materials, or equipment is prohibited.
 3. Other standards are required in Article 25.
 4. No separate business establishment shall occupy more than 5,000 square feet of floor space.
 5. Flea Markets, both those held inside and outside of a structure are prohibited.
- G. Off-Street Parking: As required in Article 24.
- H. Site Plan Review by Planning and Zoning Commission prior to issuance of a building permit: As required in Article 26.
- I. Landscaping and Screening Regulations: "As required in Article 22 (Note: of particular importance when adjacent to residential use)".
- J. Utilities: Any area zoned C-1 Restricted Business District should be served by approved public water and sewer facilities.

ARTICLE 11

C-2 GENERAL BUSINESS DISTRICT

11.01 PURPOSE: This district is composed of those areas of the City where the principal use is and ought to be general retail, service, and repair business activities which serve the entire City and surrounding area. This district has been located within the City to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public streets. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

11.02 PERMITTED USES: The listing of permitted uses is set out in Appendix "A".

11.03 CONDITIONAL USES: The listing of conditional uses is set out in Appendix "A".

11.04 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply in all C-2 General Business Districts:

- A. Minimum Site Area: Five (5) acres unless the project abuts an existing commercial or industrial zone.
- B. Minimum Lot Width: One Hundred Fifty (150) feet.
- C. Maximum Lot Coverage: No limit.
- D. Yard and Setback Requirements:
 - 1. Front Yard: not less than twenty-five (25) feet, including all signs, pump islands, and canopies of gasoline service stations.
 - 2. Side Yards: not required in this district except where a side line of a C-2 lot abuts the side line of a residential or office lot; in that instance a side yard of thirty (30) feet shall be provided plus a transition strip. A side yard of twenty-five (25) feet shall be provided on the side of a corner lot. Transition strips requirements for abutting residential will be twenty (20) feet planting screen plus thirty (30) feet side yard.
 - 3. Rear Yards: not less than thirty-five (35) feet. Transition strips requirements for abutting residential will be twenty (20) feet planting screen plus thirty-five (35) feet rear yard.
- E. Height Requirements:
 - 1. No building or structure shall exceed two and one-half (2 1/2) stories above finished grade or thirty-five (35) feet (whichever is lesser) except as provided in Article 17.
 - 2. Buildings containing three (3) stories may be occupied for residential purposes provided that the main entry to such buildings shall be located at mid level so that

no occupant shall be required to traverse more than one story of stairs from the main building entrance to the highest or lowest occupied story.

- F. Off-Street Parking: As required in Article 24.
- G. Site Plan Review by the Planning and Zoning Commission prior to issuance of a building permit: As required in Article 26.
- H. Landscaping and Screening Regulations: As required in Article 22. (Note: of particular importance when adjacent to residential uses.)
- I. Utilities: Any area zoned C-2 General Business District shall be served by approved public water and sewer facilities.

ARTICLE 12

C-3 HIGHWAY COMMERCIAL DISTRICT

12.01 PURPOSE: This district is composed of those areas of the City where the principal use is and ought to be general retail, service, and repair business activities which serve the entire City and surrounding area. This district had been located within the City to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public streets. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

12.02 PERMITTED USES: The listing of permitted uses is set out in Appendix "A".

12.03 CONDITIONAL USES: The listing of conditional uses is set out in Appendix "A".

12.04 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply in all C-3 Highway Commercial Districts:

- A. Minimum Site Area: Five (5) acres unless the project abuts any existing commercial or industrial district.
- B. Minimum Lot Width: Seventy-five (75) feet.
- C. Lot Coverage: The maximum lot coverage by structures shall not exceed thirty (30) percent.
- D. Yard Requirements:
 1. Front Yard: not less than thirty (30) feet including all signs and the pump islands of gasoline service stations.
 2. Side Yards: least width of either yard shall not be less than twenty (20) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than thirty (30) feet. Transition strips requirements for abutting residential will be twenty (20) feet planting screen plus thirty (30) feet side yard.
 3. Rear Yards: not less than thirty-five (35) feet. Transition strips requirements for abutting residential will be twenty (20) feet planting screen plus thirty-five (35) feet rear yard.
- E. Height Requirements:
 1. No building or structure shall exceed two and one-half (2 ½) stories above finished grade or thirty-five (35) feet (whichever is lesser) except as provided in Article 18.
 2. Buildings containing three (3) stories may be occupied for residential purposes provided that the main entry to such buildings shall be located at mid level so that

no occupant shall be required to traverse more than one story of stairs from the main building entrance to the highest or lowest occupied story.

- F. Off-Street Parking: As required in Article 24.
- G. Site Plan Review by Planning and Zoning Commission prior to issuance of a building permit: As required in Article 26.
- H. Landscaping and Screening Regulations: See Article 22. (Note: Of particular importance where adjacent to residential uses.)
- I. Utilities: Any area zoned C-3 Highway Commercial District shall be served by approved public water and sewer facilities.

ARTICLE 12-A

DSD - Downtown Special District

- 12-A.01** **PURPOSE:** The purpose of the DSD - Downtown Special District is to recognize the unique and historic attributes of the area identified as the historic center of the City of Flint Hill and to encourage the redevelopment and revitalization of this area as a pedestrian-oriented, downtown including a mix of retail, service, professional and governmental office, restaurant and hospitality, and residential uses as well as to encourage preservation and restoration of the historic character of the buildings, streetscapes and surrounding public and private spaces within the area.
- 12-A.02** **PERMITTED USES:** The listing of permitted uses is set out in Appendix "A".
- 12-A.03** **CONDITIONAL USES:** The listing of conditional uses is set out in Appendix "A".

12-A.04 **REGULATIONS AND BUILDING SPECIFICATIONS:** The following regulations shall apply in DSD - Downtown Special District:

- A. Minimum Site Area: one-half (1/2) acre.
- B. Minimum Lot Width: None.
- C. Lot Coverage: There shall be no maximum lot coverage.
- D. Yard and Setback Requirements:

1. Front Yard Setback:

Minimum Setback: There shall be no minimum front yard setback, unless the proposed building or structure is a one or two-family residential structure, in which case the minimum front yard setback shall be ten (10) feet.

Maximum Setback: The maximum set back shall be ten (10) feet, unless the proposed building or structure is a one or two-family residential structure, in which case the maximum front yard setback shall be twenty (20) feet.

2. Side Yards & Rear Yards: None, unless a side or rear yard abuts land zoned residential in which case a yard of at least ten (10) feet in width shall be required along such abutting land.

- E. Height Requirements: No building or structure shall exceed a height of forty-five (45) feet or three (3) stories, whichever is less.

F. Building Specifications:

- a. *Building character and materials.* Buildings shall to the maximum extent feasible reflect and be consistent with the architectural character (in terms of building height, scale and orientation; materials, textures and colors; roof forms and architectural details) and historic period predominant in the DSD – Downtown Special District; buildings shall be oriented to the street with the primary entrance facing the street and directly accessible from the sidewalk. Building walls shall be clad in brick, stone, wood shingles, wood clapboard, drop siding, wood board and batten and smooth stucco. Other materials having the design and visual/textural characteristics of the foregoing materials may be approved pursuant to site plan review.

- G. Off-Street Parking: As required in Article 24, provided that:

- a. Required parking and loading spaces may be located:
 - (1) On the same parcel of land occupied by the use served; or
 - (2) On an adjacent parcel located within two hundred (200) feet of the parcel occupied by the use served and which is in the same ownership or is subject to a written agreement permitting the location and use of the parking spaces; and
- b. Notwithstanding the parking requirements set forth in Article 24, the number of required parking spaces may be reduced at the discretion of the Planning and Zoning Commission where any of the following conditions are demonstrated by the applicant or use:
 - (1) Up to twenty-five percent (25%) where the proposed parking spaces are shared between uses located on more than one (1) parcel, subject to a written agreement respecting the shared parking arrangement; and
 - (2) Up to fifteen percent (15%) where the applicant provides adequate decorative landscaping and/or ornamental fencing along the perimeter of the parking area including, at minimum, all contiguous street rights-of-way. Reductions granted pursuant to this paragraph may be cumulative.

H. Development and Construction Review:

- a. Architectural Review Board:
 - (1) In addition to Site Plan review requirements of Article 26, all buildings and structures within the DSD – Downtown Special District shall submit architectural elevations to the Architectural Review Board for review and Action.
 - (2) Other items necessary to this review may also be required of the applicant by the Architectural Review Board. All developments subject to this Article shall comply with the standards set forth below. No building permit shall be authorized by the City of Flint Hill for any development subject to this Article which does not have an approved architectural elevation(s). Said standards are as follows:
- b. General Design Standards.
 - (1) Material selection and construction quality should maintain the highest standard possible.

(2) Buildings shall to the maximum extent feasible reflect and be consistent with the architectural character (in terms of building height, scale and orientation; materials, textures and colors; roof forms and architectural details) and historic period predominant in the DSD – Downtown Special District; buildings shall be oriented to the street with the primary entrance facing the street and directly accessible from the sidewalk. Building walls shall be clad in brick, stone, wood shingles, wood clapboard, drop siding, wood board and batten and smooth stucco. Other materials having the design and visual/textural characteristics of the foregoing materials may be approved by the Architectural Review Board.

d. *Site design standards.*

(1) Design and building placement must take into account sensitivity to the site and the surrounding area and incorporate the environmental features as defined by the Natural Resource Protection Standards.

(2) Design of parking areas must reflect site characteristics and reduce excessive land disturbance by minimizing paved surfaces, utilizing alternative materials and terracing or other similar construction techniques.

(3) Design of buildings or clusters of buildings should avoid "monotonous tendencies".

(4) Design, orientation and presentation of all buildings visible to the public from an adjoining public right-of-way shall particularly address this elevation(s).

(5) Views enjoyed by surrounding properties shall be maximally preserved, where possible, through accommodations in the mass, bulk and height of structures.

(6) Orientation of buildings shall consider, at least, natural lighting qualities and benefits.

(7) Landscaping materials must be utilized as part of any improvement and should complement the exterior color and treatments of the buildings located on the lot.

e. *Building design standards.*

(1) Proportions of building elements shall be consistent and achieve harmony in design.

- (2) Mass, bulk and height should be consistent with and complement the surrounding development pattern, individual site characteristics and overall lot area.
- (3) Relationships should be compatible between each building or site improvement and the overall design concept and surrounding properties.
- (4) Accessibility within the project should be pedestrian oriented, visually appealing and functional.
- (5) Building materials should be of the type normally used in this area.
- (6) Colors should complement the area's natural setting. A master list may be a suitable option to consider in this regard.
- (7) Variations to these guidelines may be granted by the Architectural Review Board where the variation satisfies the intent and objectives of these guidelines.

- I. Landscaping and Screening Regulations: "As required in Article 22 (Note: of particular importance when adjacent to residential use)".
- J. Utilities: Any area zoned DSD – Downtown Special District should be served by approved public water and sewer facilities.

SECTION 3. That the Zoning Ordinance of the City of Flint Hill be and is hereby amended by the enactment of a new Article 23-A, to read as follows:

ARTICLE 23-A

ARCHITECTURAL REVIEW BOARD

A. *Intent And Purpose.* This Section contains the specific regulations for the establishment of the City of Flint Hill's Architectural Review Board. The purpose of the Architectural Review Board is to review, comment and act upon design, function and aesthetic issues and elements relative to all buildings and structures to be constructed in the Downtown Special District. The Architectural Review Board shall also establish appropriate meeting procedures to undertake, coordinate and complete their required responsibilities in a timely manner as described by this Article, including participating with other boards and commissions of the City.

B. *Definitions.* For the purposes of this Article, the following words and phrases are defined as follows:

ARCHITECTURAL STANDARDS AND GUIDELINES: The specific requirements applied by the Architectural Review Board in the administration of their powers and duties, which are defined by 12-A.04.H of this Ordinance.

AREA: A specific geographic division of the City of Flint Hill.

ARB: The City of Flint Hill Architectural Review Board.

CONSTRUCTION: The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

REVIEW MATERIALS: All materials identified on the policy memorandum approved by the Architectural Review Board and titled "Submittal Requirements of the City of Flint Hill's Architectural Review Board" as it may be amended from time to time by the Architectural Review Board.

C. *Scope And Application.* Every application for a building permit for the construction or alteration of any building or structure within the boundaries of the Downtown Special District or as otherwise required pursuant to this Ordinance, shall be submitted to the Architectural Review Board for consideration and action based upon the standards and guidelines currently in place at the time of the submittal. This requirement shall not apply to alterations and repairs not affecting the exterior appearance of the building or structure.

D. *General Requirements.*

a. *Composition of Architectural Review Board.*

(1) The Architectural Review Board shall consist of five (5) residents of the City of Flint Hill, all of whom shall be appointed by the Mayor with the consent of a majority of members of the Board of Aldermen. Three (3) alternate members may be appointed to serve in the absence or the disqualification of the regular members. In addition, one (1) member of the Board of Aldermen shall serve as a non-voting liaison to the Board. ;
or

(2) The Board of Aldermen may, by resolution, authorize the Planning and Zoning Commission to act as the Architectural Review Board, until such time as the Mayor, with the consent of the Board of Aldermen shall appoint the members of the Architectural Review Board consistent with paragraph a, above. Upon such appointment of the members of the Architectural Review Board, the Planning and Zoning Commission and its members authority and duties as the Architectural Review Board shall terminate.

b. *Terms.*

(1) Except as provided in subsection D.a(2) of this Article, the terms of office for the members of the Architectural Review Board shall be for a period of three (3) years commencing on January first (1st) of the year of their appointment and ending on December thirty-first (31st) of the year in which they complete their tenure as a Board member, unless otherwise appointed. Upon appointment and at the first (1st) meeting of the new Board, the members shall choose the length of their terms by lot. One (1) member shall serve for a one (1) year period, two (2) for two (2) years and two (2) for three (3) year period. All succeeding terms shall be for three (3) years. Anyone filling a vacancy shall be appointed for the remainder of the unexpired term of the member leaving the Architectural Review Board.

(3) The terms of office for the alternate members of the Architectural Review Board shall be for a period of two (2) years commencing on January first (1st) of the year of their appointment and ending on December thirty-first (31st) of the year in which they complete their tenure as an alternate to the Architectural Review Board, unless otherwise reappointed. Alternates may continue to serve in these positions past the two (2) year appointment, until otherwise replaced by the Mayor and Board of Aldermen. The membership of the first (1st) alternates appointed shall serve respectively, one (1) for one (1) year and two (2) for two (2) years. Thereafter, as noted above, members shall be appointed for terms of two (2) years.

(4) The Architectural Review Board shall meet as is necessary to perform their duties or as otherwise directed by the Chair.

c. *Officers.* Officers shall consist of a Chair, Vice Chair and Secretary elected by the Architectural Review Board who shall each serve a term of one (1) year and shall be eligible for re-election. The Board of Aldermen representative shall not be eligible to serve as an officer. The Chair shall preside over meetings. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair. If both are absent, a temporary Chair shall be elected to oversee the meeting by those in attendance. The Secretary of the Architectural Review Board shall have the following duties:

- (1) Take minutes of each Architectural Review Board meeting;
- (2) Be responsible for publication and distribution of copies of the minutes, reports and decisions to the members of the Architectural Review Board;
- (3) Give notice to the City Clerk for posting as provided herein by law for all public meetings conducted by the Architectural Review Board;

(4) Advise the Mayor of vacancies on the Architectural Review Board and expiring terms of members;

(5) Prepare to submit to the Board of Aldermen a complete record of the proceedings before the Architectural Review Board on any matter requiring Board of Aldermen considerations; and

(6) Review and inspect projects which have been approved by the Architectural Review Board for compliance and self-education.

d. *Meetings.* A quorum shall consist of three (3) of the members. All decisions or actions of the Architectural Review Board shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established within the bylaws of the Architectural Review Board at the beginning of each calendar year or at any time upon the call of the Chair. No member of the Architectural Review Board shall vote on any matter that may materially or apparently affect the property, income or business interest of that member. The Architectural Review Board shall keep minutes of its proceedings, showing the 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 City Clerk and shall be public record.

e. *Compensation.* The members shall serve without compensation, but shall be reimbursed for expenses they incur while on Board business.

f. *Powers and duties.* The Architectural Review Board shall have the following powers and duties:

(1) To adopt its own bylaws and procedural regulations, provided that such regulations are consistent with this Article and the Revised Statutes of the State of Missouri.

(2) To review and act upon all plans for the construction of buildings and structures proposed in the City's Downtown Special District.

(3) To inform and educate the citizens of the City of Flint Hill concerning the architectural heritage of the City through publication or sponsorship of newsletters, pamphlets or programs.

(4) To develop and recommend to the Board of Aldermen modifications to architectural standards and guidelines relating to the administration of the Architectural Review Board's responsibilities.

(5) To testify before all boards and commissions, including the Planning and Zoning Commission, the Board of Adjustment and the Board of

Aldermen, on any matter affecting architecturally significant structures or buildings within the community or any other item within the scope of their powers and duties, including all appeal requests.

(6) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this Article.

(7) To assist and participate with the Planning and Zoning Commission in their review of development proposals affecting properties within the Downtown Special District boundary or as may be authorized by the Zoning Ordinance for other locations in the City.

(8) To participate in preliminary discussions held between developers, property owners or other interests concerning projects in the City for the purpose of determining compliance with applicable standards, guidelines or regulations and provide input to assist those parties in the preparation of plans, elevations, models and other presentation aids in anticipation of review and action by the Planning and Zoning Commission and/or the Board of Aldermen.

E. *Review Authority.*

a. *Review materials.* Any applicant for a construction project subject to architectural review shall submit to the Architectural Review Board materials specified on an approved list provided by it. This list shall be regularly updated by the Board and shall be made available to all applicants at the time of their first (1st) contact with the City. The Architectural Review Board may require additional information as necessary to decide on any particular application. The submittal of these review materials is mandatory and, if not provided, the Architectural Review Board can delay review and action upon it. Review may begin once all materials are provided to the Architectural Review Board.

b. *Meeting procedures and actions.* The Architectural Review Board shall hold a public meeting to allow for the applicant to present the required materials and shall allow public comment thereon. After such review the Architectural Review Board shall expeditiously, as practicable, approve the application if it conforms to the City's standards and guidelines in this regard or return it with suggestions, when the Board deems the plan would conform to these items with minor modifications. All decisions shall be in writing and delivered to the applicant and the City Clerk.

c. *Standards for approval.* The Architectural Review Board shall consider any proposal by the application of the minimum requirements and guidelines established by this Article, which are on file in the City offices. These standards are not intended to restrict variety, creativity or imagination in architectural

design, but rather are intended to set minimum standards and guidelines in which to develop visual cohesiveness of buildings or structures, pedestrian-friendly access and design and compatibility with surrounding natural or built environment, as well as preserve property values and promote the public health, safety and welfare.

d. *Modifications.* Architectural guidelines identified as "minimum standards" must, unless a modification is granted, be observed in all plans. Architectural regulations identified as guidelines shall be observed, unless an alternative proposed feature or design is shown by the applicant to meet or exceed the intent and objectives of this Article. The standards and guidelines are designed to direct and limit the discretion of the Architectural Review Board and, therefore, modifications from the standards and guidelines shall only be permitted upon a clear showing that the alternative feature and design conforms with the identified legislative intent of these regulations.

F. *Appeal Of Actions Of The Architectural Review Board.* If the Architectural Review Board denies an application, it may provide suggestions or proposed modifications to the applicant to arrive at a mutually satisfactory alternative to the proposed design. If the applicant does not receive approval of the modified plan within thirty (30) days, the applicant may file with the City Clerk a written appeal to the Board of Aldermen. Upon appeal, the Architectural Review Board shall provide the Board of Aldermen with a complete, written record of the application indicating the reasons for the denial. In acting upon the appeal, the Board of Aldermen may grant a modification from the strict interpretation of this Article when such will not materially affect the health or safety of the applicant and general public. If a modification is granted by the Board of Aldermen, appropriate mitigation shall be incorporated as part of any such approval to address aesthetics, scale, design and consistency. This mitigation must minimally address the impact on the surrounding properties and the viewscape from any public roadway or parcel of ground resulting from this modification.

SECTION 3. Effective Date: This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

SECTION 4. Savings: Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

SECTION 5. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

ARTICLE 13

I-1 LIGHT INDUSTRIAL DISTRICT

13.01 PURPOSE: This district is composed of the area of the City where the principal use is or ought to be light manufacturing, warehousing, and other light industrial uses. These uses generate considerable noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, radioactive and other hazards, and harmful or obnoxious matter. This district has been located within the City to permit the development of these industrial uses, to protect adjacent areas against encroachment by incompatible uses and to lessen congestion on public streets. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district have been excluded.

13.02 PERMITTED USES: The listing of permitted uses is set out in Appendix 'A'.

13.03 CONDITIONAL USES: The listing of conditional uses is set out in Appendix "A".

13.04 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply in all I-1 Light Industrial Districts:

- A. Site Area: Five (5) acres minimum unless the proposed project abuts an existing industrial district.
- B. Lot Width: The minimum lot width shall be seventy-five (75) feet.
- C. Lot Coverage: The maximum lot coverage by structures shall not exceed fifty (50) percent.
- D. Yard and Setback Requirements:
 - 1. Front Yard: not less than thirty (30) feet.
 - 2. Side Yards: least width of either yard shall not be less than twenty-five (25) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than thirty (30) feet. Transition strips requirements for abutting residential will be twenty-five (25) feet planting screen plus twenty-five (25) feet side yard.
 - 3. Rear Yard: not less than fifty (50) feet. Transition strips requirements for abutting residential will be twenty-five (25) feet planting screen plus fifty (50) feet rear yard.
- E. Height Requirements:
 - 1. No building or structure shall exceed two and one-half (2 ½) stories above finished grade or thirty-five (35) feet (whichever is lesser) except as provided in Article 18
 - 2. Buildings containing three (3) stories may be occupied for residential purposes provided that the main entry to such buildings shall be located at mid level so that

no occupant shall be required to traverse more than one story of stairs from the main building entrance to the highest or lowest occupied story.

- F. Landscaping and Screening Regulations: See Article 22 (Note: Of particular importance where adjacent to residential uses.)
- G. Utilities: Any area zoned I-1 Light Industrial District shall be served by approved public water and sewer facilities.
- H. Off Street Parking: As required in Article 24.
- I. Site Plan Review prior to issuance of a building permit: As required in Article 26.
- J. Performance Standards:
 - 1. All industrial operations shall be conducted within a fully enclosed building.
 - 2. All storage of materials and equipment shall be within a fully enclosed building or in a side or rear yard so screened by berms, dense vegetative-plantings, wooded fences, or brick walls, or combinations of these materials at least eight (8) feet in height so that said materials and equipment are not visible at eye level within one thousand (1,000) feet of the property line.
 - 3. Other Performance Standards: See Article 25.

ARTICLE 14

I-2 HEAVY INDUSTRIAL DISTRICT

14.01 PURPOSE: This district is composed of the area of the City where the principal use is or ought to be heavy manufacturing, warehousing, and other heavy industrial uses. These uses generate considerable noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, radioactive and other hazards, and harmful or obnoxious matter. This district has been located within the City to permit the development of these industrial uses, to protect adjacent areas against encroachment by incompatible uses and to lessen congestion on public streets. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district have been excluded.

14.02 PERMITTED USES: The listing of permitted uses is set out in Appendix "A".

14.03 CONDITIONAL USES: The listing of conditional uses is set out in Appendix "A".

14.04 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply in all I-2 Heavy Industrial Districts:

- A. Site Area: Five (5) acres minimum unless the proposed project abuts an existing industrial district.
- B. Lot Width: The minimum lot width shall be seventy-five (75) feet.
- C. Lot Coverage: The maximum lot coverage by structures shall not exceed fifty (50) percent.
- D. Yard Requirements:
 1. Front Yard: not less than thirty (30) feet.
 2. Side Yards: least width of either yard shall not be less than twenty-five (25) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than thirty (30) feet. Transition strips requirements for abutting residential will be twenty-five (25) feet planting screen plus twenty-five (25) feet side yard.
 3. Rear Yard: not less than fifty (50) feet. Transition strips requirements for abutting residential will be twenty-five (25) feet planting screen plus fifty (50) feet rear yard.
- E. Height Requirements:
 1. No building or structure shall exceed two and one-half (2 ½) stories above finished grade or thirty-five (35) feet (whichever is lesser) except as provided in Article 18
 2. Buildings containing three (3) stories may be occupied for residential purposes provided that the main entry to such buildings shall be located at mid level so that

no occupant shall be required to traverse more than one story of stairs from the main building entrance to the highest or lowest occupied story.

- F. Landscaping and Screening Regulations: See Article 22 (Note: Of particular importance where adjacent to residential uses.)
- G. Utilities: Any area zoned I-2 Heavy Industrial District shall be served by approved public water and sewer facilities.
- H. Off Street Parking: As required in Article 24.
- I. Site Plan Review prior to issuance of a building permit: As required in Article 26.
- J. Performance Standards:
 - 1. All industrial operations shall be conducted within a fully enclosed building.
 - 2. All storage of materials and equipment shall be within a fully enclosed building or in a side or rear yard so screened by berms, dense vegetative-plantings, wooded fences, or brick walls, or combinations of these materials at least eight (8) feet in height so that said materials and equipment are not visible at eye level within one thousand (1,000) feet of the property line.
 - 3. Other Performance Standards: See Article 25.

ARTICLE 15

AG AGRICULTURAL DISTRICT

15.01 PURPOSE: This district is composed of those areas of the City where the principal use is and ought to be farming. The regulations of this district are designed to conserve, stabilize, enhance, and develop farming and related resource utilization activities.

15.02 PERMITTED USES: The listing of permitted uses is set out in Appendix "A".

15.03 CONDITIONAL USES: The listing of conditional uses is set out in Appendix "A".

15.04 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply in all AG - Agricultural Districts.

- A. Lot Area: No building or structure shall be established on any lot less than three (3) acres. The minimum lot area for the raising and keeping livestock shall be ten (10) acres, except that horses may be kept on a minimum of three (3) acres, not to exceed one (1) horse per acre.
- B. Lot Width: The minimum lot width shall be one hundred fifty (150) feet.
- C. Lot Coverage: The maximum lot coverage by structures shall not exceed ten (10) percent.
- D. Yard and Setback Requirements:
 - 1. Front Yard: not less than fifty (50) feet from the right-of-way.
 - 2. Side Yards: least width of either yard shall not be less than thirty (30) feet except in the case of a corner lot where the side yard on the street side shall not be less than fifty (50) feet.
 - 3. Rear Yard: not less than fifty (50) feet.
 - 4. The above requirements shall apply to every lot, building, or structure, provided further that where livestock is raised or kept, no structure or storage of hay, feed, or manure shall be located less than one hundred (100) feet from a property line.
- E. Height Requirement: Except as otherwise provided in Article 18, the following the height requirements shall apply in this district.
 - 1. For Dwelling and Non-Farm Buildings and Structures; no dwelling or non-farm building or structure shall exceed a height of two and one-half (2 ½) stories.
 - 2. For General and Specialized Farm Buildings and Structures: No general or specialized farm building or structure shall exceed a height of fifty (50) feet.
- F. Off-Street Parking: As required in Article 24.

G. Performance Standards: As required in Article 25.

ARTICLE 16

P-R PARK RECREATION DISTRICT

16.01 PURPOSE: The value to the public of certain open areas of the City is represented in their natural, undeveloped, or unbuilt condition. It is recognized by this Ordinance that the principal use of certain open areas is and ought to be the development, management, and utilization of the natural resource base possessed by these areas. In order that this value may be maintained and this use encouraged, this Ordinance has established, based upon a well-considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels and lots, in order to protect and enhance the natural resources, natural amenities, natural habitats of wildlife, watershed and reservoir areas, agricultural capabilities, parks and public recreation areas, and the public health, safety and welfare by reducing the hardship and financial burdens imposed upon the City by the water destruction of resources, the improper and wasteful use of open land, wooded areas, and the periodic flooding and overflow of creeks and streams.

16.02 PERMITTED USES: The listing of permitted uses is set out in Appendix "A".

16.03 CONDITIONAL USES: The listing of conditional uses is set out in Appendix "A".

16.04 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply in all Park-Recreation Districts:

- A. Lot Area: No Restriction
- B. Lot Width: No restriction
- C. Lot Coverage: The maximum lot coverage by structures shall not exceed ten (10) percent.
- D. Yard and Setback Requirements:
 - 1. Front Yard: not less than sixty (60) feet from the right-of-way.
 - 2. Side Yard: least width of either yard shall not be less than thirty (30) feet; except in the case of a corner lot where the side yard on the road or street side shall not be less than sixty (60) feet.
 - 3. Rear Yard: not less than fifty (50) feet.
- E. Height Requirements: Except as otherwise provided in Article 18, the following height requirements shall apply in this district for all Buildings and Structures: no building or structure shall exceed two (2) stories or twenty-five (25) feet, whichever is less.
- F. Off-Street Parking: As required in Article 24.
- G. Site Plan Review by the Planning and Zoning Commission prior to issuance of a building permit: As required in Article 26.

ARTICLE 17

PUD PLANNED UNIT DEVELOPMENT

17.01 PURPOSE: The provisions of this article are designed to deal with large scale development and facilitate better site planning and community planning through modification of certain district regulations as they apply to such development.

It is hereby recognized that, for large scale development, the regulations of districts in the Zoning Ordinance, either individually or collectively, might impose unnecessary or undesirable rigidities on the development of the site and thereby prevent achievement of the best possible plan within the ordinance. Therefore, this Article has the following intents:

- A. To permit flexibility in site design.
- B. To achieve more efficient use of land, within the framework and intent of the Zoning Ordinance, which can result from large scale or multiple use developments.
- C. To encourage and permit the provision of open space.
- D. To protect and preserve scenic assets and natural features and to incorporate these into the development.
- E. To foster a more stable community by providing a variety and balance of housing types and living environments.
- F. To encourage and permit variety in the location of buildings, roads, parking lots, and other facilities and activities.
- G. To increase the safety of pedestrian vehicular traffic by reducing the number of traffic conflict points within a development.
- H. To reduce land cost per dwelling unit in residential developments.

This article is intended to achieve these objectives while promoting and protecting the public health, safety, and welfare of the City, and while safeguarding the present or future use and development of areas surrounding a proposed PUD.

The PUD designation is intended to be attached to use districts set forth in this Ordinance and is not a separate use district. The PUD designation may be attached to a parcel of land at the time its zoning classification is amended, or it may be attached to a parcel of land under the zoning district classification(s) existing at the date of application of PUD designation. It is further intended that a PUD designation may be applied to a residential, nonresidential, or a combined residential/nonresidential development.

PROCESSING PROCEDURES FOR PLANNED UNIT DEVELOPMENTS

STEP 1

AREA PLAN APPROVAL

APPLICATION AND AREA PLAN SUBMITTED TO CITY ENGINEER
STAFF REVIEW AND COMMENT
PLANNING COMMISSION - PUBLIC HEARING, REVIEW, AND

RECOMMENDATION
GOVERNING BODY - PUBLIC HEARING and REVIEW
GOVERNING BODY - REVIEW and VOTE

STEP 2

FINAL PLAN APPROVAL

APPLICATION AND FINAL PLAN SUBMITTED TO CITY ENGINEER
STAFF REVIEW AND COMMENT
PLANNING COMMISSION - REVIEW AND RECOMMENDATION
GOVERNING BODY - REVIEW AND VOTE

STEP 3

CONSTRUCTION PLAN APPROVAL (See Subdivision Regulations)

APPLICATION AND CONSTRUCTION PLAN SUBMITTED TO CITY ENGINEER
STAFF REVIEW AND COMMENT

STEP 4

DISPLAY HOUSE PLAT APPROVAL (See Subdivision Regulations)

APPLICATION AND DISPLAY HOUSE PLAT SUBMITTED TO CITY ENGINEER
STAFF REVIEW AND COMMENT

STEP 5

RECORD PLAT APPROVAL (See Subdivision Regulations)

APPLICATION AND RECORD PLAT SUBMITTED TO CITY ENGINEER
STAFF REVIEW AND COMMENT
GOVERNING BODY - REVIEW and VOTE

STEP 6

BUILDING PERMIT APPROVAL

APPLICATION AND BUILDING PLANS SUBMITTED TO CITY ENGINEER
STAFF REVIEW AND COMMENT

17.02 AUTHORITY: The Board of Aldermen of the City of Flint Hill shall have the authority to approve Area and Final Planned Unit Development (PUD) Plans. Such plans may be considered by the Board of Aldermen only after the Planning Commission has reviewed the plans and submitted its recommendations to the Board.

17.03 MINIMUM DEVELOPABLE AREA: The minimum area to be developed under the regulations of this article shall be five (5) acres, provided however, that the minimum lot area may be waived by the Board of Aldermen upon the favorable recommendation of the Planning and Zoning Commission if the parcel in question has certain unique characteristics such as, but not limited to, significant topographic change, significant trees, or wooded areas; wetlands, floodplain, or poor soil conditions on portions of the property; water courses or utility easements crossing the parcel; unusual shape or proportions; and isolation from other undeveloped or developable lands. In such case, the applicant shall submit information to the Commission to support the request from a waiver of the minimum area requirement. The Commission shall consider the request and act thereon, record said action in the minutes of the meeting and inform the applicant of the action in

writing. The request for waiver and the Board of Aldermen action shall be made prior to the applicant's submittal of an application for a Planned Unit Development designation. If the Commission approves the request for waiver of the minimum area requirement, the Commission shall indicate its decision and the reasons therefore in its report to the Board of Aldermen.

17.04 APPLICATION PROCEDURE: The owner(s) of record, or any person(s) acting on behalf of the owner(s) of record of any tract five (5) acres or larger in area, may apply for a PUD designation. The application for a PUD designation shall be for review and approval of an Area Plan for development of the entire tract.

The application may accompany a zoning amendment application for the lot in question. Following review by the Planning and Zoning Commission and approval of the Area Plan and designation of the lot as a PUD by the Board of Aldermen, a second application shall be made for approval of a Final Plan for the entire tract, or portion thereof, if development is to occur in phases.

A separate application for Final Plan approval shall be required for each phase. No construction, grading, or other site improvements may commence and no permit shall be issued therefore, on a tract with a multiple stage PUD designation, until a Final Plan for said tract or part thereof has been approved in accordance with this Article.

Each application shall be filed with the City Engineer, who shall transmit the Area Plan to the Planning and Zoning Commission for consideration. The application must be filed at least thirty (30) days prior to the Commission meeting at which it is to be first considered.

The applicant may appear before the City Board of Aldermen and/or Planning and Zoning Commission, prior to application for a PUD designation, to discuss the proposed development.

17.05 INFORMATION REQUIRED - AREA PLAN

A. Application: The application for Area Plan approval shall include the following information:

1. The name of the proposed PUD.
2. Names, addresses and phone numbers of the owner(s) of record, developer, engineer, surveyor or designer responsible for the planning, engineering survey and design. Registration seal of the designer.
3. Acreage in the Area Plan.
4. Legal description of the entire PUD, including one hard printed copy and one electronic copy in Microsoft Word format.
5. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the requested information.
6. Receipt from the City Clerk showing paid application fee.
7. The names and addresses of the owners of all properties or portions thereof, within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the property to be affected.

8. Any additional information deemed necessary by the City Engineer.
- B. Area Plan: The application shall be accompanied by twenty (20) copies of the proposed Area Plan drawn at appropriate scale showing:
1. The name of the proposed PUD Project.
 2. A scale, the date and a north arrow.
 3. A key map showing the PUD in relation to the surrounding area.
 4. Within two hundred (200) feet of the proposed development, names of adjacent subdivisions, layout of streets (with names), right-of-way widths, connections with adjoining platted streets, widths and locations of alleys, easements, and public sidewalks adjacent to or connecting with the tract, location and size of all existing sanitary sewer, storm sewer and supply facilities.
 5. Existing conditions in the plan area showing all utilities, bridges, streets, drives or alleys and existing structures.
 6. Existing topography (at least five (5) foot contour intervals). All topographic data shall directly relate to data from the United States Geological Survey.
 7. The zoning status of the PUD and of all adjacent properties shall be identified on the Plan. If the PUD contains more than one zoning district, the zoning district boundary lines shall be clearly indicated.
 8. Boundary lines of school districts, fire districts, water districts and municipal limits shall be identified on the Plan where applicable.
 9. The general plan layout of the entire PUD showing proposed land uses, streets, parking areas, open space areas, and sidewalks, with significant dimensions indicated where appropriate to clarify the Plan.
 10. All planned use area shall be clearly labeled as to the proposed use and all parcels of lands to be dedicated or reserved for public use or for use in common by property owners in the PUD shall be indicated on the plan for dedication or reservation.
 11. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of land, buildings and structures, including proposed easements or grants for public utilities.
 12. Proposed stages of development.
 13. Date required for a Site Plan pursuant to Article 26 shall be indicated on the Area Plan. The Area Plan shall also include the following:
 1. Total gross area of the PUD Area Plan in acres.
 2. Breakdown of total gross area by land use type such as townhouses, single family, retail shops, open space, church, school, etc.

Residential Data:

- a. Estimated total residential units.
- b. Average square feet of residential land per each type of residential unit.
- c. Breakdown of non-residential land by type of use.
- d. Total parking by land use type and parking ratio per dwelling unit.
- e. Density Chart - Reflecting residential development's density per acre exclusive of public right-of-way and with and without other types of land uses.

3. Commercial and Industrial Data:

- a. Estimated total building square footage by land use type.
- b. Percent building coverage by land use type for business and Industrial PUD'S.
- c. Total parking by land use type and parking ratio per floor area.

14. Building elevation of proposed structures.
15. Landscape Plan in conformance with Article 22.
16. Depict flood hazard boundaries as shown on Federal Emergency Management Agency maps.
17. Depictions of areas of common ground and for stormwater detention/retention facilities.
18. A note describing how street lighting will be provided and maintained.
19. All deviations from this Ordinance and from the standard zoning district regulations for the uses included along with a statement that no deviations other than those listed are included in the PUD.
20. A statement where streets are stubbed for future extension that a clearly legible sign will be installed, prior to final plan approval, stating "FUTURE STREET."
21. Easements and right-of-ways for future extensions of streets and utilities.
22. Any additional information deemed necessary by the City Engineer, Planning and Zoning Commission or Board of Aldermen to adequately illustrate the proposed development.

17.06 PROCEDURE FOR AREA PLAN REVIEW:

- A. Upon receipt of the Area Plan from the City Engineer the Planning and Zoning Commission shall undertake a study of the Area Plan. The City Engineer shall advise the applicant in writing of any recommended changes in the Area Plan as are needed to conform to the standards of this Ordinance and other pertinent ordinances.
- B. The City Engineer shall prepare legal notices advertising the review of the Area Plan by the Planning and Zoning Commission and the Board of Aldermen. The legal notices shall be published at least fifteen (15) days prior to the dates of the public hearings in a newspaper of general circulation throughout the City. The public hearing before the Planning and Zoning Commission will be held within ninety (90) days of the Area Plan application deadline during a regularly scheduled meeting of the Planning and Zoning Commission. Public hearings, may be continued by the Planning and Zoning Commission or the Board of Aldermen to another date without further notice other than a motion to be entered on the minutes fixing the date, time and place of the continuance of the public hearing.
- C. The Planning and Zoning Commission will review the Area Plan application and conduct a public hearing on the proposed Area Plan. The public hearing is open to all citizens. After the public hearing, the Planning and Zoning Commission shall conduct a formal vote on the Area Plan application and either: 1) postpone consideration of the Area Plan due to lack of sufficient information to make a recommendation to the Board of Aldermen; 2) recommend approval to the Board of Aldermen; 3) recommend approval with conditions to the Board of Aldermen; or 4) recommend denial of the Area Plan and any request for zoning amendment, if applicable, to the Board of Aldermen.
- D. The Board of Aldermen will review the Area Plan application and the recommendation of the Planning and Zoning Commission and conduct a public hearing on the proposed Area Plan. The public hearing is open to all citizens. After the public hearing, the Board of Aldermen may either: 1) postpone consideration of the Area Plan due to lack of sufficient information; 2) approve the Area Plan; 3) approve the Area Plan with conditions; or 4) deny the Area Plan application and any request for zoning amendment, if applicable.
- E. If the Area Plan is approved by the Board of Aldermen, the applicant shall review the Area Plan in its approved form. The applicant and the owner(s) of record shall then sign a statement that the approved Area Plan shall be binding upon the applicant and the owner(s) of record and upon their heirs, successors, and assigns. The Area Plan shall not be officially approved nor may the applicant submit a Final Plan for the lot or any part thereof, until said statement has been signed as required herein. The foregoing approval and signing shall constitute official approval of the PUD designation for the subject tract. Rezoning may be made contingent upon the PUD statement being properly signed.
- F. Within five (5) working days of the passage of the ordinance approving an Area Plan, the Mayor shall accurately note, and the City Clerk attest, the PUD designation for the lot in question on the Official Zoning Map.

17.07 STANDARDS FOR AREA PLAN APPROVAL:

The Planning and Zoning Commission and the Board shall determine, based upon its review of the Commission's report and its own findings, that the proposed Area Plan meets the intent of this Article and meets the following standards:

- A. The use of land shall be in conformance with the permitted uses of the district in which the proposed development is to be located, and represents land use policy which, is a logical and acceptable to the City.

- B. That the average density of development within the PUD shall remain the same as would be permitted if the area were to be developed conventionally. Average density is to be calculated as total land area excluding public right of way, land to be used as detention basins and common ground. Common ground may be used in the calculations if it is developed with acceptable amenities, or if the property is to be left in its natural state. However, the development (buildings) so permitted may be clustered and located irrespective, of yard setback requirements or lot lines in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents.
- C. The proposed development shall be adequately served by public facilities and services, such as: highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to provide, in a manner acceptable to the Board, any such facilities and services.
- D. Each phase of the proposed development shall not be dependent upon completion of subsequent phases of the same development for the facilities and services
- E. The common open space, any other common properties, individual properties, and all other elements of the PUD are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.
- F. Ingress and egress to the proposed development is designed to minimize traffic congestion on the public streets outside of the development and to facilitate the free flow of traffic, both vehicular and pedestrian, within the development.
- G. Where applicable, the Commission and Board shall determine that noise, odor, light, or other external effects from any source whatsoever, which are connected with the proposed use, will not adversely affect adjacent and neighboring areas and uses.
- H. Yard requirements along the perimeter of the PUD shall be at least equal to those required in district(s) in which the PUD is located.

17.08 EFFECT OF AREA PLAN APPROVAL: Approval of the Area Plan by the Board of Aldermen shall have the following effects:

- A. Approval shall assure the applicant that the Area Plan is acceptable to the Board for three (3) years provided construction is diligently pursued, and authorizes the applicant to file a Final Plan for the entire tract or portion thereof if the PUD is developed in phases.
- B. Passage of an ordinance approving the Area Plan shall confer PUD status to the subject tract and permit modifications of lot area, lot width, yard requirements, and spacing among buildings and structures within the lot, except on the perimeter thereof, all as set forth in the approved Area Plan.
- C. No deviations from the Area Plan approved by the Board of Aldermen shall be permitted except as provided in this article.
- D. Approval of the Area Plan of a PUD shall expire and be of no effect one (1) year after the date of approval unless a Final Plan has been approved by the Planning and Zoning Commission.

17.09 INFORMATION REQUIRED - FINAL PLAN : Only after the Board of Aldermen has approved the Area Plan for the proposed PUD, the owner(s) of record, or any person(s) acting on behalf of the owner(s) of record, may apply for the review and approval of a Final Plan in accordance with this Article. The application for a Final Plan shall be for the entire PUD, or portion thereof, if the proposed development is to occur in phases. Each Final Plan application shall be filed with the City Engineer at least thirty (30) days prior to the Commission meeting at which it is to be first considered. Each Final Plan application shall contain the name(s), address(es), telephone number(s) and signature(s) of the applicant and the owner(s) of record, or any person(s) acting on behalf of the applicant(s) or the owner(s) of record, and the name, address, and phone number of the developer and contact purchaser (if applicable). The application shall be accompanied by proposed deed restrictions, protective covenants, and homeowner's association articles of incorporation and bylaws, and twenty (20) copies of the proposed Final Plan which shall meet the following requirements:

- A. The Final Plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Commission can readily interpret the Plan, and shall include more than one drawing where required for clarity.
- B. The property shall be identified by lot lines and location, including dimensions, angles, and size, correlated with the legal description of said property. The Plan shall be designed and prepared by a qualified land planner, registered professional architect, engineer or land surveyor. Their registration seal shall be provided on the Plan. It shall further include the name address of the property owner(s), developer(s), and designer(s).
- C. It shall show the scale, north point, boundary dimensions, natural features such as woodlot, streams, rivers, lakes, drains, and topography (at least five (5) foot contour intervals (when terrain is irregular or drainage critical, contour intervals shall be two (2) foot) and similar features.
- D. It shall show existing manmade features such as buildings, structures, easements, high tension towers, power lines, existing utilities such as water and sewer lines, etc., excavations, bridge's, culverts and drains and shall identify adjacent property within one hundred (100) yards and their existing uses.
- E. It shall show the location, proposed finished floor and grade line excavations, size of proposed main and accessory buildings, their relation one to another and to any existing structure to remain on the site, and the height of all buildings and structures, as well as building elevations for the buildings proposed.
- F. It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, service parking and loading zones.
- G. It shall show the proposed location, use and size of open spaces and the location of any landscaping, fences, or walls on this site. Any proposed alterations to the topography and other natural features shall be indicated.
- H. It shall show the location and size of all existing utilities (public and private) serving the property as well as the location and size of all proposed utilities to serve the property. It

shall be stated that all necessary utilities (public and private) will be available, functioning, and usable at the time any stage of the project or the total project is ready for occupancy.

- I. A Landscape Plan in conformance with the requirements of Article 22.
- J. Any other information deemed necessary by the City Engineer, Planning and Zoning Commission or Board of Aldermen.

17.10 PROCEDURE FOR FINAL PLAN REVIEW:

- A. The Planning and Zoning Commission shall, upon receipt of a Final Plan, study same and approve or deny the Final Plan.
- B. The Planning and Zoning Commission shall transmit the recommendation for approval or denial of a Final Plan to the Board of Aldermen for its review and approval or denial. The approval of a Final Plan shall be done by ordinance. Said ordinance shall include all findings and conclusions of the Board of Aldermen in support of approving the Final Plan.

Upon the denial of a Final Plan by the Board of Aldermen, by means of an affirmative vote of the Board of Aldermen to reject the bill proposing the Final Plan or upon the failure of the bill to pass as an ordinance for lack of sufficient votes in favor, the Board of Aldermen shall, no later than the next regular meeting of the Board of Aldermen, prepare and approve the findings of fact and conclusions of law setting forth the Board's reasons for denying the Final Plan. The date of the Board's approval of the findings of fact and conclusions of law shall be deemed the effective date of the denial of the requested approval of the Final Plan.

- C. The applicant and owner(s) of record shall review the approved Final Plan and sign a statement that the approved Final Plan shall be binding upon the applicant and the owner(s) and their heirs, successors, and assigns.
- D. Building permits may be issued after the applicant has signed the required statement and has followed appropriate procedures provided for in this Article 17.
- E. The procedures of this Article shall be repeated in full for each phase of the development in the approved Area Plan.

17.11 STANDARDS FOR FINAL PLAN APPROVAL: The Planning and Zoning Commission and Board of Aldermen, when considering a Final Plan, shall determine if the following standards have been met:

- A. The Final Plan shall conform to the approved Area Plan, except that minor variations may be permitted without amendment of the approved Area Plan. Minor variations include, but are not necessarily limited to, a change in residential floor area, an increase in non-residential floor area of five (5) percent or less, and a change in layout, provided that in the case of a change in layout, the applicant shall provide the Board of Aldermen and the Commission each a revised Area Plan which incorporates such layouts. The revised plans shall each be signed by the applicant and owner(s) of record. Modifications, such as, but not limited to, a change in use, type of street, increase in density or intensity of development, type of dwelling unit, or an increase in non-residential floor area of over five(5) percent, shall be considered major changes and shall require amendment of the approved Area Plan. The Board of Aldermen upon recommendation of the Planning

Commission shall determine whether a change is minor or major, in accordance with this Article.

- B. All dedications shall have been effectuated or, in lieu thereof, proper agreements shall be made for such dedication in the future with the Board.
- C. If the lot is to be developed in phases, each phase shall not depend on subsequent phases for adequate access, utilities, or public facilities.

17.12 PRESERVATION AND MAINTENANCE OF OPEN SPACE: All open spaces identified in the approved Area Plan and which are to remain in private ownership shall permanently remain as open space and shall be properly maintained.

17.13 AMENDMENT OF A PUD PROJECT: Except as otherwise provided in Article 17.11, an approved PUD Project may be amended at either the Area Plan or Final Site Plan stage by use of the procedures for original approval. An amendment to a Final Plan which results in a major change in the Area Plan shall require an amendment of the Area Plan and shall be processed in the same manner as the original application with public hearings before the Planning Commission and the Board of Aldermen following due public notice as required by law.

17.14 EXPIRATION OF APPROVALS:

- A. If a tract has been designated as a PUD by the Board, said tract shall not be developed or used except in accordance with the approved Area Plan and Final Plan unless and until such designation is removed by formal action of the Board.
- B. Failure to obtain approval of Final Plan as herein provided shall authorize the Board to revoke at its discretion, the right to develop under the approved Area Plan and to require that a new Area Plan be filed and reviewed in accordance with the provisions of this article.
- C. Approval of the Final Plan of a PUD shall expire and be of no effect one hundred-eighty (180) days after the date of approval unless and until all appropriate fees have been paid and the City shall have issued a building permit for the development authorized by said approved Plan. Approval of the Final Plan in a PUD shall expire and be of no effect one (1) year after the date of approval unless construction is begun and is diligently pursued in accordance with the approved Plan. Expiration of the approved Plan shall authorize the Board to require filing and review of a new Final Plan in accordance with the provision of this article.
- D. Development under an approved PUD shall be completed within two (2) years of the date of approval of the Final Plan. If said development is not so completed, the Commission shall not review or approve plans for any subsequent phases of the PUD unless good cause can be shown for not completing same.

17.15 EXTENSION OF TIME LIMITS: Upon written request by the applicant, or their successors in interest, the Board of Aldermen may, in its sole discretion and for good cause shown, grant an extension of time of up to one (1) year from the date of the initial expiration of the Area Plan for the date of approval of the Final Plan by the Board of Aldermen (or the initial Final Plan for a PUD that is to be constructed in two (2) or more phases). In granting said extension, the Board of

Aldermen may attach any additional conditions deemed necessary above and beyond those required of the original Area Plan.

17.16 VIOLATIONS: The approved Area Plan and/or Final Plan shall have the full force of the Zoning Ordinance. Any violation of either the approved Area Plan or approved Final Plan shall be ground for the City Engineer to issue a stop-work order and to withhold building permits or Certificates of Zoning Compliance until the violation is removed, and shall cause the owner of the development to be subject to the penalties provided for in this Ordinance.

17.17 EFFECT OF FINAL PLAN APPROVAL: Once a developer has received Final Plan approval it shall be the developers responsibility to maintain the following at their sales office.

- A. Description of the developers/subdivision trustees responsibilities for common ground within the subdivision.
- B. A copy of their approved Final Plan indicating the nature of all adjacent zonings as of date of approval.
- C. A copy of all indentures, restrictions, and covenants be available also.
- D. Developers shall be required to post notice, at the sales office, that these items are available for review.

ARTICLE 18

SUPPLEMENTARY DISTRICT REGULATIONS

18.01 PURPOSE: Unless otherwise stated, the regulations hereinafter established shall apply within all districts established by this Ordinance. These general regulations supplement and qualify the district regulations appearing elsewhere in this Ordinance.

18.02 HEIGHT EXCEPTIONS:

- A. Public and Semi-Public Buildings: In any district, public or semi-public buildings, such as hospitals, churches, sanitariums, or schools, either public or private, there permitted, may erect to a height not exceeding seventy-five (75) feet, provided that such buildings shall have yards which shall increase one (1) foot on all sides for each additional foot that such buildings exceed the specified height limit as established in the regulations of the district in which such buildings are situated.
- B. Structural Projections: Chimneys, cooling towers, elevator head houses, fire towers, grain elevator, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, telecommunication, radio and television towers, or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy are not subject to the height limitations contained in the District Regulations, except that such structural projections shall not exceed the height regulations of the district in which the structure is situated by more than fifteen (15) percent, except as indicated below.
 - 1. Structural projections exceeding the above height limitations shall be considered as conditional uses and shall be processed in accordance with Article 19 of this Ordinance, except in no event shall a communication tower, radio aerial, or television antenna support extend more than twenty-five (25) feet above the ridge of a roof in any residential district.

18.03 YARD AND SETBACK EXCEPTIONS:

- A. Commercial / Industrial Front Yards: In the C-1, C-2, and I-1 Districts inclusive where buildings located in the same block on the same side of the street have provided front yards of greater depth than herein required, the Board of Aldermen may require a similar setback for buildings or structures constructed thereafter.
- B. Determination of Setbacks: In measuring a yard, the minimum horizontal distance between the proposed required setback line shall be measured from the proposed right of way line which shall be determine by the Transportation Plan. If a new or existing street is not defined by the adopted Transportation Plan, the required width of said street in question shall be determined by the Board of Aldermen.
- C. Contractor's Office: Contractor office and equipment shed shall (containing no sleeping or eating quarters) be kept on location only during the duration of the project. Such use need not comply with yard setback requirements of this ordinance.
- D. Structural Projections: Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses,

cornices, chimneys, buttresses, ornamental features, and eaves provided, that none of the above projection extend into a minimum yard more than thirty (30) inches; and provided further that balconies, canopies, or open porches having an area not exceeding sixty (60) square feet may project a minimum of six feet into the required front or rear yard, and existing open porches extending into the required yard shall not be enclosed. Mechanical units are specifically excluded from this exception, whether attached or detached.

- E. Fire Escapes / Balconies: An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four (4) feet from the building. Fire escapes, solid floored balconies, and enclosed outside stairways may project not more than four (4) feet into the required rear yard.
- F. Accessory Building and Structures: See Article 18.06.
- G. Sight Triangle: On a corner lot in any district, development shall conform to the requirements of the sight triangle in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between eight (8) feet above the grades at the back of the curb of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points twenty-five feet from their point of intersection or at equivalent points on private streets, except that the sight triangle shall be increased for safety by the Board of Aldermen.
- H. Commercial / Industrial Rear Yards: No rear yard shall be required in Districts C-1 to I-1 inclusive on any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway right-of-way or which has a rear railway track connection.
- I. Through Lots: A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.

18.04 AREA REGULATIONS:

- A. Maximum Lot Coverage Calculation: In computing the amount of lot coverage, the amount of coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three (3) feet of a roof over-hang. Roads, driveways, parking lots and swimming pools shall not be included in maximum lot coverage requirements.
- B. Business and Dwelling Joint Use: For any building used jointly for business and dwelling purposes, the number of dwelling units permitted (by the lot area requirements per dwelling unit) shall be reduced in the same proportion as the floor area devoted to business bears to the entire floor area of the building, provided that floor area below the first floor of such building shall not be included in any calculation under this provision.
- C. Hotel and Apartment Joint Use: For any building providing jointly for hotel and apartment house uses, the number of dwelling units permitted in apartments by the lot area requirements per dwelling unit shall be reduced in the same proportion as the total floor area devoted to hotel or non-housekeeping rooms bears to the total area devoted to both uses.

18.05 ACCESS REGULATIONS:

- A. Access to Business and Industrial Districts: No land which is located in a residential district shall be used for a major access route to any land which is located in any business or industrial district; provided, however, that this section shall not prohibit pedestrian walks and driveway connections between residential districts and neighborhood shops when incorporated as a part of a PUD development.
- B. Street Access: All lots shall abut a street other than an alley for a width of at least thirty-five (35) feet.

18.06 ACCESSORY BUILDINGS AND STRUCTURES: No accessory building or structure shall be used prior to the principal building or use, except as a construction facility for the principal building. An accessory building attached to the principal building of a lot shall be made a structural part thereof and shall comply with the provisions of this Ordinance.

Accessory buildings, except garages, must be located in the rear yard of a lot and must conform to all provisions of this Ordinance. On a corner lot, all accessory buildings (except garages) and recreational vehicle pads must be located in the rear yard of a lot on the interior side.

- A. Attached Accessory Buildings: Any accessory building which is structurally attached to the principal building of a lot shall be considered part of the principal building and shall comply with all provisions of this Ordinance pertaining thereto.
- B. Detached Accessory Buildings and Structures:
 - 1. Height: In any district, a detached accessory building or structure shall not exceed twenty-four (24) feet or two stories in height and shall not be higher than the main building.
 - 2. Yard and Area Requirements: No detached accessory building or structure, except garages, shall be erected in any required front or side yard. Detached accessory building may be located in the rear yard but shall not occupy more than thirty percent (30%) of the rear yard area. No detached building or structure may be erected closer than ten (10) feet to the rear lot line nor closer to the side lot line than the required minimum side yard setback of the district. In no case shall any accessory structure be located in a required transition strip.

18.07 HOME OCCUPATIONS:

- A. Restrictions and Limitations: Home occupations shall be permitted as an accessory use to a residential use in any district subject to the requirements of this section.
 - 1. Said occupation must occur in the home of the applicant.
 - 2. Applicant must be a resident of the City at the time of submitting said application.
 - 3. Applicant must fill out an application for home occupation and submit it to the City Clerk. Upon receipt of the application, the City Clerk will place the home occupation request on the next regularly scheduled Planning & Zoning Commission meeting agenda. If the occupation is approved or approved with contingencies, the appropriate business license shall be issued by the City. If the

home occupation permit is denied, the reasons for such denial shall be provided to the applicant, in writing.

4. Home occupations shall be operated entirely from an enclosed structure and shall not occupy more than fifteen percent (15%) of the total floor area of the main residential building, with the use of the dwelling for a home occupation being clearly incidental and subordinate to its use for residential purposes by its occupants.
5. No alteration of the exterior of the principal residential building shall be made which changes the character thereof as a residence, or other visible evidence of conduct of the home occupation.
6. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
7. There shall be no visible evidence of the home occupation except the owner may provide a home occupation sign which is in conformance with the Sign Standards of the City of Flint Hill.
8. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence, and with no more than two (2) unrelated individuals being employed.
9. No equipment shall be utilized that creates a nuisance due to odor, vibration, noise, electrical interference or fluctuations in line voltage beyond the property line of the lot upon which the home occupation is conducted.
10. Parking generated by the conduct of a home occupation shall be provided off-street, and other than in a required front yard.
11. No commodities shall be displayed or sold outside of the main residential building.
12. A home occupation permit shall be issued only to the individual occupying a dwelling as his residence. As such, home occupation permits shall not be transferable and shall terminate upon sale or transfer of the property to a new owner.
13. Any individual requesting a home occupation permit, for the retail sale or retail storage of firearms, weapons, potentially lethal items, or hazardous materials shall indicate on their permit application the exact nature of their business. The individual must have complied with all federal, state, and local regulations dealing with the handling of firearms, weapons, potentially lethal items, or hazardous materials prior to submitting the request for a home occupation permit. The City of Flint Hill may request proof of compliance at time of application and/or any time the permit is in effect.
14. An applicant may, within ten (10) days of receipt of the denial, appeal the denial of a home occupation permit by the Planning & Zoning Commission by submitting in writing, a notice of appeal to the Board of Aldermen. The review of the denial of the Board of Aldermen shall be a review de novo of the permit application. The permit may be granted only upon the affirmative vote of a

majority of the Board of Aldermen. The Mayor may vote only to break a tie vote of the Board of Aldermen.

18.08 TEMPORARY USES:

- A. Temporary Use Permit: The Mayor and the Board of Aldermen are authorized to issue a permit for a temporary use within any zoning district provided it meets the requirements of this Article. The permit shall be issued for a specified period of time and shall contain health, safety and traffic and the Mayor and Board of Aldermen may require such assurances or guarantees of compliance with conditions as is reasonable and appropriate under the circumstances.

All Temporary Use Permit (TUP) permits will be \$25.00. (An additional charge will be added if an electrical or building inspection is needed.)

B. Temporary Uses Permitted:

1. **Christmas Tree Sales:** Christmas tree sales shall be permitted in any commercial or industrial district for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the applicable yard setback requirements provided that no display will encroach within the required yard setback for any district by more than fifty percent (50%) and no display or equipment shall be located within the twenty-five foot (25') sight triangle of a street intersection as defined in this Ordinance.
2. **Contractor's Office:** Contractor's Office and equipment sheds (containing no sleeping or cooking accommodations) shall be permitted as an accessory use to a construction project and to continue only during the duration of construction for such project. Such use need not comply with yard and setback requirements of this Ordinance.
3. **Real Estate Offices:** Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development shall be permitted, but may continue only until the sale or lease of all dwelling units in the development. Such offices need not comply with the yard setback requirements of these regulations, provided that a plan showing the proposed sales office location and parking layout is approved by the Mayor and the Board of Aldermen.
4. **Seasonal Sales:** Seasonal sale of farm produce grown on the premises shall be permitted in the Agricultural District. Structures incidental to such sale need not comply with the applicable front yard requirements provided that no such structure shall be located within the twenty-five foot (25') sight triangle of a street intersection as defined in this Ordinance. All such structures shall be removed or moved back of the street setback line at the end of the season during which they are used.
5. **Carnivals and Circuses:** A carnival or circus shall be permitted in a C-1, C-2 or I-1 District, but only for a period that does not exceed three weeks. Such use need not comply with the applicable yard setback requirements, provided that no structures or equipment shall encroach within the required yard setback for the district in which it is located by more than fifty percent (50%) and no structure or

equipment shall be located within the twenty-five foot (25') sight triangle of a street intersection as defined in this Ordinance.

6. **Disasters:** A mobile home may be permitted as a temporary use for the purpose of providing a residential or non-residential structure following a disaster, such as a fire windstorm or flood as determined by the Mayor of the City of Flint Hill, provided that the mobile home is located on a three (3) acre site and is located to minimize its impact on adjacent residential areas. Such mobile home shall be removed from its location within six (6) months after its original placement. However, the Mayor may extend the period six (6) additional months upon showing of good cause by the Owner.

7. **Fireworks Stands or Tents:** Shall be permitted as a temporary use on the property zoned "C-1", "C-2", "I-1" or "I-2" subject to the following conditions:
 - a. Applications may be obtained from the City Clerk. Applications for temporary use permits for fireworks stands or tents must be accompanied by the following:
 1. A site plan drawn to scale showing all structures on the property, both permanent and temporary, parking areas, storage areas, etc. The site plan must indicate the dimensions of the property and the exact location of all structures, including distances from property lines and between structures.
 2. A letter from the owner of the property on which the stand or tent is located, authorizing the operation of a fireworks stand or tent on the property, dated and notarized not earlier than sixty (60) days prior to the date of the application.
 3. A minimum of five (5) off-street parking spaces must be provided. These parking areas shall not be on vegetated areas that could present a fire hazard, i.e., dried grasses, weeds, etc.
 - b. One or more signs reading "Fireworks-No Smoking" shall be displayed at all places where fireworks are stored or sold, in lettering not less than four (4) inches in height. Additionally, sufficient exits shall be provided and so indicated with "EXIT" signs.
 - c. One fire extinguisher shall be provided within every fifty (50) feet of walking distance. The minimum weight for each fire extinguisher must be ten (10) pounds, and each fire extinguisher must have certificate that it has been recharged within the preceding twelve (12) months. All fire extinguishers must be clearly visible. A minimum of two (2) fire extinguishers must be provided inside the stand or tent and at least one (1) fire extinguisher must be provided at each entrance and exit. All fire extinguishers must be rated Class A, B, and C. All employees shall be adequately trained in the use of fire extinguishers. Water barrels and buckets may be used in addition to the required number of fire extinguishers.
 - d. Fireworks stands or tents must be located a minimum of two hundred (200) feet from gasoline storage tanks, gasoline pumps, or any

structures or areas that contain flammable materials. No fireworks may be discharged within two hundred (200) feet of tent or stand.

- e. All building setback requirements of the zoning district in which a stand or tent is located must be observed. All tractor-trailers, trucks, vans, or other temporary vehicles used for storage purposes shall be located a minimum of fifty (50) feet from the stand or tent unless, due to the size of the parcel or lot, this is not possible. In that event, the storage facilities must be located as far as possible from the stand or tent.
- f. Flashing lights of any type are prohibited. All lighting shall be non-intermittent.
- g. There shall be not more than one (1) sign or banner located on or attached to the fireworks stand or tent. In addition, one (1) ground sign shall be permitted for each stand or tent, located on the same property as the stand or tent. In addition, one (1) sign or advertisement shall be permitted attached to or painted on a tractor-trailer or similar large vehicle parked at the location. The total area of these signs shall not exceed four hundred (400) square feet each. All on- premises signs must meet the City's sign ordinance requirements. Notwithstanding the foregoing, on-premises signs that contain traffic and parking directions and do not exceed thirty-two square feet in size each are permitted. All off-premises signs advertising fireworks stands or tents shall comply with all rules and regulations governing signs of the zoning district in which the signs are located.
- h. Each fireworks stand or tent must be kept in a clean and orderly manner and have trash removal service. Also, each stand or tent must have on site a metal refuse bin of not less than one and one-half (1½) cubic yards capacity that conforms to the Federal Consumer Product Safety Commission, Part 1301 – Ban of Unstable Refuse Bins. All solid waste generated by the fireworks stand or tent must be placed in the metal refuse bin with the frequency of pickups being dictated by the size of said bin.
- i. Each fireworks stand or tent must provide a portable restroom if there are not restrooms available on the site. The portable restroom must be placed out of sight and as far away from the main roadway as possible.
- j. No person will be allowed within any street right-of-way flagging or directing traffic. No interference with the flow of traffic near the site of the fireworks stand or tent will be permitted. Fireworks stand or tent employees may direct customers to parking spaces only within the boundaries of the stand or tent's parking lot and driveways on private property.
- k. Wholesalers may only sell to someone with a sales tax identification number. Buyers with a sales tax identification number must purchase a minimum of one hundred dollars (100.00) of fireworks in bulk quantity.
- l. The following fees have been established: Two thousand dollars (\$2,000.00) for a temporary use permit per stand or tent containing up to one thousand (1,000) square feet of sales area, and four thousand

dollars (\$4,000.00) per stand or tent containing one thousand one (1,001) square feet or more of sales area. No fee shall apply to storage areas. Storage areas may include tractor trailers, trucks, vans, automobile trailers or other permanent or temporary vehicles or structures.

- m. A certificate of insurance showing specific coverage levels and showing the City of Flint Hill as additionally insured shall be provided by the applicant at the time fees are paid and shall be as follows:

Injury Including Death	\$1,000,000.00 one person
	\$2,000,000.00 more than one person
Property Damage	\$1,000,000.00 each occurrence
	\$1,000,000.00 aggregate

- n. Retail sales of fireworks are permitted from June 20th through July 6th of every year. All temporary use permits issued for fireworks stands or tents shall expire on the eighth (8th) day following July 4th of every year.
- o. Fireworks stand or tent owners must contact the fire protection districts or volunteer fire department in which the stand or tent is located regarding payment of any local fees and/or regulations so applicable.
- p. If any fireworks stand or tent operator is cited for violating any of these regulations and fails to correct said violations within twenty-four (24) hours, the operator will have to close said stand or tent until the violations are corrected.
- q. All electrical work must comply with the currently adopted Electrical Code.
- r. No temporary building, structure, tent or stand may be constructed, raised, installed or occupied until all valid building permits have been issued pursuant to the applicable provisions of the Building Code of the City of Flint Hill, Missouri
- s. For purposes of illustration only, the following are some of the more common building and electrical code violations regarding fireworks stands or tents. Please note:
 - 1. All overhead electrical wires must be supported by a steel cable one-eighth (1/8) inch minimum diameter and fastened to the cable every fifty-four (54) inches.
 - 2. The overhead wire shall be a minimum of fifteen (15) feet from ground level.
 - 3. All electrical panels, receptacle boxes or any other type of exterior devices must be weatherproof and in acceptable condition to meet Electrical Codes.
 - 4. The only approved extension cords must have "built-in" fuse breakers.

- t. *Field Inspections.* The Mayor or his/her designee, which may include the City Engineer, will inspect permitted fireworks stands and tents for compliance with the above regulations. This inspection will be made prior to the stand or tent being open for sales. It is the responsibility of the stand or tent owner to notify the City that the stand or tent is ready for inspection or reinspection prior to being open for sales.
 - u. *Permits.* All permits must be placed in plain view of the public.
- C. Temporary Dwelling Structures: No cabin, garage, cellar, basement, or other temporary structure whether of a fixed or moveable nature may be erected, altered, or moved upon and used in whole or in part for any dwelling purpose whatsoever for any length of time whatsoever.

18.09 NUMBER OF BUILDINGS PERMITTED PER LOT: Not more than one principal detached single-family dwelling unit shall be located on a lot, nor shall a principal detached single-family dwelling unit be located on the same lot with any other principal building or structure, except as permitted under Article 17 (P.U.D.).

18.10 CONDOMINIUMS: The declaration and all details of covenants, by-laws, and administrative provisions pertinent to the maintenance of buildings, structures, land, and other physical facilities for condominiums shall be reviewed and approved by the Board of Aldermen prior to issuance of a building permit.

18.11 FENCING: Fencing is defined as any ground mounted structure erected to serve as a barricade or to enclose an area. Fencing in the residential district shall not be built forward of the rear corner of the main body of the house, and may be built within the property lines of the side and rear yards, except on corner lots where on the street side the required setback shall be the same as for structures. Fencing will be a maximum of 72 inches in height for all fencing types in residential districts excepting chain link, which may not exceed 48 inches in height in a residential district, and fencing for pools must meet IRC 2003 Appendix G Section AG105 Barrier Requirements, incorporated by reference herein. Pool enclosures will be inspected as part of the required building permit for swimming pools. All fencing will have the finished side facing outward. Approved materials for fencing include: wood, wrought iron, aluminum, PVC, and chain link. Additional, field or decorative posts associated with fencing shall be constructed of the same material as the body of the fence or, brick or stone and shall not exceed the height of the fence by more than 12 inches.

All fences shall be constructed within the property owners' property lines as established by a survey or plat of the property. (Ordinance No. 266, 1/17/2007)

ARTICLE 19

CONDITIONAL USES

- 19.01 PURPOSE:** Conditional uses are those types of uses which are considered by the City to be essentially desirable, necessary, or convenient to the community, but which by their nature or in their operation have (1) a tendency to generate excessive traffic, (2) a potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants, (3) a detrimental effect upon the value or potential development of other properties in the neighborhood, or (4) an extraordinary potential for accidents or danger to public health or safety.

Such conditional uses cannot be allowed to locate as a "right" on any parcel of land within certain districts without consideration of existing conditions at the proposed location and of properties neighboring upon the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse factors.

19.02 APPLICATION AND FEE:

- A. Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning and Zoning Commission and the Board of Aldermen in accordance with Article 19.04 of this Ordinance. The application shall be accompanied by a fee as set by the Board of Aldermen. No part of such fee shall be returnable to the applicant. Each application shall be filed with the City Engineer at least thirty (30) days prior to the Commission meeting at which it is to be first considered.
- B. An application for a conditional use shall be signed by all the owners of the property to be used or by their agent or agents having authority to sign the petition on their behalf and by the applicant if other than the owner. The petition shall be submitted to the City Engineer and shall contain or be submitted concurrently with the following information:
1. A legal description of the property to be affected;
 2. A scaled map of such property, correlated with the legal description and clearly showing the property's location;
 3. The names and addresses of all the owners of such property;
 4. The date of filing with the City Engineer;
 5. The present zoning, proposed change of zoning, if any, and proposed use of such property;
 6. The names and mailing addresses of property owners within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the property subject to the application.
 7. The signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information; and
 8. A Site Plan – See Article 26 (unless deemed unnecessary by the City Engineer).

19.03 The Planning and Zoning Commission shall review and conduct a public hearing on all conditional use permit applications. After each such review and public hearing, the Planning and Zoning Commission shall make findings of fact as to whether or not the standards described in Article 19.04 hereunder have been met by the applicant. The burden of proof shall be on the applicant to prove that said standards have been met by the applicant. Thereafter the Planning and Zoning Commission shall make recommendation to the Board of Aldermen on the granting of such permit and on any condition to such permit. Upon receipt of a recommendation from the Planning and Zoning Commission, the Board of Aldermen shall have the authority to grant a conditional use permit. The conditional use permit under consideration by the Board of Aldermen shall be in the form of an ordinance. Said ordinance shall include all findings and conclusions of the Board of Aldermen in support of granting the conditional use permit, as well as conditions, safeguards and restrictions upon the conditional use deemed necessary by the Board of Aldermen.

Upon the denial of a conditional use by the Board of Aldermen, by means of an affirmative vote of the Board of Aldermen to reject the bill proposing the conditional use or upon the failure of the bill to pass as an ordinance for lack of sufficient votes in favor, the Board of Aldermen shall, no later than the next regular meeting of the Board of Aldermen, prepare and approve the findings of fact and conclusions of law setting forth the Board's reasons for denying the conditional use. The date of the Board's approval of the findings of fact and conclusions of law shall be deemed the effective date of the denial of the requested conditional use.

19.04 Each of the following standards must be met in order to grant a conditional use permit. The proposed conditional use will:

- A. Be designed, constructed, maintained and managed so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.
- B. Not be hazardous and will not be unreasonably detrimental, disturbing or devaluing to existing or permitted neighboring uses. The fact that a proposed conditional use may be in a commercial competition with an existing or permitted use shall not be a factor to be considered.
- C. Not create excessive additional requirements at public cost for public facilities and service.
- D. Not significantly increase traffic congestion.
- E. Comply with the City of Flint Hill Land Use Plan.
- F. The proposed conditional use complies with all applicable provisions of this Ordinance, including intensity of use regulations, yard regulations and use limitations.
- G. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- H. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- I. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the

conditional use will dominate the immediate neighborhood, consideration shall be given to:

1. The location, nature and height of buildings, structures, walls, and fences on the site.
 2. The nature and extent of proposed landscaping and screening on the site.
- J. Off-street parking and loading areas will be provided in accordance with the standards set forth in this Ordinance.
- K. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- L. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
- M. In consideration of requests for any conditional use permits the Planning and Zoning Commission may recommend and the Board of Aldermen shall require such conditions of use as it deems necessary to protect the health, safety and welfare of the residents of the City and to achieve the objectives of this Ordinance. These additional requirements shall include, but not be limited to, those special provisions applying to certain uses, specified in Article 19.05.
- 19.05** Conditions to granting of a conditional use permit may include, but are not limited to the following:
- A. Use limitation and/or requirements
 - B. Height, area and setback limitations and/or requirements.
 - C. Parking and loading limitations and/or requirements.
 - D. Sign limitations and/or requirements
 - E. Architectural elevations limitations and/or requirements of any proposed structures.
 - F. Landscaping limitations and/or requirements.
 - G. Limitations as specified in the this Article.

19.06 ADDITIONAL DEVELOPMENT REQUIREMENTS FOR CERTAIN USES:

A conditional use permit shall not be issued to certain uses in this Article due to their deleterious effects on public safety, health, welfare, and the City's property values unless they comply with the following site development requirements.

- A. **Quarries and Sand and Gravel Pits:** The removal of soil, including top soil, sand, gravel, stone and other earth materials shall be subject to the following conditions.
 1. There shall be not more than one (1) entranceway from a public road to said lot for each six hundred sixty (660) feet of front lot line. Those streets proposed as haul routes from the pit to a state or federal highway shall be approved by the Mayor and the Board of Aldermen.

A maintenance bond shall be posted by the party mining such minerals to guarantee maintenance of the haul route, with the amount to be approved by the Mayor and Board of Aldermen and subject to review on a two-year continuing basis if the mining operation is to continue beyond a two-year period.

2. Such removal shall not take place before sunrise or after sunset.
3. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line.
4. On said lot all roads, driveways, parking lots and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, oiled, watered or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by wind borne dust.
5. Any odors, smoke, fumes, or dust generated on said lot by digging, excavating or processing operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
6. Such removal shall not be conducted as to cause the pollution by any material of any surface or subsurface water course or body outside of the lines of the lot on which such use shall be located.
7. Such removal shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, and that such removal shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property, and that in the event that such removal shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
9. There shall be erected a fence of not less than six (6) feet in height around the periphery of the area being excavated. Fences shall be adequate to prevent trespass, and shall be placed on level terrain no closer than fifty (50) feet to the top of any slope.
10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
11. The operator or operators shall file with the City a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, proposed final topography indicated by

the contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage courses, and/or other improvements to be made by a definite date.

The restoration plans shall be filed with and approved by the City before quarrying or removal operations begin. The plans shall be certified by a soil or geology engineer. In restoration, no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of gases into surface or sub-surface water or into the atmosphere. The proposed plan shall be submitted to and approved by the Department of Natural Resources.

The operator or operators shall file with the Board of Aldermen a bond or other surety payable to the City and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate per acre of property to be used of the required bond shall be submitted to and reviewed by the City Engineer. The bond shall be released upon written certification of the City Engineer that the restoration is complete and in compliance with the restoration plan.

B. **Junk Yards and Inoperative Vehicles:** In addition to and as an integral part of development, the following provisions shall apply:

1. Junk yards shall be established and maintained in accordance with all applicable laws and regulations of the United States, the State of Missouri and the City of Flint Hill.
2. It is recognized by this Ordinance that the location in the open of such materials included in this Ordinance's definition of "Junk Yard" will cause the reduction of the value of adjoining property. To that end the character of the district shall be maintained and property values conserved. A solid, unpierced fence or wall of uniform color and construction at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "Junk Yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid unpierced fence or wall located on said lot.
3. There shall be only one point in ingress and egress.
4. On the lot on which a junk yard shall be operated, all streets, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, oiled, watered, or chemically treated so as to minimize the nuisance caused by wind borne dust.
5. The burning of automobiles, parts, or any junk material will not be allowed at anytime.

C. **Drive-In Theaters:** In addition to and as an integral part of development, the following provisions shall apply:

1. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
2. All fenced-in areas shall be set back at least fifty (50) feet from any front street right-of-way with the area between the fence and the street or property line to be landscaped with trees and shrubs.
3. All traffic ingress and egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and existing vehicles will make normal and uncomplicated movements into or out of the public thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
4. The movie screen shall not be visible from the front street or any major thoroughfare.

D. **Telecommunication Towers:** In addition to and as an integral part of development, the following provisions shall apply:

1. The tower shall be no more than 200 feet in height.
2. No two towers shall be located within a one square mile radius. The distance shall be calculated from the center of the base of the tower.
3. No tower shall be situated within 500 feet of any residential structure. The minimum standard setback from all adjoining property boundaries shall be equal to one foot of setback for each foot of tower height.
4. A determination has been made acceptable to the City that there are no other suitable sites within one mile radius of the proposed tower site.
5. If tower is constructed it shall be three times the capacity of intended use in order that secondary users could lease the balance of the tower capacity at a reasonable rate.
6. The design of the tower compound shall maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.
7. That all owners and lessee of communication towers and the real estate upon which they are situated shall, at the request of the City, allow the City to mount and operate a functioning communicating antenna on the tower for City purposes and shall allow the City reasonable access to the tower for such purpose.
8. The construction, maintenance and operation of such towers shall comply with all Federal, State and City regulations. In addition, the Board of Aldermen may impose reasonable restrictions and conditions to the issuance of any such conditional use permit.
9. Any tower that is no longer in use for its original communications purposes shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given

ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple structures all must be dismantled and removed.

10. The fee for an annual communications tower permit shall be \$6,000.00, and the fee for an annual permit for antenna on communication tower, excepting one antenna on a communication tower of the owner of the communication tower is the owner of the antenna, shall be \$6,000.00

F. **Outdoor Storage.** The phrase "outdoor storage", as used in this section, shall mean storage not enclosed by a structure which has a solid roof and at least four (4) solid walls and which complies with all applicable codes and ordinances. Except as may be permissibly allowed under other City ordinances, outdoor storage of equipment, vehicles, and materials shall not be allowed in the following zoning districts except as conditional uses requiring conditional use permits: agricultural districts and commercial districts. Outdoor storage of equipment, vehicles and materials shall not be allowed in residential districts except as allowed under other City Ordinances. (Ordinance No. 270, 9/19/2009).

ARTICLE 20
NON-CONFORMING USES

20.01 **PURPOSE:** Within the districts established by this Ordinance or by amendments thereto, there exist buildings and structures and uses of parcels, lots, buildings, and structures which were lawful before this Ordinance was adopted or amended including legal non-conforming uses, buildings and structures which would be prohibited, regulated, or restricted. It is the intent of this Ordinance to permit these buildings and structures and uses of parcels, lots, buildings and structures, herein referred to as non-conformities, to continue until they are discontinued, damaged, or removed. These non-conformities are declared by this Ordinance to be incompatible with the buildings and structures and uses of parcels, lots, buildings, Ordinance that such non-conformities shall not be enlarged, expanded, or extended except as provided herein nor to be used as grounds for adding other buildings and strictures and uses of parcels, lots, buildings and structures prohibited elsewhere in the same Zoning District.

20.02 **NON-CONFORMING USES OF LOTS:** Where, on the date of adoption or amendment of this Ordinance, a lawful use of a parcel or lot (such use not involving any building or structure or upon which parcel or lot a building or structure is accessory to such principal use) exists that is no longer permissible under the provisions of this Ordinance, such principal use may be continued so long as it remains otherwise lawful subject to the following provisions.

- A. **Enlargement:** No such non-conforming use of a parcel or lot shall be enlarged, expanded or extended to occupy a greater area of land or floor space than was occupied on the date of adoption or amendment of this Ordinance and no additional accessory use, building, or structure shall be established thereon.
- B. **Relocation:** No such non-conforming use of a parcel or lot shall removed in whole or in part to any other portion of such parcel or lot not so occupied on the date of adoption of this Ordinance or to a parcel or lot not in conformance with this Ordinance.
- C. **Discontinuance:** If such non-conforming use of a parcel or lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days (except where government action causes such cessation) the subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Ordinance for the district in which such parcel or lot is located.

20.03 **NON-CONFORMING BUILDINGS AND STRUCTURES:** Where, on the, date of adoption or amendment of this Ordinance, a lawful building or structure exists that could not be built under the regulations of this Ordinance by reasons of restrictions upon lot area, lot width, lot coverage, height, open spaces, off-street parking, loading spaces and setbacks or other characteristics, such building or structure may be continued so long as it remains otherwise lawful subject to the following provisions.

- A. **Enlargement:** Such building or structure may be enlarged, expanded, extended, or altered only if the non-conformity is removed.
- B. **Destruction:** Should any such building or structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

- C. Relocation: Should any such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

20.04 NON-CONFORMING USES OF BUILDINGS AND STRUCTURES: Where, on the date of adoption or amendment of this Ordinance, a lawful use of a building or structure exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions.

- A. Enlargement: No existing building or structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, constructed, reconstructed, moved, or structurally extended or altered except in changing the use of such building or structure to a use permitted in the district in which such building or structure is located.
- B. Change in Use Not Permitted: An existing non-conforming land use or structure shall not cause further departures from the Zoning Ordinance. Although an existing non-conforming use may be continued, except as hereinafter limited, it may not be changed to another use, except to a similar use or to a use permitted in the district in which it is situated and provided it complies with the requirements of the district.
- C. Discontinuance: When a non-conforming use of a building or structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days (except where government action prevents access to the premises) the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

20.05 REPAIRS AND MAINTENANCE: Repairs and normal maintenance required to keep buildings in a safe condition may be made to non-conforming buildings or structures, provided that no alterations shall be made except those required by law or ordinance, unless the building or structure is changed to be conforming with this Ordinance or the City Building Code.

20.06 CHANGE OF TENANT OR OWNERSHIP: There may be often a change of tenancy, ownership or management of an existing non-conforming use, building or structure, provided there is no change in the nature or character, extent or intensity of such use, building or structure.

20.07 COMPLETION OF PENDING CONSTRUCTION AND BUILDING PERMITS: To avoid undue hardships, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Nothing herein contained shall require any change in the plans or designated use of a building for which a building permit has been heretofore issued, or plans or final subdivision plats which have been approved by the Board at the time of the passage of this Ordinance, provided, however, that such permits or approvals have not expired pursuant to the provisions of this Ordinance of the City Building Code.

20.08 CONDITIONAL USE: Any use existing at the time of adoption of this Ordinance and which is permitted as a conditional use in a district under the terms of this Ordinance shall be deemed a conforming use in such district, and shall without further action be considered a conforming use.

- 20.09 SUBSTANDARD NON-CONFORMING LOTS OF RECORD:** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and one of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the Zoning District, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this Ordinance.
- 20.10 EXISTENCE OF A NON-CONFORMING USE:** In cases of doubt, and on specific questions raised, whether a non-conforming use exists shall be a question of fact and shall be decided by the Board of Aldermen after notice, a public hearing, and receipt of a report and recommendation of the Planning Commission.
- 20.11 NON-CONFORMING USES NOT VALIDATED:** A use in violation of a provision of the Ordinance which this repeals shall not be validated as non-conforming use by this Ordinance.
- 20.12 JOINT USE OF BUILDINGS, STRUCTURES, AND/OR LAND:** Where a non-conforming use exists, and a conforming use is proposed, the non-conforming use must cease upon initiation of the conforming use.

ARTICLE 21

PROHIBITED USES

21.01 PURPOSE: The intent of this Article is to provide for public safety and health and public welfare by prohibiting hazardous uses and practices.

21.02 REGULATIONS: No temporary or uncompleted building, nor any automotive equipment, trailer, garage, or appurtenances incident to a family dwelling, shall be erected, maintained or used for residential purposes, provided where the exterior, kitchen, at least one (1) bathroom, and more than fifty percent (50%) of the interior of a permanent residence have been completed, this regulation shall not apply. Temporary or outwardly incomplete buildings or structures, open excavation for a basement or foundation, and buildings or structures so damaged as to become unfit for use of habitation shall not be permitted, maintained, or remain in such condition for more than a time period to be stipulated by the City Engineer as per this Ordinance. No building material, construction equipment, machinery or refuse shall be stored, maintained or kept in the open upon any lot, tract or parcel other than in such Zoning Districts as permitted in this Ordinance, except during actual construction operations upon said premises or related premises.

ARTICLE 22

LANDSCAPING AND SCREENING

22.01 **PURPOSE:** The purpose of this landscaping and screening regulation is:

- A. To provide greenery to visually soften paved areas and buildings.
- B. To establish healthy environmental conditions by providing shade, air purification, oxygen regeneration, ground water recharge, storm water runoff retardation, and noise, glare and heat abatement.
- C. To ensure that the local stock of native trees is replenished, plant material shall generally be native or hardy to this region.
- D. To buffer uncomplimentary land uses and generally enhance the quality and appearance over the entire site of the project.

22.02 **AUTHORITY:** The City Engineer shall have authority to approve the Landscape Plan subject to such additional requirements as may be deemed necessary by the Planning and Zoning Commission or Board of Aldermen to promote the purpose of this Ordinance.

22.03 **APPLICATION:** All plans submitted in support of an Area Plan, Final Plan or Site Plan shall hereafter include a Landscape Plan, and include transition strip visual screening where appropriate.

22.04 **LANDSCAPE PLAN REQUIREMENTS:**

- A. **Information Required:** All plans submitted for approval of a landscape plan shall have the following information:
 - 1. North point and scale.
 - 2. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.
 - 3. The location, size, and surface of materials of all structures and parking areas.
 - 4. The location, size, and type of all above ground and underground utilities and structures with proper notation, where appropriate, as to any safety hazards to avoid during landscape installation.
 - 5. The approximate location, type, size and quantity of all proposed landscape materials, along with the names of all plant species. The size, grading and condition shall be specified according to American Association of Nurserymen standards.
 - 6. The location, size and common name of all existing plant materials to be retained on the site. Large masses of trees may be indicated by mass outline only.

7. Mature sizes of plant material shall be drawn to scale and called out on plan by common name or appropriate key.
8. Location of hose connections and other water sources.
9. The location of all existing trees, 12 inch caliper or larger measured at 4 ½ feet above ground level on sites that are proposed for removal.
10. The location, size and type of required screening methods as required in Article 22.04 C.

B. Minimum Tree Requirements:

1. Residential Districts: One tree per fifty (50) feet, or portion thereof, of street frontage, public or private, shall be required within the landscape setback of ten feet abutting said front property line. Said trees may be clustered or arranged within the setback and need not be placed evenly at 50 foot intervals.

In addition to the required trees, based on street frontage, one tree shall be required for every two multifamily or mobile home units. These may include the trees required in the parking lots, as set out in Article 22.04 C.

Exception: Individual single family and duplex dwellings not within a subdivision. However, all proposed subdivisions within the Residential Districts shall meet those requirements as a part of subdivision approval.

2. Commercial Districts: One tree per forty (40) feet, or portion thereof, of street frontage, public or private, shall be required within the landscape setback of ten feet abutting said front property line. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40 foot intervals.

In addition to the required trees, based on street frontage, one tree shall be required for every 3,000 square feet of landscaped open space. These may include the trees required in the parking lots, as set out in Article 22.04 C.

3. Industrial Districts: One tree per forty (40) feet, or portion thereof, of street frontage, public or private, shall be required within the landscape setback of ten feet abutting said front property line. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40 foot intervals.

In addition to the required trees, based on street frontage, one tree shall be required for every 3,000 square feet of landscaped open space. Article 22.04 C.

4. Existing Trees Saved: Existing trees saved on the site during construction may be credited toward the minimum tree requirements specified for each zoning district. Those existing trees credited shall be a minimum of two-inch caliper as measured six (6) inches above the ground for deciduous shade tree. Minimum size for existing ornamental and evergreen species shall be six feet in height. All existing plant material saved shall be healthy and free of mechanical injury.

5. Trees Planted: The majority of the required trees planted shall be medium and large deciduous shade tree as specified in Article 22.04 D.

- C. Planting Requirements Within Parking and Vehicular-Use Areas: The intent of this section is to encourage interior landscaping within vehicular parking areas, to break-up the large expanses of pavement, and to provide relief from the reflected glare and heat, as well as to guide vehicular and pedestrian traffic.

Except for vehicle storage lots, multiple level parking structures and parking lots having a paved area no wider than a double-loaded aisle no more than 65 feet in width, all parking areas in all zoning districts shall include the following as minimum requirements.

1. Not less than six percent of the interior of a parking lot shall be landscaped. The interior of a parking lot shall be calculated by multiplying the number of parking spaces by 270 square feet. Planting which is required along the perimeter of a parking lot shall not be considered as part of the interior landscaping requirement.
2. The landscaping and planting areas shall be reasonably dispersed throughout the parking lots.
3. The interior dimensions of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to insure proper growth. Any protected planting strip where trees are to be planted shall be a minimum of seven (7) feet wide and shall be protected from vehicle overhang.
4. The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting material may be used to complement the tree landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
5. In those instances where plant material exists on a parking lot site prior to its development, such landscape material may be used if approved as meeting the requirements in Article 22.04, D.
6. No landscaping, tree, shrub, fence, wall or similar item shall be placed in zones of ingress or egress at street corners, or in the intersection of a public right-of-way that will create an obstruction to visibility, or is a traffic hazard.

- D. Planting Requirements: The minimum planting sizes for all plant material shall be as follows:

1. Medium and large deciduous shade trees: Two-inch caliper, as measured 6" above the ground as specified by the American Association of Nurseryman.
2. Small deciduous or ornamental trees: Four feet in height as specified by the American Association of Nurseryman, with the exception of true dwarf species.
3. Conifers: Six feet in height.
4. Upright Evergreen Trees: Four feet in height as specified by the American Association of Nurseryman, except for true dwarf varieties.
5. Shrubs: (Deciduous and conifer including spreader and globe tree forms.) Size optional as determined by the applicant.

6. Ground Cover Plants: Crowns, plugs, containers: In a number as appropriate by the species to provide 50 percent surface coverage within the first growing season.
7. Grass Seeding: As appropriate to provide complete coverage within the first growing season.
8. Sod: As necessary to provide coverage and soil stabilization.

22.05 TRANSITION STRIP REQUIREMENTS:

- A. Application: On any lot in a commercial or industrial district which abuts a lot in a residential district there shall be provided a transition strip.
- B. Transition Strip Requirements:
 1. Width: Such transition strip shall not be less than:

<u>DISTRICT</u>	<u>PLANTING SCREEN</u>	<u>YARD</u>	<u>TOTAL SET BACK</u>
RM boundary	30 feet	20 feet	50 feet
C-O side	20 feet	30 feet	50 feet
C-O rear	20 feet	35 feet	55 feet
C-1 side	20 feet	30 feet	50 feet
C-1 rear	20 feet	35 feet	55 feet
C-2 side	20 feet	30 feet	50 feet
C-2 rear	20 feet	35 feet	55 feet
C-3 side	20 feet	30 feet	50 feet
C-3 rear	20 feet	35 feet	55 feet
I-1 side	25 feet	25 feet	50 feet
I-1 rear	25 feet	50 feet	75 feet
I-2 side	25 feet	25 feet	50 feet
I-2 rear	25 feet	50 feet	75 feet

2. Location: Such transition strip shall be provided along every lot line, except a front lot line, which abuts a lot in such districts; shall not be included as part of the yard required around the building or structure.
3. Screening Required: Such transition strip shall be improved at the time the said lot is improved and shall include a planting screen consisting of compact evergreen plants that will provide an effective screen at least A six (6) to eight (8) foot screen wall or fence may be required in additional to, or in lieu of a planting screen when the reviewing authority deems it necessary in order to adequately screen certain types of non compatible uses.
4. Sight Triangle Exception: On a corner lot in any district no planting, berm, fence or wall shall be placed in such a manner as to impede vision within the ten (10) foot sight triangle as defined in this Ordinance.

22.06 INSTALLATION, MAINTENANCE AND ENFORCEMENT:

- A. Landscaping in Place Prior to Occupancy Permit: All landscape material, living and nonliving, shall be healthy and in place prior to issuance of final Occupancy Permit. A temporary certificate may be issued without the installation, provided written assurances

are given that the planting will take place when the proper season arrives. A site performance bond may be required.

- B. Maintenance and Enforcement: The trees, shrubs, fences, walls and other landscaping materials depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan.

The developer, his successor and / or subsequent owners and their agents shall be responsible for the continued maintenance.

Plant material which exhibits evidence of insect pests, disease, and /or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season.

Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and his agent or agents shall be considered in violation of terms of the Building or Occupancy permit. The City Engineer or his designee is empowered to enforce the terms of this Ordinance.

ARTICLE 23

PLANNING AND ZONING COMMISSION

- 23.01 AUTHORITY TO MAKE A MUNICIPAL PLAN:** The City of Flint Hill, Missouri, shall be authorized to make, adopt, amend, extend, and carry out a municipal plan and appoint a Planning Commission with the powers and duties set forth in this Ordinance and provided in Chapter 89, RSMo.
- 23.02 PLANNING COMMISSION CREATED – MEMBERS – TERM OF OFFICE – VACANCY – REMOVAL:** The Planning Commission shall consist of not more than fifteen (15) nor less than seven (7) members, including:
- A. The mayor, if the mayor chooses to be a member;
 - B. A member of the Board of Aldermen selected by the Board, if the Board chooses to have a member serve on the commission; and
 - C. Not more than fifteen (15) nor less than five (5) citizens appointed by the mayor and approved by the Board of Aldermen. All citizen members of the commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.
- 23.03 MEMBERS: TERM OF OFFICE- VACANCY:** The Commission shall elect its chairman and secretary from among the citizen members. The term of chairman and secretary shall be for one year with eligibility for reelection. The Commission shall hold regular meetings and special meetings as they provided by rule, and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records. The City Engineer shall serve as advisor to the Commission.
- 23.04 MEETINGS, RULES, RECORDS TO BE KEPT:** The Planning Commission shall have and perform all of the functions of the Zoning Commission provided for in Sections 89.010 to 89.250, RSMo., as amended, and shall be known as the "Planning and Zoning Commission of the city of Flint Hill, Missouri."
- 23.05 FUNDS - APPROPRIATIONS OF:** The Board of Aldermen may provide the funds, equipment and accommodations necessary for the work of the Commission, but the expenditures of the Commission, shall be within the amounts appropriated for that purpose by the Board of Aldermen and no expenditures, nor agreements for expenditures shall be valid or legal in excess of such amount.
- 23.06 POWERS OF THE COMMISSION – RECOMMENDATIONS:** The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, education, professional and other organizations and citizens. It may recommend to the executive or legislative officials of the City programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to

the Commission, within a reasonable time, all available information it requires for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the Commission shall have the power necessary to enable it to perform its functions and promote municipal planning.

ARTICLE 24

PARKING AND LOADING REGULATIONS

24.01 **APPLICABILITY:** Off-street parking and loading shall be provided as required in accordance with the regulations of this Article. Off-street parking and loading shall be adequate to meet demand in all cases, and spaces shall be made available for use before the final inspection is completed by the City Engineer. Existing off-street parking and loading spaces shall not be reduced below the minimums required in this Article. Any change in use of a building or lot which increases the off-street parking as required under this Ordinance shall be unlawful and a violation of this Ordinance until such time as the off-street parking and loading complies with the provisions of this Article.

24.02 **SCHEDULE OF OFF-STREET PARKING REQUIREMENTS:** Off-street parking spaces shall be provided in accordance with the following off-street parking schedule.

<u>LAND USE</u>	<u>NUMBER SPACES REQUIRED</u>
Single-Family	4 spaces per dwelling unit (2 attached under roof, excluding basement)
Two-Family	4 spaces per dwelling unit (2 attached under roof, excluding basement)
Multi-Family	4 spaces per dwelling unit (2 attached under roof, excluding basement)
Townhouse	4 spaces per dwelling unit (2 attached under roof, excluding basement)
Club, Lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
Hotel or Motel	1 per guest room, plus 0.5 per employee
Boarding House	1 per guest room; minimum two spaces
Convalescent Care Facility	1 per three beds, plus 0.5 per employee
Hospital	1 per four beds, plus 0.75 per employee
Correctional Facility	1 per five beds, plus 0.5 per employee
Auditoriums and Stadiums	1 per three seats
Religious Assembly	1 per three seats
College or University	1 per three students, plus 0.5 per faculty member and employee

Vocational School	1 per three students, plus 0.5 per faculty member and employee.
School, High	1 per three students, plus 0.5 per faculty member and employee.
School, Elementary and Middle	2 per classroom, or 1 per five seats auditorium or assembly room, whichever is greater
Library	1 per 400 square feet, plus 0.5 per employee
Bowling Center	5 per lane, plus 0.5 per employee
Golf Course or Country Club	1 per four members or spaces required to serve eating and drinking facilities, whichever is greater
Entertainment, Indoor	1 per 100 square feet
Auction Houses	1 per two employees, plus 1 per three seats, plus 1 per 75 square feet within main sales area
Banks or Financial Institutions	1 per 250 square feet
Service Station	1 per service bay, plus 0.5 per gas pump
Car Wash	
Self-Service	Two holding spaces for each car washing stall plus 2 drying spaces for each car washing stall.
Automatic	Ten spaces minimum for customers awaiting service
Vehicle Repair	1 per 500 square feet; minimum 5 spaces
Vehicle Sales and Service	1 per 3,000 square feet of open sales lot, plus 1 per employee
Auto Wrecking or Salvage Yard	1 per employee, plus 1 per 10,000 square feet of storage area
Barber and Beauty Shop	2 per operator/employee
Bars, Taverns and Nightclubs	1 per two seats and 1 per 75 square feet
Dance Halls or Ballrooms	1 per 100 square feet of dance area
Dance or Music Studios	1 per 200 square feet
Day Care	1 per ten pupils, plus 1 per employee
Laundromats	1 per three washing machines

Funeral Homes	1 per four seats, plus 0.5 per employee
Health Club	1 per 200 square feet
Office, Medical	7 per doctor, plus 2 per three employees, or 1 per 120 square feet, whichever is greater
Greenhouse or Nursery	1 per employee, plus 2 per company vehicle and 1 per 600 square feet
Office, General	1 per 300 square feet
Personal Care Service and Personal Improvement Service	1 per 200 square feet
Restaurant, General	20, plus 1 per 100 square feet
Restaurant, Limited	1 per 75 square feet
Restaurant, Fast-Food	1 per 50 square feet
Repair Service	1 per 400 square feet
Research Service	1 per employee
Retail, General	
0-1,999 square feet	1 per 200 square feet
2,000 + square feet	10, plus 1 per 400 square feet for space in excess of the first 2,000
Theater	1 per four seats
Animal Care, Limited or General	1 per 300 square feet
Warehouse	1 per employee, plus 1 per 400 sq ft
Freight Terminal	1 per employee, plus 1 per 400 sq ft
Light Industrial	1 per employee, plus 1 per 400 sq ft

24.03 COMPUTING OFF-STREET PARKING AND LOADING REQUIREMENTS:

- A. **Multiple Uses:** Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses, unless a shared parking plan is approved pursuant to Article 24.06.
- B. **Fractions:** When measurements of the number of required spaces result in fractions, any fraction of one-half or less shall be disregarded and any fraction of more than one-half shall be rounded upward to the next highest whole number.
- C. **Floor Area:** Unless otherwise noted in the provisions, all square footage-based parking and loading standards shall be computed on the basis of gross floor area of public access areas.

- D. Employees, Students and Occupant-Based Standards: For the purpose of computing parking requirements based on the number of employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable.
- E. Unlisted Uses: Upon receiving a development application for a use not specifically listed in the off-street parking schedule, the City Engineer shall apply the parking and loading requirements specified for the listed use that is deemed most similar to the use proposed in the application.

24.04 OFF-STREET PARKING FOR PERSONS WITH DISABILITIES: A portion of the total number of required parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with disabilities.

- A. Number of Spaces: The minimum number of spaces to be provided shall be a portion of the total number of parking spaces required, as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling a development's overall off-street parking requirements.

Total Parking Spaces	Minimum Number of Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 percent of total spaces
over 1,000	20 plus 1 per each 100 spaces over 1,000

- B. Dimensions: All parking spaces reserved for persons with disabilities shall be at least 13½ feet in width, measured perpendicular to the angle of parking; provided that the minimum width shall be reduced to nine feet for stalls located adjacent to an area that is well-protected and available for each ingress and egress, with a minimum width of 4 ½ feet.
- C. Location of Spaces: Required spaces for persons with disabilities shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path with a minimum width of three feet. The City Engineer may require that off-street parking spaces provided for persons with disabilities be dispersed throughout the project if deemed necessary to ensure safe, convenient and accessible parking spaces for all users of the project.
- D. Signs and Marking: Required spaces for persons with disabilities shall be designated with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the parking space at a height of no less than 36 inches and no more than 60 inches above pavement level. Signs required by this Article shall not exceed four square feet in area.

24.05 LOCATION OF OFF-STREET PARKING SPACES:

- A. On-Site: Except as otherwise specifically provided, required off-street parking spaces shall be located on the same lot as the principal use.
- B. Within Required Setbacks: Except as otherwise provided, required off-street parking spaces may be located in required front, side or rear setbacks, provided that a ten (10) foot setback shall be maintained between off-street parking areas serving nonresidential uses and the lot lines of lots with residential zoning or residential uses. In no case shall off-street parking areas be located in a required transition strip.
- C. On Residential Driveways: Residential driveways and space within the required front yard setback shall not be counted toward satisfying the off-street parking space requirements of single-family and two-family uses.

24.06 SHARED PARKING: The City Engineer may authorize a reduction in the number of required parking spaces for multiple use developments and for uses that are located near one another that have different peak parking demands and operating hours.

Up to 50 percent of the parking spaces required for: (1) theaters, public auditoriums, bowling centers, dance halls, and night clubs and up to 100 percent of the parking spaces required for a church auditorium may be provided and used jointly by: (2) banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used or operated during the same hours as those listed in (1), and up to 100 percent of parking spaces required for schools may be provided and used jointly by a church or auditorium.

Shared parking shall be subject to the following standards:

- A. Location: Shared off-street parking spaces shall be located no further than 300 feet from the buildings and uses they are intended to serve.
- B. Study: A parking study acceptable to the City Engineer shall be submitted which clearly establishes that users will make use of the shared spaces at different times of the day, week, month or year.

- C. Agreement: A shared parking plan shall be enforced through written agreement. Proof of recordation of the agreement shall be presented to the City Engineer prior to issuance of a building permit.
- D. Revocation of Permit: Failure to comply with the shared parking provisions of this article shall constitute a violation of this ordinance and shall specifically be cause for revocation of a building permit.

24.07 PARKING AND LOADING IN RESIDENTIAL AREAS: It shall be unlawful for the driver, owner or operator of a bus, truck, tractor, trailer, house trailer, tractor-trailer, truck-trailer combination, in excess of one (1) ton, to park or cause to be parked for longer than two (2) hours at any time on any residential street, except that any operator may park said vehicle for a longer period while actually and continuously engaged in loading or unloading, except on Sundays and public holidays.

Overnight parking of motor vehicles in the R-1A through R-M residential zoning districts shall be limited to passenger vehicles and not more than one commercial vehicle not exceeding one ton capacity. No person, firm, corporation, or partnership shall drive through, park or conduct any activity from a pick-up truck rated more than one ton capacity, four-wheel van, semi-tractor or commercial vehicle upon any street, highway, or roadway within a residential area except for local deliveries, meaning the active loading or unloading of the vehicle for no more than 120 minutes. The parking of vehicles with more than two axles and any semi-tractor unit upon any private or public parking lot in the R-1A through R-M residential zoning districts is expressly prohibited. The City of Flint Hill may cause the removal of any vehicle or part thereof from any residential area where found in violation of the requirements of this Code. Any expense incurred by said removal shall be at the expense of the driver, operator, or owner of the towed vehicle or part thereof.

This Article shall not apply to trucks used in street construction work and maintenance, laying of water pipe and sewer pipe, street lighting, fire and police alarm systems work and maintenance, or trucks of any other public utility company while engaged in work.

24.08 PARKING PLANS: An off-street parking plan, prepared in a form established by the City Engineer and made available to the public, shall be submitted with each Building Permit application.

24.09 OFF- STREET PARKING AREA DESIGN STANDARDS:

A. Surfacing: All off-street parking and circulation areas shall have concrete, asphaltic concrete, or asphalt double-seal surfaces, maintained adequately for all-weather use, with drainage facilities to avoid water flows across sidewalks and adjacent properties.

B. Private Off-Street Driveways. All private off-street driveways and roads of which any part is located within one hundred (100) feet of public streets shall be surfaced as stated above from the public street, and at a width of 15 feet, to

- (a) For front-entrance garages, to the garage entrance and extending to the width of the garage entrance;

- (b) For side-entry garages, to a line perpendicular from the garage wall furthest from the public street and extending the width of the driveway and, at the garage entrance to the driveway, extending the width of the garage entrance;
- (c) For rear-entry garages, to a line parallel to the garage entrance thirty-two feet (32') from the garage entrance and extending the width of the driveway plus the width of the garage entrance;
- (d) For driveways with no garage, to a width of the drive to a point connecting the driveway to a residential structure (including a detached garage) if the driveway connects to a residential structure, but if the driveway does not connect to a residential structure, then to the furthest limit of use for off-street parking in connection with access to the residential structure; and
- (e) All other private driveways and roads, any portion of which is located within one hundred (100) of a public road, for the length of said private driveway or road.

C. Vehicle Storage Lots. Vehicle storage lots for the overnight storage or long-term warehousing of vehicles under one ownership may be exempted from this surfacing requirement on approval by the Board of Aldermen. (24.09 A, B & C amended by Ordinance No. 2008-13, 8/21/2008)

D. Access to Off-Street Parking Areas: Non-residential off-street parking areas that make it necessary to back directly onto public streets are prohibited. No entrance or exit for any off-street parking area with over four spaces shall be located within 75 feet of the intersection of any two street right-of-way lines.

E. Lighting: Lighting fixtures used to illuminate non-residential off-street parking areas shall be arranged to reflect light away from lots containing residential uses and from public streets.

F. Screening: Non-residential off-street parking areas containing five or more parking spaces shall be screened from view of adjacent residential zoning districts and from lots containing residential uses.

G. Striping: Non-residential off-street parking areas shall be delineated by pavement striping.

H. Parking Space Dimensions: Required parking spaces shall be designed in accordance with the following minimum standards. In the event that proposed parking angles are not shown in the table, the City Engineer shall determine the required dimensions from the following table:

PARKING ANGLE	STALL WIDTH (FT)	STALL DEPTH (FT)	AISLE WIDTH (FT)
90 degrees (2-way aisle)	9	20	24
60 degrees (2-way aisle)	9	20	24

75 degrees (2-way aisle)	9	18.5	22
60 degrees (1-way aisle)	9	18	18
45 degrees (1-way aisle)	9	16.5	15
Parallel (1-way aisle)	22 (curb length)	8	12
Parallel (2-way aisle)	22 (curb length)	8	24

24.10 OFF-STREET LOADING REQUIREMENTS: At least one off-street loading space shall be provided for each business that customarily receives or distributes material or merchandise by vehicle. Additional off-street loading spaces shall be required as shown in the following table to ensure traffic safety and convenient traffic circulation patterns:

Use or Use Category	Floor Area in Sq.. Ft.	Loading Spaces Required
Retail store, department store, restaurant, wholesale house, warehouse, general service, manufacturing, or industrial establishment	2,000 - 10,000 10,000 - 20,000 20,000 - 40,000 40,000 - 60,000 Each 50,000 over 60,000	One Two Three Four One Additional
Apartment building, motel, hotel, offices or office building, hospital or similar institutions or places of public assembly	5,000 - 10,000 10,000 - 100,000 100,000 - 200,000 Each 100,000 over 200,000	One Two Three One Additional
Funeral home or mortuary	2,500 - 4,000 4,000 - 6,000 Each 10,000 over 6,000	One Two One Additional

24.11 OFF-STREET LOADING AREA LOCATION: Off-street loading spaces may occupy part of any required interior side or rear setback, provided that unenclosed loading spaces shall be set back at least 50 feet from adjacent residential zoning districts and in no case shall loading spaces or driveways be located within transition strips. In no case shall off-street loading spaces occupy any part of a required front setback, except in the industrial zoning districts.

24.12 OFF-STREET LOADING PLANS: An off-street plan, prepared in a form established by the City Engineer and made available to the public, shall be submitted with each Building Permit application. The off-street loading plan shall serve as the basis for the City Engineer's determination of the adequacy of proposed off-street loading areas.

24.13 OFF-STREET LOADING AREA DESIGN STANDARDS:

- A. Surfacing: All off-street loading spaces shall be hard-surfaced.
- B. Dimensions: Off-street loading spaces shall be at least 12 feet in width and 35 feet in length.

- C. Access: Off-street loading facilities that make it necessary to back directly onto a public street shall be prohibited. All maneuvering of trucks, autos and other vehicles shall take place on-site and not within a public right-of-way. No loading space shall be located within 75 feet of the intersection of any two street right-of- way lines.

ARTICLE 25

PERFORMANCE STANDARDS

- 25.01 **GENERAL PROVISIONS:** No parcel, lot, building, or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements. Environmental compatibility shall be of primary concern.

- 25.02 **FIRE HAZARD:** Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

- 25.03 **RADIOACTIVITY, ELECTRICAL, OR RADIOELECTRICAL DISTURBANCE:** No activity shall emit dangerous radioactivity at any point, or unreasonable electrical or radioelectrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

- 25.04 **VIBRATION:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

- 25.05 **SMOKE:** Smoke shall not be emitted with a density greater than No. 1 on the Ringlemen Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.

- 25.06 **ODOR:** No malodorous gas or matter shall be permitted which is offensive so as to produce a public nuisance or hazard on any adjoining lot or property.

- 25.07 **AIR POLLUTION:** No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which causes soiling of exposed property. In addition all State and Federal requirements shall be addressed.

- 25.08 **GLARE:** No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.

- 25.09 **NOISE:** Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no productions of sound discernible at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement. The L-10 noise level (that level which is exceeded ten (10) percent of the time) shall not exceed the following measurements at any point past the property line of the lot on which the noise is generated.

Octave Band _____ Decibels

0 - 75 CPS (Cycles Per Second)	55 dB
75 - 1200 CPS	40 dB
1200 - 4800 CPS	25 dB
4800 CPS and above	22 dB

25.10 WATER POLLUTION: Pollution of streams and other bodies of water shall be subject to such requirements and regulations established by the State of Missouri, Department of Natural Resources (Water Quality Standard - 10 CSR 20 - 7.031) and the City of Flint Hill, Missouri.

25.11 DUST: Dust shall not be permitted from gravel driveways or parking areas that create a nuisance as deemed by the Board of Aldermen.

ARTICLE 26

SITE PLAN REVIEW

26.01 PURPOSE: It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Article requires Site Plan review and approval by the Commission and the Board of Aldermen for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, adjacent land usage, and the character of future urban development.

The Site Plan is intended to demonstrate to the Board of Aldermen and Planning Commission the character and objectives of the proposed development in adequate detail for the Commission and the Board to evaluate the impact the proposed development would have on the community, and determine what provisions, if any, should be included as part of the plan and be binding on the use and development of the property.

26.02 BUILDINGS, STRUCTURES, AND USES REQUIRING A SITE PLAN: The City Engineer shall not issue a building permit for the construction of the following buildings and structures unless a detailed Site Plan has been reviewed and approved by the Commission:

- A. A multiple-family building containing three (3) or more dwelling units.
- B. More than one (1) multiple-family building on a lot, parcel, or tract of land, or combinations of lots under one ownership.
- C. A manufactured and/or mobile home or development in accordance with the provisions of Article 8.
- D. Any building or structure or addition thereto in any residential, commercial, office, or industrial district with a floor area greater than 500 Sq. Ft.

Exception: Single Family Dwellings including sheds; garages and other building incidental to the dwelling.

- E. More than one building or structure (except a sign, on a lot, parcel, or tract of land, or combination of lots under one ownership) in a commercial or industrial zoning district.

26.03 APPLICATION AND FEE: Any persons may file a request for a Site Plan review by the Commission and Board of Aldermen by filing with the City Engineer, at least thirty (30) days prior to the Commission meeting at which it is to be first considered, the completed application upon the forms provided and payment of the review fee provided for in Article 31. As an integral part of said application, the applicant shall file at least twenty (20) copies of a Site Plan.

The City Engineer upon receipt of such Site Plan, other necessary data, and payment of the required fee, shall forthwith transmit the copies to the Commission and Board of Aldermen prior to its next regularly scheduled meeting and the Commission shall undertake a study of same and shall make recommendation of approval or denial of the Site Plan to the Board of Aldermen. Written notice will be sent to the applicant stating the time and place of review of the Site Plan by the Commission and Board of Aldermen.

26.04 REQUIRED DATA FOR SITE PLAN: Every Site Plan submitted to the Commission shall be in accordance with the requirements of this Article.

- A. The Site Plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Commission can readily interpret the Plan, and shall include more than one drawing where required for clarity.
- B. The property shall be identified by lot lines and location, including dimensions, bearings, angles, and size, correlated with the legal description of said property. The Site Plan shall be designed and prepared by a qualified land planner, registered professional architect, engineer or land surveyor. It shall also include the name and address of the property owner(s), developer(s), and designer(s) and their registration seal.
- C. It shall show the scale, north point, boundary dimension, natural features such as woodlot, streams, rivers, lakes, drains, topography at least five (5) foot contour intervals (when terrain is irregular or drainage critical, contour interval shall be two (2) feet) and similar features.
- D. It shall show existing manmade features such as buildings, structures, easements, required setbacks, transition strips, high tension towers, pipelines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts, and drains and shall identify adjacent properties within one hundred (100) yards and their existing uses.
- E. It shall show the location, proposed finished floor and proposed grade line elevations, size of proposed main and accessory buildings, their relation one to another and to any existing structures to remain on the site, and the height of all buildings and structures, as well as building elevations and materials proposed for the structures under consideration.
- F. It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lands, service parking and loading zones, in conformance with the requirements set forth in Article 24.
- G. It shall show the location and size of all existing utilities (public and private) serving the property as well as the location and size of all proposed utilities to serve the property. All necessary utilities (public and private) will be available, functioning, and usable at the time any stage of the project or the total project is ready for occupancy.
- H. A Landscape Plan that meets the requirements of Article 22 "Landscaping and Screening Regulations", shall be included as part of the Site Plans submitted.
- I. Any proposed alterations to the topography and other natural features shall be indicated including required storm water detention facilities.
- J. The location, height, and intensity of all exterior lighting.
- K. The location and screening proposed for all trash collection areas.
- L. Depict flood hazard boundaries as shown on FEMA maps.
- M. Elevations of all sides of the proposed structures and materials proposed for construction, including fence material.

- N. Any other information deemed necessary by the City Engineer, Planning and Zoning Commission or Board of Aldermen.
- O. Signature block for the Secretary of the Planning and Zoning Commission.
- P. Show existing and proposed fire hydrants within 1000 feet of the property.
- Q. All site plans will need to be reviewed and approval of the Wentzville Fire District and the appropriate School District.

Note: All plans, architectural drawings, renderings or other materials or visual aids either submitted to the Commission, or presented at their meeting shall become the property of the City and part of the permanent record of any Site Plan Application.

26.05 STANDARD FOR SITE-PLAN REVIEW: In reviewing the Site Plan, the Commission shall ascertain whether it is consistent with all regulations of the Zoning Ordinance. Further, in consideration of each Site Plan, the Commission and Board of Aldermen shall endeavor to assure the following:

- A. That the movement of vehicular and pedestrian traffic within the site and in relation to access streets shall be safe and convenient.
- B. That provisions are made so that the proposed development will not be harmful to the existing and future uses in the immediate area and the vicinity.

26.06 APPROVAL OF SITE PLAN: Upon Board of Aldermen approval of a Site Plan, the applicant shall file with the Commission four (4) copies thereof. The Secretary of the Commission shall transmit one copy to the City Clerk with the Secretary's signature affixed thereto, certifying the Site Plan conforms to the provisions of the Zoning Ordinance as determined and approved by the Commission.

Site Plans shall be approved by Ordinance. Said ordinance shall include all findings and conclusions of the Board of Aldermen in support of approving the Site Plan.

Upon the denial of a Site Plan by the Board of Aldermen, by means of an affirmative vote of the Board of Aldermen to reject the bill proposing the Site Plan or upon the failure of the bill to pass as an ordinance for lack of sufficient votes in favor, the Board of Aldermen shall, no later than the next regular meeting of the Board of Aldermen, prepare and approve the findings of fact and conclusions of law setting forth the Board's reasons for denying the Site Plan. The date of the Board's approval of the findings of fact and conclusions of law shall be deemed the effective date of the denial of the Site Plan.

26.07 EXPIRATION OF SITE PLAN: The Site Plan shall expire, and be of no effect, one hundred eighty (180) days after the date of issuance thereof, unless within such time a building permit for any proposed work authorized under the said site certificate has been issued. The Site Plan shall expire and be of no effect three hundred and sixty (360) days after the date of its issuance, if construction has not begun and been pursued diligently on the property.

26.08 REVISION OF SITE PLAN: A Site Plan may be amended or revised by the Commission and Board of Aldermen so far as the Board of Aldermen approved Site Plan is concerned, for which the City Engineer has not issued a building permit, or the work authorized under an issued building permit has not been completed. Such amendment shall be made upon application and in accordance with the procedure provided under Article 26.03 of this Ordinance.

26.09 SITE PLAN BOND: As a condition of approval of the Site Plan, the Commission may require a deposit by the applicant with the City Clerk in the form of cash, certified check, escrow agreement, or surety bond acceptable, to the Board of Aldermen, to insure performance of any obligations of the applicant to make public improvements shown upon the detailed Site Plan.

The escrow amount shall be in an amount sufficient to insure completion of the public improvements within the time specified by the Board of Aldermen as recommended by the Planning Commission and in accordance with regulations and standards established by the Board of Aldermen. The City Clerk shall rebate to the applicant, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire improvements shown upon the detailed Site Plan as verified by the City Engineer and authorized by the Board of Aldermen.

26.10 VIOLATIONS: The filing of a Site Plan shall constitute an agreement by the owner and applicant, their heirs, successors, and assigns that if the Site Plan is approved by the Board of Aldermen, permits issued for the improvement of such property and activities subsequent thereto shall be in conformance with the approved Site Plan for the property in question. The approved Site Plan shall have the full force and effect of the Zoning Ordinance. Any violations shall be grounds for the City Engineer to issue stop work orders, withhold further permits, and take all actions necessary for the assessment of all penalties and fines as permitted by law.

ARTICLE 27

ADMINISTRATION AND ENFORCEMENT

27.01 PURPOSE: It is the purpose of the Section to provide the procedures for the administration of the Ordinance, issuance of permits, inspections of properties, collection of fees, and enforcement against violators of the provisions of this Ordinance and amendments thereto.

27.02 ADMINISTRATION: Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the City Engineer, or his designee, to enforce provisions of this Ordinance.

The City Engineer (or his designee) is hereby empowered in performance of his/her functions to enter upon any land in the City for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon markers, notices, or signs required to effect provisions of this Ordinance. The above authorized person shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Article.

27.03 DUTIES OF THE CITY ENGINEER: The City Engineer shall have the power to grant Certificates of Zoning Compliance, building permits, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

It shall be improper for the City Engineer to approve plans or issue any permits or certificates for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance, nor shall the City Engineer vary or change any terms of this Ordinance.

If the City Engineer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and stating the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions.

27.04 CERTIFICATES OF ZONING COMPLIANCE: The City Engineer shall require that all applications for Certificates of Zoning Compliance shall be accompanied by plans and specifications including a plot plan for the site in duplicate drawn to scale. The City Engineer shall retain the original copy for his files.

The Certificate of Zoning Compliance signifies that, in the opinion of the City Engineer, the intended use, building, or structure complies with all provisions of this Ordinance.

It shall be unlawful to change a type of use of land, to change the type of use or occupancy of any building or structure, or to extend any use on any lot on which there is a non-conforming use or structure, until a Certificate of Zoning Compliance has been issued. Where a building permit is required, an application for a Certificate of Zoning Compliance shall accompany or precede the application for a building permit. (In all other cases in which a building permit is not required, the application for a Certificate of Zoning Compliance shall be made prior to the date when a new or enlarged use of a building or lot or part thereof is intended to begin.)

Applications for Certificates of Zoning Compliance shall be made to the City Engineer.

27.05 VOIDING OF CERTIFICATE OF ZONING COMPLIANCE: Any Certificate of Zoning Compliance granted under this Ordinance shall become null and void unless construction and/or use is commenced within one hundred eighty (180) days and completed within three hundred and sixty (360) days of the date of issuance.

27.06 BUILDING PERMITS: It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving of any building or structure or any portion thereof without first having applied in writing to the City Engineer for a building permit to do so and a building permit has been granted therefore. Primary responsibility for securing the necessary permits shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to ensure that all required permits and approval have been secured prior to any work being initiated.

Blank forms shall be provided by the City at the City Engineer's office for the use of those applying for permits as provided in this Ordinance. Any permits issued by the City Engineer shall be on standard forms for such purpose and furnished by the Board of Aldermen. There shall be a separate permit for each building or structure to be constructed, altered, or erected except for accessory buildings which may be included in the permit for the principal building when construction is simultaneous.

Any building permit under which no construction work has been commenced within six (6) months after the date of issuance of said permit shall expire by limitation. Any building permit issued shall become invalid if the authorized work is not completed within two (2) years of the time of issuance.

27.07 VOIDING OF BUILDING PERMIT: A permit may be revoked by the City Engineer at any time prior to the completion of the building or structure for which the same was issued, when it is apparent that there is a departure from the plans, specifications, or conditions as required under terms of the permit, that the same was procured by false representation, or that any provisions of this Ordinance are being violated.

Written notice of such revocation shall be served upon the owner, his agent, or contractor, or upon any person employed to work on the construction of the building or structure for which such permit was issued, via a stop-work order, which shall be posted in a prominent locations, and thereafter no such construction shall proceed.

27.08 FEE, CHARGES, AND EXPENSES: The Board of Aldermen shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, Certificates of Zoning Compliance, appeals, and other matters pertaining to this Ordinance. The schedule of fees is as shown in Article 31 and may be altered or amended only by the Board of Aldermen. No permit, certificate, conditional use, approval, or variance shall be issued unless or until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Aldermen, unless or until fees have been paid in full.

27.09 VIOLATION AND PENALTY:

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of sections 89.010 to 89.140 or this Ordinance or other regulation made under authority conferred hereby, the Board of Aldermen in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction,

reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by the City Engineer or his designee who is hereby empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this Ordinance or the regulations made under authority of sections 89.010 to 89.140.

- B. The owner or general agent of a building or premises where a violation of any provision of this Ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10) and not more than one hundred dollars (\$100) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100) or more than two hundred and fifty dollars (\$250) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.
- C. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of sections 89.010 to 89.140 in the respect named in such order shall also be subject to a civil penalty of two hundred and fifty dollars (\$250).

27.10 COMPLIANCE WITH PERMITS AND CERTIFICATES: Building permits or Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction inconsistent with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Article 27.09, herein.

ARTICLE 28

AMENDMENT PROCEDURE

28.01 ENACTMENT OF ORIGINAL ZONING AND ZONING OF ANNEXED LAND: Whenever the City annexes any unincorporated territory, the zoning classification of the annexed territory shall remain the same as it was prior to the annexation, unless the zoning classification is affirmatively changed through the regular rezoning procedures set forth in this Article.

28.02 PROCEDURE FOR CHANGES IN ZONING DISTRICTS ZONING REGULATIONS: The Board of Aldermen from time to time, after recommendation from the Planning and Zoning Commission, may by ordinance repeal, amend, modify, supplement or change the regulations and restrictions and boundaries of the zoning districts which are herein or hereafter enacted, whenever the general welfare of the public and of the City will, in the opinion of the Board of Aldermen, be promoted by such change of zoning.

Any repeal, amendment, modification, supplement or change to the regulations and restrictions and boundaries of the zoning districts may be initiated by resolution of the Board of Aldermen or by resolution of the Planning and Zoning Commission.

Furthermore, an amendment to the boundaries of a zoning district may be initiated by petition of the owners of the property to be affected by the proposed change. Except for the Board of Aldermen and the Planning and Zoning Commission, the petitioner requesting such change of zoning shall at the time of filing the petition pay a fee, no part of which shall be returnable to the petitioner. All petitions shall be referred to the Planning Zoning Commission for review and recommendation.

28.03 INFORMATION REQUIRED IN AMENDMENT PROCEDURE: A petition for change to the boundaries of any zoning district submitted by the owners of property to be affected by the proposed change shall be signed by all the owners of the property to be affected or by their agent or agents having authority to sign the petition on their behalf. The petition shall be submitted to the Planning and Zoning Commission at least thirty (30) days prior to the Commission meeting at which it may be first considered, and shall contain or be submitted concurrently with the following information:

- A. A legal description of the property to be affected.
- B. A scaled map of such property, correlated with the legal description, and clearly showing the property's location.
- C. The names and addresses of all the owners of such property.
- D. Date of filing with the Planning and Zoning Commission.
- E. The present zoning, proposed change of zoning and proposed use of such property.
- F. The names and mailing addresses of property owners within an area determined by lines drawn parallel to and one hundred and eighty-five (185) feet distant from the boundaries of the district proposed to be changed, per the records on file in the Office of the St. Charles County Recorder of Deeds.
- G. The signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

28.04 HEARINGS BEFORE PUBLIC BODIES: Petitions for such zoning changes shall be set down for hearing before the Planning and Zoning Commission within ninety (90) days from the date of filing the same. Any such hearing may, for good cause at the request of the petitioner or in the discretion of the Planning and Zoning Commission, be continued.

At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation within the City. In addition, in the case of a proposed change to the boundaries of any zoning district initiated by petition, the petitioner shall make a good faith effort to notify by certified mail, return receipt requested, all property owners identified by the petitioner in the list provided pursuant to Section 28.03.F of this Article. Such notice shall be postmarked at least fifteen (15) days prior to the date of the hearing, and submission of the receipts of such mailing to the Planning and Zoning Commission shall constitute compliance with this requirement. Upon the final hearing of such application, the Planning and Zoning Commission shall submit its findings and recommendations for approval or denial of the proposed change of zoning to the Board of Aldermen.

Before acting upon any proposed ordinance for the enactment or change of any zoning district or regulation, the Board of Aldermen shall set a time and place for a hearing thereon, and at least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. Any such hearing may, for good cause at the request of the petitioner or in the discretion of the Board of Aldermen, be continued.

28.05 PROTEST: In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred and eighty-five feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen.

**ARTICLE 29
BOARD OF ADJUSTMENT**

- 29.01 ESTABLISHMENT:** A Board of Adjustment is hereby established in accordance with Chapter 89, RSMo.
- 29.02 MEMBERSHIP:** The Board of Adjustment shall consist of five (5) members, who shall be residents of the City appointed by the Mayor and approved by the Board of Aldermen. The membership of the first Board appointed shall serve respectively, one for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter members shall be appointed for terms of five years each. Three alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by the Board of Aldermen upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall elect its own chairman who shall serve for one (1) year.
- 29.03 MEETING AND VOTING:** The Board of Adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to Sections 89.010 to Section 89.140, RSMo. Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. Such chairman or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon the 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 of Adjustment and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board of Adjustment for that purpose.
- 29.04 POWERS:** The Board of Adjustment shall have the following powers:
- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official, which shall include any board or commission acting in an administrative capacity, in the enforcement of this Ordinance;
 - B. To hear and decide all matters referred to it or upon which it is required to pass pursuant to this Ordinance; and
 - C. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, to vary or modify the application of any such regulations or provisions of this Ordinance relating to the construction or alteration of buildings or structures or the use of land so that the spirit of this Ordinance shall be observed, public safety and welfare secured and substantial justice done.
- 29.05 CONDITIONS OF DETERMINATION:** In exercising the above mentions powers such Board may, in conformity with Section 89.010 to 89.140, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all powers of the officer, board or commission from whom the appeal is taken. The concurring vote of four members of Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any

matter upon which its required to pass under this Ordinance or to effect any variation in this Ordinance.

29.06 APPLICATION REQUIREMENTS: Each application for a hearing before the Board of Adjustment shall include the following:

- A. A completed application form provided by the Board of Adjustment and filed with the City.
- B. The names and addresses of all the owners of such property.
- C. Signatures of all the owners of the property involved or by their agent or agents authorized to sign the application.
- D. A legal description of the property to be affected.
- E. A scaled map of such property, correlated with the legal description, and clearly showing the property's location.
- F. Date of filing with the Board of Adjustment.
- G. The present zoning of such property.
- H. The variance requested and the reason the variance is requested.
- I. The names and addresses of all the owners of all the parcels of property which abut such property.
- J. A non-refundable fee shall be paid by the applicant or applicants. This shall include the reporter's charges for making a record of the testimony, objections and rulings at the hearing upon such application and, in the event of an appeal of the decision of the Board of Adjustment, for preparing a transcript of such hearing.

If the charges of the reporter shall exceed the amount of such deposit, the applicant or applicants shall be obligated for the payment of all such charges and shall upon demand by the Board of Adjustment make an additional deposit in the amount designated upon a demand being made by the Board of Adjustment.

29.07 PUBLIC NOTICE: At least fifteen (15) days notice of the time and place of each hearing shall be published in a newspaper of general circulation within the City.

The Board of Adjustment shall make a good faith effort to notify by mail all property owners known to the Board of Adjustment whose property abuts (roads, highways of all types, manmade waterways and natural waterways will be addressed as nonexistent in the question of abutting property lines) the property to be affected. Such notice shall be post marked at least fifteen (15) days prior to the hearing.

29.08 APPEALS, PROCEDURE: Appeals to the board of adjustment may be taken by any person aggrieved, by any neighborhood organization as defined in section 32.105, RSMo, representing such person, or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon

which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as provided in Article 29.07, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

29.09 APPEAL OF BOARD OF ADJUSTMENT DECISION: Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, or any officer, department, board of the municipality, may present to the Circuit Court of the County a petition, duly verified setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Adjustment.

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made served upon the Realtor's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court upon application, on notice to the Board of Adjustment and on due cause shown, grant a restraining order.

The Board shall not be required to return original papers acted upon it, but it shall be sufficient to return certified or sworn copies thereof or of such portion thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearings, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with the findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The Court may reverse or affirm, wholly in part, or may modify the decision brought up for review.

Costs shall not be allowed against the Board of Adjustment unless it shall appear to the Court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

All issues in any proceeding under this section shall have preference over all other civil action and proceeding.

ARTICLE 30

SIGN ORDINANCE

30.01 INTENT: It is the intent of this Ordinance to regulate and control the location, erection, number, and maintenance of signs and matters relating thereto within the City of Flint Hill in order to promote public safety, health, and general welfare of the community. These regulations are specifically designed to:

- A. Provide for uniform regulation and orderly development of signs consistent with established policies and ordinances of the City of Flint Hill.
- B. Prohibit hazardous and dangerous signs.
- C. Provide a desirable and attractive living environment through harmonious and uniform signage.

30.02 SCOPE:

- A. The provisions of this Ordinance shall govern the erection, alteration, and maintenance of all signs and outdoor display structures, together with their appurtenant and auxiliary devices, with respect to location, size, content, construction, structure, and fire safety.
- B. The following sign standards by zoning district are intended to include every district in the City of Flint Hill. The districts are as defined by the Zoning Ordinance and Official Zoning Map. Only permanent located signs as described herein and as may be described under Temporary Signs will be permitted in each particular district, except for public signs and City, State and Federal historic markers.
- C. If any district is omitted from this Ordinance, or if a new district is created after the enactment of this Ordinance, no signs shall be permitted therein until this Ordinance is amended to include the new district.
- D. Decals, numerals, names, addresses, hours, credit information, etc., attached to doors or windows and all of which occupy a total area of one (1) square foot or less are excluded from this Ordinance.

30.03 DEFINITIONS: The following definitions shall apply in interpretation and enforcement of this Ordinance, unless otherwise specifically stated:

Abandoned Billboard: A billboard which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project, or product.

Abandoned Sign: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project, or activity conducted or product available on the premises where such sign is displayed.

Animated Signs: Any sign which includes action or motion. For purposes of this Ordinance, this term does not refer to flashing or changing, all of which are separately defined.

Approved Combustible Plastic: A plastic material more than one twentieth (1/20) inch thick which burns at a rate of not more than two and one-half (2.5) inches per minute when subjected to ASTM

Standard Test for Flammability of Plastics in sheets of six one hundredths (6/100) inch thickness as determined by the City Engineer.

Awning: Any structure entirely supported by the wall to which it is attached and which has a frame covered by canvas, cloth, or other similar temporary material and/or which can be retracted or rolled to the structure by which it is supported.

Background Area: The entire area of a sign on which copy could be placed, but does not include permanent building surface.

Billboards: Shall mean all signs maintained by advertising agencies which advertise products of their customers or clients, and all business signs individually or privately owned which primarily are not on the premises of the Owner.

Building Face or Wall: All window and wall area of a building in one plane or elevation.

Canopy: Any structure attached to a building at the inner end and supported on the other end, or a free-standing structure, with one or more supports, meant to provide shelter from weather elements onto which signs may be affixed or incorporated.

Changeable Copy Sign (Manual): A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

Changing Sign (Automatic): A sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Church Bulletin Board: A sign attached to the exterior of a Church or located elsewhere on Church premises and used to indicate the services and/or other activities of the Church, and including the Church name, if desired.

City: City of Flint Hill.

City Engineer: The officially designated representative of the City of Flint Hill responsible for the enforcement of the Sign Ordinance and other Ordinances.

Copy: The wording or graphics on a sign surface.

Detached Sign: (See "Ground Sign")

District: As defined under the Zoning Ordinance and Zoning District Map.

Erect: To build, construct, re-construct, attach, hang, re-hang, alter, place, affix, enlarge, move, or relocate and includes the painting and repainting of existing sign structures.

Facade: The front or main part of a building facing a street; for purposes of this Ordinance the facade is defined as measured from the ground elevation to the head beam.

Face of a Sign: The entire area of sign on which copy could be placed. The area of a sign which is visible from one direction as projected on a place.

Flashing Sign: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are not classed as "Flashing Signs".

Frontage: The length of the lot along the street side. The front of a lot bordering more than one street is considered separate for each street.

Grade: The average level of the finished surface of the ground adjacent to a sign or the exterior wall of a building to which a sign is affixed.

Ground Level: Immediate surrounding grade.

Ground Sign: A free standing sign resting upon the ground or attached to it by means of two or more poles or standards.

Height of Sign: The vertical distance measured from the surrounding grade to the highest point of sign.

Identification Sign: A sign containing only the names and addresses of the occupant of business establishment.

Illegal Signs: A sign which contravenes this Ordinance, or a non-conforming sign for which a permit required under a previous ordinance was not obtained.

Interior Property Line: Property lines other than those forming a dedicated public right of way.

Institutional Sign: A sign identifying the institutional or governmental facility.

Interior Property Line: Property lines other than those forming a dedicated public right-of-way.

Logo: A letter, character, or symbol used to represent a person, corporation, or business enterprise.

Lot: A parcel, tract, plot, or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the County Recorder of Deeds, or it may include parts of or a combination of such parcels when adjacent to one another and used as one as determined by the City Engineer.

Memorial Sign: The permanent part of a building which denotes the name of the building, date of erection, historical significance or similar information.

Non-Electrical Sign: Any sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical energy source.

Non-Conforming Sign (Legal): Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Ordinance and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Ordinance, or a non-conforming sign for which a variance has been issued.

Outdoor Advertising: An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended, or used to advertise, or inform, any part of the advertising or information contents of which is visible from any point of the traveled ways of the interstate or primary highway system.

Owner: A person recorded as such on official records and including duly authorized agent or notary, a purchaser, lessee, devisee, judiciary; any person having a vested or contingent interest in the property or business in question.

Parapet or Parapet Wall: That portion of a building wall that rises above the roof level.

Person: Any natural person, firm, partnership, association, corporation, company, or organization of any kind.

Premises: An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting Sign: Any letter, word, sign device or representation used in nature of an advertisement or announcement projecting perpendicularly from the building.

Residential Construction Project Sign: Directional sign to subdivisions under construction in the City of Flint Hill and project site promotional sign in the City of Flint Hill.

Right-of-Way: That part of any street, road, alley or avenue dedicated for public use as a walkway or thoroughfare for pedestrians or motor vehicles, whether or not the public improvements thereon extend to the full dedicated limits of such right-of-way.

Roof Line: The highest point of the coping on a flat roof, false mansard, or parapet wall; the decline of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and ridge for a gable or hip roof. (See Figure 1).

Roof Sign: A sign mounted on the roof of a building.

Rotating Sign: A sign or portion of a sign which moves in a revolving or similar manner.

Seasonal or Special Occasion Temporary Sign: A sign which is not permanent and is limited to a specific activity or in the celebration of holidays or other special events.

Setback: The minimum horizontal distance between the right-of-way line and the sign structure as specified in a particular Article of this Ordinance.

Show Window Sign: Any temporary sign advertising sales or specials attached to or within three (3) feet of glass surface of any fixed window (glazing) visible from a public right-of-way.

Sight Triangle: As shown on Figure 2.

Sign: Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including but not limited to any permanently installed or situated merchandise; or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign structures. For the purposes of this Ordinance, this definition shall include those signs painted directly upon a building or other structure.

Sign Area: The area of the sign face. The "sign area" of a multi-faced sign is the sum of the sign areas of each face, including structural trim which can be seen from a single location on an adjacent street. If a sign is attached to a building or suspended in any manner whereby there is no apparent trim or confining border, the sign area shall be computed by drawing an imaginary straight line around a generally rectangular margin and measuring the area so encompassed by these lines.

Sign Attached: A wall sign attached to a building wall or the general vertical plane of a mansard-type roof.

Sign, Commercial Directory: A permanent pole sign designating the name of a commercial center and listing the various tenants of the center.

Sign, Construction: A temporary sign used during construction of new buildings or reconstruction of or additions to existing buildings, such as those identifying the project and denoting the owner, architect, engineer, contractor, and/or financing institutions of the project.

Sign, Directional: A sign which indicates a direction for vehicular or pedestrian traffic or other movement. The sign may contain the street address and / or name of the business center or the name of the use of the building, trademark, logo or similar matter provided that not more than fifty percent (50%) of the sign area is used for this purpose.

Sign, Fluttering: A sign which flutters and includes banners, flags, pennants, or other flexible material which moves with the wind or by some artificial means.

Sign, Ground: Any detached sign on the same lot or parcel as the use it advertises which has its bottom portion erected upon or supported by the ground, a ground planter box, or other supports.

Sign, Hanging: Any sign hanging entirely beneath a canopy, portico, or marquee.

Sign, Illuminated: Any sign which is illuminated by light sources mounted on or in the sign or at some other location.

Sign, Institutional or Government: A sign identifying the institutional or Government facility.

Sign, Marquee, Canopy and Awning: Any attached to or illustrated on a marquee, canopy, or awning, respectively.

Sign, Memorial or Tablets: The permanent part of a building which denotes the name of the building, date of erection, historical significance, dedication, or other similar information.

Sign, Menu Board: Menu for fast food service restaurants.

Sign, Moving: A sign, all or any part of, which moves by any means. Such sign includes a fluttering sign, including fluttering or flashing lights or sequential lights, simulating movement.

Signs, Occupational and/or Identification: An attached wall sign not larger than two (2) square feet in area identifying the name of a person occupying a building.

Sign, Political: A temporary sign advocating or opposing any political proposition or candidate for public office.

Sign, Pole: Any detached sign located on the same lot or parcel as the use it advertises which supported by one or more stationary poles longer than ten (10) feet above the mean grade line of the ground at its base provided that this shall not include a permitted Ground Sign as set forth herein.

Sign, Project Identification: A permanent ground sign identifying an apartment complex, condominium project, or mobile home development entry, name, and or street names within the project.

Sign, Projecting: Any sign affixed to a building or wall in such a manner that its edge extends more than nine (9) inches beyond the surface of such building or wall.

Sign, Real Estate: A sign pertaining only to the prospective rental, lease, or sale of the property on which it is located. Real estate signs shall be excluded from the definition of Pole Signs.

Sign, Residential Construction Project: Any temporary sign that provides direction to any residential development under construction in the City of Flint Hill, or promotes the residential development on the project site in the City of Flint Hill.

Sign, Roof: Any sign erected on a roof but excluding marquee, canopy, wall and signs located on a mansard.

Sign, Structure: The sign and all parts associated with its construction.

Sign, Subdivision Identification: A ground sign identifying a subdivision entry, subdivision name, and/or street names within the subdivision.

Sign, Supports: All structures by which a sign is held up, including, for example, poles, braces, guys, and anchors.

Sign, Temporary: Any sign intended for a limited or intermittent period of display.

Sign, Wall: A sign erected or attached against the wall of any building with the plane of the face parallel to the plane of the wall below the roof line.

Sign, Window, Permanent: A sign that is permanently affixed to either side of the glass of an exterior door or window. For the purpose of this Ordinance, a glass brick wall shall be deemed a window.

Sign, Window, Temporary: A temporary sign affixed to the inside of an exterior window or glass door.

Special Displays: Signs not exceeding thirty-two (32) square feet, used for holidays, public demonstrations, or promotion of civil welfare or charitable purposes.

Standard Outdoor Advertising Structure and/or Billboards: All signs which primarily advertise products or businesses which are not located on the same premises as the sign. This includes billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights or braces on the ground. Real estate signs and political signs are excluded from this definition.

Street: A public thoroughfare which affords the principal means of access to abutting property.

Structural Trim: The molding, batten, caps, nailing strips, laticing, and platforms which are attached to the sign structure.

Temporary Sign: A sign which is not permanent and is allowed for a specific time period.

Traffic Directional Sign: Any sign which aids the flow of traffic.

Use: The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Zoning Ordinance: The Zoning Ordinance and amendments thereof for the City of Flint Hill and the current zoning district map related thereto.

30.04 SIGNS IN RESIDENTIAL DISTRICTS:

A. Allowable Signs

All signs shall be located five (5) feet from the right of way, and out of the sight triangle as shown on Figure 2.

1. Subdivision Identification Signs

- a. Two subdivision identification signs not exceeding thirty-two (32) square feet in size per face, shall be allowed per development.

- b. Where the development has access on two or more streets, or has more than one entrance on one street, identification shall be allowed at each entrance.
- c. No sign shall be more than six (6) feet in height from the surrounding grade to the highest point on the sign.

2. Project Identification Sign

- a. One sign not exceeding thirty-two (32) square feet in size per face shall be allowed per project.
- b. Where the project fronts on two or more streets, one sign shall be permitted per frontage provided that the project has a major traffic entrance on the street where the sign is to be erected.
- c. No sign shall be more than six (6) feet in height from the surrounding grade to the highest point on the sign.

3. Church, Public, or Semi-Public Buildings, or Public Park Identification Sign

- a. One sign per street frontage not exceeding thirty-two (32) square feet in size per face.
- b. No sign shall be more than six (6) feet in height from the surrounding grade to the highest point on the sign.

4. Construction Sign

- a. Not more than one sign per street frontage per lot not exceeding thirty-two (32) square feet in size per face.
- b. Signs identifying mechanics, painters, architects, engineers, and similar artisans and workmen which are attached to or on trailers on the site of construction shall be permitted provided that upon completion of the project the trailer must be removed within one week. These trailers shall not be located closer than fifteen (15) feet of street right of way and not located within the sight triangle.
- c. All such signs shall be removed within either two (2) years from the date of issuance of the sign permit, or when the project has received an approved final inspection.

5. Residential Project Construction Signs

a. Promotional Sign

- 1. One sign per major entrance to the subdivision or project site not exceeding one hundred twenty (120) square feet per face.

b. Directional Signs

- 1. Any number of signs not exceeding sixteen (16) square feet per face

2. No sign shall exceed three and one-half (3.5) feet above the elevation of the adjacent driveway at the point which it meets the street right-of-way.
3. Each development may also be allowed no more than two (2) directional signs not exceeding ninety-six (96) square feet per face along all State Highways and Interstate Service Roads within the City.
4. All directional signs may include directions to the development and pertinent information concerning the developer, but shall not include promotional information. The sign may contain the street address and/or name of the business center or the name of the use of the building, trademark, logo, or similar matter, provided that not more than fifty percent (50%) of the sign area is used for this purpose.

c. **On-Site Sign**

1. Such sign shall be removed at such time when ninety percent (90%) of permits have been issued of the lots and/or dwelling units.

d. **Off-Site Signs**

1. Such signs shall be removed either within two (2) years from the date of issuance of the sign permit, or when permits have been issued for ninety percent (90%) of the lots and/or dwelling units.
2. Such signs shall not be erected in such a manner as to block the view of any pre-existing sign from the normal traffic level.

6. **Political Signs**

- a. Not greater than thirty-two (32) square feet in sign area per sign face unless posted on billboards.
- b. Posted only on private property with permission of the property owner or lessee.
- c. Shall be in place for a period of not longer than sixty (60) days prior to the election and shall be removed within fifteen (15) days after the election is held to which they pertain. The fifteen (15) day removal period shall not apply to those candidates who successfully ran for nomination at the primary election in August, until after the General election in November.
- d. Shall be located at least fifteen (15) feet from the edge of the street, out of the right of way and shall meet sight triangle requirements.
- e. Political signs cited as violating any of the provisions of this Ordinance shall be removed by the sign owner and /or property owner of that sign within five (5) days after notice of the violation. The failure to remove such sign within that five (5) day period will result in the cost of removal being billed to the sign owner and / or property owner.

- f. Shall not exceed eight (8) feet in height above grade at its base.
- g. It shall be the responsibility of all candidates and their committee to assure that political signs are maintained in good repair and failure to so maintain shall be grounds to issue a notice of violation.
- h. Lighted signs shall be positioned as to not shine on adjacent properties. Electrical permits will be required for such signs.

7. Directional Signs

- a. Two signs per entry/exit not exceeding six (6) square feet in size per face.
- b. No sign shall exceed three and one-half (3.5) feet above the elevation of the adjacent driveway at the point which it meets the street right-of-way.

8. Memorial or Tablet Sign

- a. One sign not exceeding six (6) square feet in size per face unless such signs are installed by the Federal, State, County or City government or agencies thereof.
- b. No sign shall exceed six (6) feet in height from the surrounding grade to the highest point on the sign.

9. Property Real Estate Signs

- a. One sign per lot frontage not exceeding six (6) square feet per face and shall be removed within ten (10) days following the date of closing or lease initiation.

10. Special Displays and Other Temporary Signs

- a. The following temporary signs may be approved by the City Engineer for up to a thirty (30) day time period. Such signs may be extended beyond the thirty (30) day time period, but only upon review and approval by the Board of Aldermen.
- b. Only two temporary sign permits, per business, will be issued during a calendar year.
 - 1. Seasonal or other special occasion signs such as special events and special business hours.
 - 2. Yard signs, such as "Siding by....."
 - 3. Subdivision Directional Signs not exceeding three (3) square feet in size per face.
 - 4. All other temporary signs not specifically referenced in this Ordinance.
 - 5. Portable signs, signs not permanently affixed to the ground.

- c. The following types of special displays and promotional signs are permitted subject to the following guidelines. In all cases they are to be maintained in good condition and if found otherwise, they are subject to immediate removal by the City Engineer.
 - 1. **Banners** - Special Displays using banners for promotional purposes will be permitted for a 30 day time period, per promotion.
 - 2. **Pennants** - Will be permitted for promotional purposes
 - 3. **Flags in front of display homes** - Will only be permitted until the home is no longer used for display purposes.
 - 4. **Seasonal Promotional Signs** - One sign no greater than six (6) square feet. These signs shall be displayed only during the hours of operation of the business. The sign shall be placed inside at the close of each business day.

11. No Trespassing Signs

- a. One sign per driveway.
- b. Sign shall not exceed two (2) square feet in size per side nor a height of four (4) feet from the ground.

12. Home Occupation

- a. One non-illuminated wall sign not exceeding two (2) square feet mounted on the dwelling.

13. Official Government Flags

- a. Shall meet acceptable flag etiquette.
- b. Shall meet height limitations as set forth in the Zoning Ordinance.

B. Additional Regulations

- 1. Shall be located at least fifteen (15) feet from the edge of the street, out of the street right of way and shall meet sight triangle requirements
- 2. No sign attached to the wall of a building or other structure shall extend above the roof line of that building or structure.

30.05 SIGNS IN COMMERCIAL DISTRICTS: Shall be located at least fifteen (15) feet from the edge of the street, out of the right of way and shall meet sight triangle requirements.

A. Allowable Signs

- 1. All signs permitted and regulated in Article 30.04.
- 2. Attached Signs

- a. One or more attached signs not exceeding ten percent (10%) of the total square footage of the building face upon which it is placed.
 - b. In the instance of corner lots, an additional attached sign will be permitted on each street frontage of the building not exceeding ten percent (10%) of the total square footage of the respective building face upon which it is placed.
 - c. Shall be face mounted on the building wall, projecting not more than nine (9) inches from the face of the building. Such signs shall not project above the parapet wall, mansard, or other roof line, and shall be enclosed on both ends where involving a pitched roof location.
 - d. Support structures for wall signs shall be concealed from public view.
3. Awnings and Canopy Signs
- a. In lieu of an attached sign, awnings and canopies advertising the business on the premises only will be permitted. Such signs shall be in accordance with the building codes of the City of Flint Hill.
4. Ground Mounted Sign
- a. One ground-mounted sign per lot not exceeding forty (40) square feet per face.
 - b. Such signs shall not exceed six (6) feet in height from the surrounding grade to the highest point on the sign.
 - c. Shall be located no closer than fifteen (15) feet the street Right of Way.
 - d. Such signs shall meet the sight triangle requirements of the City's Zoning Ordinance and shall not be located so as obstruct vision at a vehicular entry or exit from the property.
 - e. In no instance will the conversion of commander boards ground mounted signs be allowed.
4. Pole Sign
- a. One pole sign per lot not exceeding seventy (70) square feet per face.
 - b. Such signs shall not exceed thirty-five (35) feet in height and shall conform the same locational requirements for ground mounted signs.
 - c. The bottom of the sign shall be at least ten (10) feet above the surrounding grade.
 - d. Up to forty (40) square feet of changeable copy area may be added a pole sign in lieu of a ground mounted sign.
 - e. Directories - All buildings with multiple occupancy shall be required erect a directory sign in lieu of the allowable pole sign. The sign shall reviewed and approved by the Planning and Zoning Commission as to overall height and square footage.

5. Occupational/Identification Sign

- a. One attached, non-illuminated sign not exceeding two (2) square feet in size displaying the name, occupation and/or service located upon the premises, and the address.
 - b. Such signs shall conform to the locational requirements of attached signs.
6. Permanent Window Signs
- a. Shall not cover more than twenty percent (20%) of the total window area or door which they are applied.
 - b. Decals, numerals, names, addresses, hours, credit information, etc., attached doors or windows and all of which occupy a total area of one (1) square foot or less are excluded from this Ordinance.
 - c. Such signs may be attached either the interior or exterior of a window or glass door and shall be maintained in good repair.

6. Menu Boards

- a. Two signs are allowed per site.
- b. All menu items, promotions, pictures, or other displays related to the menu sign(s) must be contained within the permanent structure of the menu sign(s).
- c. Shall not exceed forty (40) square feet per sign.

B. Additional Regulations

- 1. Each building or property shall be allowed a maximum of three signs, which may be either an attached sign, a ground-mounted sign, or a pole sign, but the total number shall not include more than one sign of each of these types (signs listed in Article 4, Paragraph A, window signs and occupational/directional signs as regulated by this Article are excluded from this maximum of three signs.)
- 2. Buildings with Multiple Occupancy - For buildings and/or property containing more than one business or tenant, each business or tenant may have an attached sign conforming the requirements of this Article. For the purposes of determining the total square footage of the attached sign, only the face of each respective lease unit which the respective sign will be attached shall be counted. Each sign must be attached the lease unit containing the business or tenant identified.
- 3. Each building or property may have one additional attached sign conforming to the requirements of this Article on walls containing a main entrance which faces customer parking areas and are not visible from either a public or private street. For this exception to apply, the signs must be attached to the same wall as their respective entrances and both the signs and the entrances must be upon the same plane of the building.
- 4. All ground and pole signs shall be located in a landscaped area.

30.06 SIGNS IN INDUSTRIAL DISTRICTS: Shall be located at least fifteen (15) feet from the edge of the street, out of the right of way and shall meet sight triangle requirements.

A. Allowable Signs

1. All signs permitted and regulated by Article 30.05.

30.07 SPECIAL USE SIGNAGE: Shall be located at least fifteen (15) feet from the edge of the street, out of the right of way and shall meet sight triangle requirements.

A. Automobile and Truck Service Stations - Convenience Stores with Gasoline Pump

1. Allowable Signs

a. Brand Identification Signs

1. One pole-mounted sign not exceeding seventy (70) square feet per face. As regulated in Article 5.
2. One ground-mounted sign, in lieu of a pole-mounted sign, not exceeding forty (40) square feet in size per face. As regulated in Article 30.05.
3. One attached sign not exceeding ten percent (10%) of the total square footage of the building face upon which it is placed. In the instance of corner lots, an additional attached sign will be permitted on each street frontage of building not exceeding ten percent (10%) of the total square footage of the respective building face upon which it is placed. As regulated in Article 30.05.
4. One attached company logo not exceeding thirty-two (32) square feet per street frontage. As regulated in Article 30.05.

b. Price Signs

1. Two price signs per pump island not exceeding ten (10) square feet per face per sign.
2. One price sign as a component of the permitted pole sign not exceeding forty (40) square feet per face in lieu of the price signs per pump island.
3. Shall be located at the ends of pump islands and may be affixed the canopy, canopy supports, poles, or end pumps.

c. Self Service and/or Full Service Signs

1. Two self-service or full service signs per pump island not exceeding ten (10) square feet per face per sign.
2. Shall be located at the ends of pump islands and may be affixed the canopy, canopy supports, poles, or end pumps.

- d. Federal and State Stamps, Octane Ratings, Pump Use Directions, No Smoking Signs
 - 1. As required by Federal, State and Local Authorities
- e. Temporary Signs - see Article 30.04
- 3. Additional Regulations
 - a. Canopy Use - An attached or detached canopy may be used in lieu of the permitted pole sign for the location of brand identification or company logos.
 - b. Portable Signs - The use of portable signs for the advertisement of cigarettes, food, or other sundry items is specifically prohibited.

B. Standard Outdoor Advertising Structures/Billboards

- 1. Permitted Zones
 - a. Such signs shall be permitted in the following zoning districts:
 - "C-3" Highway Commercial
 - "I-1" Light Industrial
 - "I-2" Heavy Industrial
- 2. Area and Height
 - a. The maximum area for any one sign shall not exceed eight hundred (800) square feet in size per face, with a maximum width of twenty (20) feet and a maximum length of sixty (60) feet inclusive of border and trim, but excluding the base, apron, supports, and other structural members.
 - b. The maximum height shall not exceed fifty (50) feet from the highest point on the sign to surrounding grade or street level, whichever is higher.
 - c. 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 V-type construction with not more than three side-by-side displays to each facing, but such sign structures shall be considered as one sign. However, there shall be no vertical stacking signs.
- 3. Location
 - a. All such signs must be erected within the first one hundred (100) feet of depth, from the adjoining street frontage, of the property upon which the sign is to be located.
 - b. No such sign shall be erected within two thousand (2,000) lineal feet of an existing sign on the same side of the street. In cases of interstate, same side of street shall include interstate roadway and service road, either state, county, or City maintained.
 - c. No part of any sign shall be located any closer than five hundred (500) lineal feet of a residence, regardless of zoning district.

- d. No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
 - e. No such sign shall be placed closer than five hundred (500) feet to an intersection on a dual or proposed dual highway provided, however, that such signs may be affixed to or located adjacent to a building at such intersection in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No such sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road in this Article.
 - f. The minimum front yard setback for such signs shall be a minimum of thirty (30) feet from the road right-of-way. The measurement will be from the closer point (face of the sign will extend vertically down to the ground) of the sign.
 - g. No sign shall be located on the right-of-way of any road or any slope or drainage easement for such road.
 - h. The minimum side yard setback for billboards shall be twenty-five (25) feet from side property line or right of way.
 - i. Accessibility for such structures shall be hard surfaced.
4. Plans - An application to erect such a sign shall be accompanied by the following:
- a. A set of plans, to scale, approved by a licensed engineer, providing all necessary construction and electrical details of the sign and sign structure, including height.
 - b. A site plan must be submitted with an application to the City of Flint Hill Planning and Zoning Commission to scale, containing:
 - 1. The proposed location of the sign upon the property.
 - 2. The distance from the proposed sign location to any buildings upon the property, and adjoining street right-of-way lines and driveway entrances.
 - 3. The distance from the proposed sign location to the next nearest billboard sign on the same side of the street in either direction.
 - 4. The distance from the proposed sign location to the nearest street in this Article in either direction.
 - 5. State of Missouri Billboard Permit.
 - c. A representation of the proposed sign, to scale, including the width and length of the sign faces.
5. Construction Specifications - Henceforth, any such sign erected under this Ordinance shall be a single pedestal type, constructed of non-corrosive metal. Construction of the sign and material specifications shall comply with Article 903

of the Missouri Standard Specifications for Highway Construction, as applicable, and must meet the structural requirements of the City's building code.

30.08 PROHIBITED SIGNS:

- A. The following types of permanent signs shall be prohibited in the City of Flint Hill:
1. Permanent signs which do not meet the flammability test or approved combustible plastic.
 2. Flashing signs; however, not including digital time and temperature signs.
 3. Fluttering signs, pinwheels, pennants, streamers, and banners except official government flags, or street banners approved by the City Engineer.
 4. Moving signs or swinging signs, signs not rigidly fixed.
 5. Roof Signs
 6. Signs not permanently affixed to the ground.
 7. Signs which contain characters, cartoons, or statements, words or pictures of an obscene, indecent, prurient, or immoral character.
 8. Signs which contain or are an imitation of an official traffic sign or signal, or which are of a size, location, movement, content coloring, or manner of illumination which may be confused with or construed as a traffic control device, or which hide from view any traffic or street sign or signal.
 9. Signs attached to, suspended from, or painted on any vehicle which is regularly parked on any street or private property to display, demonstrate, advertise, or attract the attention of the public.
 10. Signs which project more than nine (9) inches from the face of the building or structure.

30.09: NON-CONFORMING SIGNS:

- A. Any sign legally existing prior to enactment of this Ordinance, but which shall violate any provision of this Ordinance, may continue to be maintained and used after passage of this Ordinance subject to the following provisions:
1. Enlargement - No non-conforming sign shall be enlarged, expanded, or extended to occupy a greater square footage or height than was occupied on the date of adoption or amendment of the Ordinance. See Article 30.10, Paragraph E.
 2. Relocation - No non-conforming sign shall be moved in whole or in part to any other portion of the lot, parcel, or building not so occupied on the date of adoption of this Ordinance, except that any such sign which is hereafter required to be moved by a governmental body for the purpose of construction, relocation, widening, or improvement of a street, highway, or other public purpose, may be relocated once and allowed to be maintained and used as before.

3. Discontinuance - If the business or service advertised or identified by a non-conforming sign ceases to be conducted for a period exceeding thirty (30) calendar days, the non-conforming sign shall be classified as "Abandoned Sign", and removed. See Article 30.11, Paragraph J.
4. Destruction - Should any non-conforming sign be destroyed by any means to an extent of up to fifty percent (50%) of its surface area or structure, it shall not be reconstructed, except in conformance with the requirements of this Ordinance. See Article 30.11, Paragraph C.

30.10 ADMINISTRATION AND ENFORCEMENT:

- A. Administration - Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the City Engineer, or by deputies of his department as the Board may designate to enforce provisions of this Ordinance.

The City Engineer (or his authorized representative) is hereby empowered in performance of its functions to enter upon any land in the City for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon markers, notices, or signs required to affect provisions of this Ordinance. The above authorized person shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Article.

- B. Duties of the City Engineer Officer - The City Engineer shall have the power to grant sign permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

It shall be improper for the City Engineer to approve plans or issue any permits or certificates for any sign until he has inspected such plans in detail and found them to conform with this Ordinance, nor shall the City Engineer vary or change any terms of this Ordinance.

If the City Engineer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and stating the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal signage; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

- C. Permit Required - It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving of any sign or sign structure or any portion thereof without first having applied in writing to the City Engineer for a sign permit to do so and a sign permit has been granted therefore. Primary responsibility for securing the necessary permits shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person, or firm hired to ensure that all required permits and approvals have been secured prior to any work being initiated.

Blank forms shall be provided by the City Engineer for the use of those applying for permits as provided in this Ordinance. Any permits issued by the City Engineer shall be on standard forms for such purpose and furnished by the Board of Aldermen. There shall be a separate permit for each sign constructed, altered, or erected.

Any sign permit under which no construction work has been commenced within six months after the date of issuance of said permit or under which proposed construction

has not been completed within one (1) year of the time of issuance shall expire by limitation.

- D. Voiding of Sign Permit - A permit may be revoked by the City Engineer at any time prior to the completion of the sign for which the same was issued, when it shall appear to him that there is departure from the plans, specifications, or conditions as required under terms of the permit, that the same was procured by false representation, or that any provisions of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, his agent, or contractor, or upon any such person employed on the building or structure for which such permit was issued, via a stop-work order, which shall be posted in a prominent location, and thereafter no such construction shall proceed.
- E. Existing Signage - Should any existing sign be enlarged, replaced, or reconstructed, it shall be considered a new sign. If an existing sign is repainted or the sign panels are replaced for the purpose of changing the business, occupation, or tenant advertised or identified, it shall be considered a new sign. However, the repainting of a sign for ordinary maintenance or the repair or restoration of an existing sign to a safe condition after being damaged by storm or other accidental act as shown in accordance with the original sign permit, shall not constitute such a change as to classify the sign as a new one, subject to the provisions of Article 30.09, Paragraph A, Item 4, "Destruction".
- F. Permit Number Displayed - Any billboard sign hereafter erected following passage of this Ordinance shall display the sign permit number on the base of the sign in the lower right-hand corner in no less than one inch (1") letters and numerals. In the case of pole mounted signs, the number shall be incorporated into the base of the sign structure.
- G. Structural Requirements - All signs shall comply with the pertinent requirements of the City of Flint Hill's Building Code.
- H. Safety - Any existing sign which is or becomes an immediate danger or hazard to persons or property because of being in an unsafe condition, or which obstructs any fire escape, window, or door, is subject to immediate removal by the City Engineer without notice and at the expense of the property and/or sign owner.
- I. Maintenance - All signs and sign supports shall be maintained in good repair so as to prevent rust, peeling, flaking, or fading. Broken panels, missing letters, flaking or peeling paint and other visual damage to a sign shall be repaired within forty-five (45) days of the occurrence or within thirty (30) days notification by the City Engineer.
- J. Abandoned Signs - Any sign or sign structure which advertises a business no longer conducted or service no longer rendered, or a product no longer sold on the premises or lot shall be classified an abandoned sign and shall be removed by the owner, agent, or person having beneficial use of the premises or lot upon which the sign is located within ten (10) days following written notice by the City Engineer concerning its removal.
- K. Illumination - Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares. All illuminated signs shall require a electrical permit from the City of Flint Hill.
- L. State Right-of-Way Requirements - All signs erected within the jurisdiction of State right-of-way requirements shall meet State, County and City requirements.
- M. Violations - If it is found that a sign is in violation of this Ordinance, the City Engineer, or his designee, shall give notice to the owner of the sign, or if the owner cannot be located, to the owner or property management agent of the premises on which the sign is located

or, if the sign erection is not complete, to the sign erector, either personally, by United States Mail, or by posting such a notice on the premises, such notice stating:

1. The violations found: and
 2. That the violations must be brought into compliance with requirements of this and all other City Ordinances within ten (10) days from the date of such notice. For temporary signs the date of such notice shall constitute the first day of the thirty (30) day time period allowed by such signs.
 3. The requirements which must be met; and
 4. That any person found to be in violation of any provision of this Ordinance shall be subject to a fine of \$100.00, or up to ninety (90) days imprisonment, or to both such fine and imprisonment, with each day of such violation constituting a separate offense without further notice being required.
- N. Compliance with Sign Permits - Sign permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance as provided herein.
- O. Fees - For those signs for which a permit is required to be obtained, the permit fee shall be a one time charge of ten dollars plus a fee of one dollar (\$1.00) per square foot of sign area.
- P. Not for Profit Organizations - To assure right-of-way requirements are met, the City of Flint Hill will require all not for profit organizations to secure sign permits. However, a fee will not be charged by the City of Flint Hill for these permits.

30.11 SIGNS EXEMPT FROM PERMIT REQUIREMENTS:

- A. The following types of signs are exempt from the permit requirements of this Ordinance:
1. Property Real Estate Signs not exceeding six (6) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are located only.
 2. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
 3. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency, or non-advertising signs as may be approved by the Board of Aldermen.
 4. Political signs.
 5. Professional name plates not exceeding two (2) square feet in area.
 6. Occupational signs not over two (2) square feet in area (on buildings).
 7. Signs erected inside a building and not visible through windows.

8. Window signs.
9. Official Government Flags.

30.12 APPEALS:

- A. Any aggrieved person, firm, corporation, or any governmental officer, department, board or bureau may appeal a decision of the City Engineer before the Board of Adjustment.
- B. Grounds for Granting a Variance - The Board of Adjustment grant variances from this Ordinance for any permitted form of signage where it is found that because of the limitations on character, size, or dimensions of a sign, or the regulations controlling the erection or installation of a sign, the applicant would be subject to undue hardship. Undue hardship is not considered the loss of possible advantage, economic loss or gain, or mere inconvenience to the applicant.

30.14 SEVERABILITY: If any Article, subarticle, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

EXHIBIT A
ARTICLE 31
FEE SCHEDULE

*new
schedule
adopted
per
Ord
2011-06
5/18/11*

1. ZONING AND REZONING APPLICATIONS

FILING FEE \$125.00
PUBLICATION/RECORDING DEPOSIT \$300.00*
 (*Balance refundable or due)
ENGINEERING DEPOSIT..... \$500.00

2. CONDITIONAL USE & HOME BUSINESS APPLICATIONS

FILING FEE \$125.00
PUBLICATION/RECORDING DEPOSIT \$300.00*
 (*Balance refundable or due)
ENGINEERING DEPOSIT..... \$500.00*
 (*Balance refundable or due)

3. VARIANCE APPLICATION

FILING FEE \$125.00
PUBLICATION/RECORDING DEPOSIT \$300.00*
 (*Balance refundable or due)
ENGINEERING DEPOSIT..... \$500.00*
 (*Balance refundable or due)

4. SITE PLAN REVIEW

FILING FEE \$125.00
PUBLICATION/RECORDING DEPOSIT \$300.00*
 (*Balance refundable or due)
ENGINEERING DEPOSIT..... \$500.00*
 (*Balance refundable or due)
STORMWATER REVIEW..... \$290.00 per acre
 up to 10 acres; Plus an additional \$25.00/acre above 10 acres

5. GRADING PERMIT AND SWPP

FILING FEE \$125.00

UP TO 10 ACRES..... \$290.00 per acre
10 TO 100 ACRES \$2,900.00
 Plus an additional \$25.00/acre above 10 acres
MORE THAN 100 ACRES \$5,500.00

6. RESIDENTIAL - PRELIMINARY OR FINAL PLAT, PUD AREA OR FINAL PLAN REVIEW

FILING FEE \$125.00

UP TO 20 ACRES..... \$620.00
Plus an additional \$50.00/acre of planned acreage

20 TO 100 ACRES..... \$1,500.00
Plus an additional \$15.00/acre above 20 acres

MORE THAN 100 ACRES \$2,700.00
Plus an additional \$2.50/acre above 100 acres

7. COMMERCIAL/INDUSTRIAL - PRELIMINARY OR FINAL PLAT, PUD AREA OR FINAL PLAN REVIEW

FILING FEE \$125.00

UP TO 3 ACRES..... \$620.00
Plus an additional \$185.00/acre of planned acreage

MORE THAN 3 ACRES \$1,200.00
Plus an additional \$30.00/acre above 3 acres

8. CONSTRUCTION PLAN REVIEW/INSPECTIONS

FILING FEE \$125.00

UP TO 5 ACRES..... \$1,400.00
Plus an additional \$1400.00/acre of planned acreage

5 TO 20 ACRES..... \$1,200.00
Plus an additional \$800.00/acre above 5 acres

MORE THAN 20 ACRES \$19,500.00
Plus an additional \$300.00/acre above 20 acres
Up to a maximum of \$40,000 per construction phase

9. SPECIAL USE PERMIT

FILING FEE \$125.00

-LINES LESS THAN 4", RESIDENTIAL DRIVEWAYS OR DRAIN CONNECTIONS

UP TO 1000 FEET \$120.00
MORE THAN 1000 FEET \$175.00

Plus an additional \$55/1000 ft. above 1000 ft.

INSPECTION \$52.00/hour

-MAIN LINE 4", OR GREATER INSTALLATIONS/REPAIRS
UP TO 1000 FEET \$250.00
MORE THAN 1000 FEET \$300.00
 Plus an additional \$125/1000 ft. above 1000 ft.
INSPECTION \$52.00/hour

-BORINGS
PAVEMENT BORES \$250.00
**PAVEMENT REPLACEMENT/
 INSTALLATION INSPECTION**..... \$52.00/ hour

10. RECORD PLAT

FILING FEE \$125.00

RESIDENTIAL SUBDIVISIONS

1 to 5 units \$575.00
6 to 20 units \$575.00
 Plus an additional \$50/unit above 5 units
20 or more units \$1,500.00
 Plus an additional \$9.00/unit above 20 units

COMMERCIAL/INDUSTRIAL SUBDIVISIONS

Up to 3 acres \$575.00
 Plus an additional \$275/acre planned coverage
More than 3 acres \$1,300.00
 Plus an additional \$30/acre above 3 acres

Notes:

- 1) A 15% City-administration fee is included in the above stated zoning and review fees.
- 2) All fees apply to the initial submittal and one (1) resubmittal in response to the initial review comments. Subsequent submittals beyond the first two (2) reviews will be charged additional fees for the actual time and expenses of the City Engineer.
- 3) Additional engineering services as necessary determined in the discretion of the City are charged at the contract-rate for such services as provided in City Ordinances.

ATTACH BUILDING PERMIT FEE SCHEDULE

CITY OF FLINT HILL, MISSOURI
Building Permit Fee Schedule
Amended Pursuant to Ordinance 2011-06

Group	Building Code	Type of Construction									
		IA (\$/sf)	IB (\$/sf)	IIA (\$/sf)	IIB (\$/sf)	IIIA (\$/sf)	IIIB (\$/sf)	IV (\$/sf)	VA (\$/sf)	VB (\$/sf)	
A-1	Assembly, theaters, with stage Assembly, theaters, without stage	\$211.15	\$203.98	\$198.73	\$190.05	\$178.25	\$173.30	\$183.31	\$162.97	\$156.05	
A-2	Assembly, nightclubs	\$193.16	\$185.99	\$180.74	\$172.06	\$160.31	\$155.36	\$165.32	\$145.04	\$138.12	
A-2	Assembly, restaurant, bars, banquet	\$163.22	\$158.56	\$154.17	\$148.00	\$138.96	\$135.24	\$142.52	\$126.06	\$121.36	
A-3	Assembly, churches	\$162.22	\$157.56	\$152.17	\$147.00	\$136.96	\$134.24	\$141.52	\$124.06	\$120.36	
A-3	Assembly, general, community halls, libraries, museums	\$195.10	\$187.93	\$182.68	\$174.00	\$162.61	\$157.26	\$167.26	\$146.94	\$140.02	
A-4	Assembly, arenas	\$163.81	\$156.64	\$150.39	\$142.71	\$129.91	\$125.96	\$135.97	\$114.63	\$108.71	
B	Business	\$192.16	\$184.99	\$178.74	\$171.06	\$158.31	\$154.36	\$164.32	\$143.04	\$137.12	
E	Educational	\$164.76	\$158.78	\$153.49	\$145.97	\$132.45	\$127.63	\$139.92	\$116.43	\$110.93	
F-1	Factory and Industrial, moderate hazard	\$176.97	\$170.85	\$165.64	\$158.05	\$146.37	\$138.98	\$152.61	\$127.91	\$123.09	
F-2	Factory and Industrial, low hazard	\$97.87	\$93.28	\$87.66	\$84.46	\$75.44	\$72.26	\$80.79	\$62.17	\$58.48	
H-1	High Hazard, explosives	\$96.87	\$92.28	\$87.66	\$83.46	\$75.44	\$71.26	\$79.79	\$62.17	\$57.48	
H234	High Hazard	\$91.74	\$87.15	\$82.53	\$78.33	\$70.49	\$66.31	\$74.66	\$57.22	N.P.	
H-5	HPM	\$91.74	\$87.15	\$82.53	\$78.33	\$70.49	\$66.31	\$74.66	\$57.22	\$52.53	
I-1	Institutional, supervised environment	\$164.76	\$158.78	\$153.49	\$145.97	\$132.45	\$127.63	\$139.92	\$116.43	\$110.93	
I-2	Institutional, hospitals	\$164.82	\$159.04	\$154.60	\$147.90	\$135.84	\$132.25	\$144.15	\$121.88	\$117.55	
I-2	Institutional, nursing homes	\$277.07	\$271.09	\$265.80	\$258.28	\$243.90	N.P.	\$252.23	\$227.88	N.P.	
I-3	Institutional, restrained	\$193.00	\$187.02	\$181.74	\$174.22	\$160.98	N.P.	\$168.16	\$144.96	N.P.	
I-4	Institutional, day care facilities	\$187.72	\$181.73	\$176.45	\$168.93	\$156.64	\$150.82	\$162.87	\$140.63	\$133.13	
M	Mercantile	\$164.82	\$159.04	\$154.60	\$147.90	\$135.84	\$132.25	\$144.15	\$121.88	\$117.55	
R-1	Residential, hotels	\$121.57	\$116.92	\$111.53	\$106.36	\$96.96	\$94.25	\$100.88	\$84.07	\$80.36	
R-2	Residential, multiple family	\$166.21	\$160.43	\$155.99	\$149.29	\$137.39	\$133.80	\$145.70	\$123.43	\$119.10	
R-3	Residential, one and two family	\$139.39	\$133.61	\$129.17	\$122.47	\$111.23	\$107.64	\$119.54	\$97.27	\$92.94	
R-4	Residential, care/assisted living facilities	\$131.18	\$127.60	\$124.36	\$121.27	\$116.43	\$113.53	\$117.42	\$108.79	\$101.90	
S-1	Storage, moderate hazard	\$164.82	\$159.04	\$154.60	\$147.90	\$135.84	\$132.25	\$144.15	\$121.88	\$117.55	
S-2	Storage, low hazard	\$90.74	\$86.15	\$80.53	\$77.33	\$68.49	\$65.31	\$73.66	\$55.22	\$51.53	
U	Utility, miscellaneous	\$89.74	\$85.15	\$80.53	\$76.33	\$68.49	\$64.31	\$72.66	\$55.22	\$50.53	
		\$71.03	\$67.02	\$62.71	\$59.30	\$52.86	\$49.43	\$56.33	\$41.00	\$39.06	

Permit Fee = Square feet x Type of Construction
 x .0040
 Plan Review = Square feet x Type of
 Construction x .0015

A 25% administrative fee is included in the calculated fee.
 A 25% administrative fee is included in the calculated fee.

Notes:

- a. Private Garages use Utility, miscellaneous for all Construction Types
- b. Unfinished basements (all use groups) = \$15.00 per sq ft
- c. For shell only buildings deduct 20 percent
- d. N.P. = not permitted
- e. Minimum Building Permit Fee = \$125.00 for all permits
 * 2 Inspections per Permit, Re-Inspection Fee = \$85 per Inspection
- f. Special Permits:

Commercial Occupancy Permit.....	\$200.00
Three Seasons.....	\$250.00
Electric Upgrade.....	\$125.00
Ground or Monument Sign.....	\$200.00
Wall or Post Sign.....	\$125.00
Above ground pool.....	\$150.00
Inground pool.....	\$250.00
Fireworks-(seasonal).....	\$150.00

DELETED per Board of Aldermen May 18, 2011

see Meeting Minutes-(duplicate of Fireworks Permit w/ existing inspections)

APPENDIX A. LISTING OF PERMITTED AND CONDITIONAL USES

APPENDIX A. LISTING OF PERMITTED AND CONDITIONAL USES																
Use Category	Specific Use Type	Zoning Districts														
		AG	R-1A	R-1B	R-1C	R-2	R-3	R-M	C-0	C-1	C-2	C-3	DSD	I-1	I-2	P-R
1. RESIDENTIAL																
A. Household living	1. Single-family dwelling, detached	P	P	P	P	P	P	P	C	C	C					
	2. Single-family dwelling, attached	P	P	P	P	P	P	C	C							
	3. Duplex					C	C	C	C	C	C					
	4. Multi-family dwelling						C	C	C	C	C					
	5. Condominiums						C	C	C	C	C					
	6. Apartments						C	C	C	C	C					
	7. Boarding house								P	P	P					
	8. Manufactured and/or mobile home park	C						C								
B. Group Living	1. Residential care and/or assisted living facility					C	C	C	C	C	C					
	2. Group home facility for 8 or fewer persons	P	P	P	P	P	P	P	P	P	P					
	3. Group home facility for more than 8 persons							C	C	C	C					
	4. Dormitory															
2. INSTITUTIONAL AND CIVIC																
A. Cemetery	1. Cemetery - not less than 20 acres is required for establishment or enlargement	P														
B. Community services	1. Senior center or community activity center						C	C	P	P	P					
	2. Philanthropic or religious affiliated club, institution or organization															

APPENDIX A. LISTING OF PERMITTED AND CONDITIONAL USES

APPENDIX A. LISTING OF PERMITTED AND CONDITIONAL USES																	
Use Category	Specific Use Type	Zoning Districts															
		AG	R-1A	R-1B	R-1C	R-2	R-3	R-M	C-0	C-1	C-2	C-3	DSD	I-1	I-2	P-R	
	3. Animal control center																
C. Cultural facilities	1. Museums, art galleries	P					C							P			
	2. Art display, outdoor	P					C							P			
	3. Opera houses, concert hall													P			
	4. Library	P	C	C	C	C								P			
D. Day care for adults or children	1. Adult day care						C	C	C	C	C						
	2. Child day care													C	C		
E. Detention facilities	1. Detention facilities: privately operated jails or honor camps, private reformatories or juvenile detention facilities																
	2. Private probation offices													C	P	P	
F. Health care facilities	1. Clinics (outpatient) - medical or dental offices or clinics; counseling centers													P	P	P	
	2. Chiropractors, State-licensed massage therapy, acupuncturists													P	P	P	
	3. Medical, dental or X-ray non-patient facilities													P	P	P	
	4. Substance abuse treatment facility - inpatient and/or outpatient													C	C	C	

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		AG	R-1A	R-1B	R-1C	R-2	R-3	R-M	C-0	C-1	C-2	C-3	DSD	I-1	I-2	P-R
Use Category	Specific Use Type															
	5. Hospital or other inpatient facility/non-substance abuse counseling center								C	C	C			C	C	
	6. Nursing home/convalescent care								C	C	C		P			
G. Parks and open space, recreation and entertainment	1. Recreational facility, public	C	C	C	C	C			C	C	C		P	C	C	C
	2. Recreational facility, private	C	C	C	C	C			C	C	C		P	C	C	C
	3. Amusement park	C												C	C	
	4. Athletic fields, private	C	C	C	C	C			C	C	C			C	C	P
	5. Athletic fields, public															P
	6. Commercially operated outdoor recreation facilities including only the following: batting cage, driving range, golf center, miniature golf or golf course, water slide or go-kart track	C								C	C			C	C	
	7. Cinema theatre - indoor													P	P	P
	8. Theatre, drive-in													C	C	C
	9. Indoor athletic and exercise clubs; sports and recreation clubs, gymnasiums, boys and girls clubs; except gun clubs and shooting clubs													C	C	C

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Use Category	Specific Use Type	Zoning Districts														
		AG	R-1A	R-1B	R-1C	R-2	R-3	R-M	C-0	C-1	C-2	C-3	DSD	I-1	I-2	P-R
	10. Billiard, pool hall, video arcade								C	C	C	C	C	C	C	
	11. Indoor shooting range, target range, trap or skeet shooting - all operations indoors													C	C	
	12. Outdoor shooting range, target range, trap or skeet shooting - outdoor operations															
H. Private clubs, lodges	1. Lodge or other private club									C	C			C	C	
I. Religious or religious assembly	1. Church or place of worship, including residential components such as convents and monasteries	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
J. Schools	1. Private and parochial with boarding on-site															
	2. Private and parochial - no boarding	P	P	P	P	P	C	C	P	P	P	P	C	P	P	
	3. Public schools, elementary, middle and secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	4. Dance/art/music															
	5. Vocational and technical schools; business schools; post-secondary colleges, universities								P	P	P	P	P	P	P	
	6. All other educational institutions on a site not less than 5 acres															
K. Telecommunications facilities	1. Telecommunication towers and facilities	C							C	C	C	C	C	C	C	C

APPENDIX A. LISTING OF PERMITTED AND CONDITIONAL USES

Use Category		Zoning Districts														
		AG	R-1A	R-1B	R-1C	R-2	R-3	R-M	C-0	C-1	C-2	C-3	DSD	I-1	I-2	P-R
L. Utility, basic	1. Service lines, gas regulators and utility service facilities		C	C	C	C				C	C			P	P	
	2. Telephone switching stations and electric substations											C			C	
M. Utility corridors	1. Pipelines for oil and gas or other passageways for bulk transport of energy products															
3. COMMERCIAL USE																
A. Entertainment Event, major	1. Indoor entertainment facility	C						C	P	P	C	C	C	C	C	P
	2. Outdoor facilities	C						C	C	C	C		C	C	C	P
B. Lodging	a. Fairgrounds															P
	1. Hotels and motels								P	P			C	P	P	
	2. Bed and breakfast inn							P	P	P		C				
	3. RV parks and campgrounds															C
	4. Hunting and fishing resorts	C														
C. Offices	1. Professional business office other than health care facilities							P	P	P	P	P	P	P	P	
D. Parking facilities	1. Commercial automobile parking facility, garage or lot								P	P	P	C	C	P	P	
E. Printing and publishing	1. Offset letterpress, wholesale publishing, catalogues													P	P	
	2. Newspaper publishing													P	P	

APPENDIX A. LISTING OF PERMITTED AND CONDITIONAL USES

APPENDIX A. LISTING OF PERMITTED AND CONDITIONAL USES		Zoning Districts															
Use Category	Specific Use Type	AG	R-1A	R-1B	R-1C	R-2	R-3	R-M	C-0	C-1	C-2	C-3	DSD	I-1	I-2	P-R	
F. Laboratories and research	1. Industrial, medical, research -- testing or experimental laboratory (non-patient)													P	P		
	2. Medical research facility, including biological and genetic industrial research facility, including hazardous or combustible materials																
G. Retail sales and service	1. Alcohol sales -- retail package liquor									C	C	C	C	P	P		
	2. Animal clinic/hospital -- veterinarian	P								C	C		C	P	P		
	3. Automobile categories (see vehicle service, vehicle sales and leasing sections)																
	4. Bakery -- commercial or wholesale bakery with limited walk-in retail trade									C	C	C	C	P	P		
	5. Bakery -- retail trade								P	P	P	P	P	P	P		
	6. Beverage bottling works														C	C	
	7. Bank, credit union and financial institutions								P	P	P	P	P	P	P	P	
	8. Bar, tavern, nightclub (less than 2,500 square feet)									C	C	C	C	C	C	C	

APPENDIX A. LISTING OF PERMITTED AND CONDITIONAL USES

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Use Category	Specific Use Type	Zoning Districts														
		AG	R-1A	R-1B	R-1C	R-2	R-3	R-M	C-0	C-1	C-2	C-3	DSD	I-1	I-2	P-R
	9. Bar, tavern, nightclub (more than 2,500 square feet)								C	C	C	C	C	C	C	
	10. Contractors and trade shops -- off-site operation and storage (storefront only)									P	P		P	P	P	
	11. Contractors and trade shops -- indoor operations and outdoor storage (including storage of heavy equipment and vehicles)													P	P	
	12. Contractors and trade shops -- outdoor storage and operations (including storage of heavy equipment and vehicles)													P	P	
	13. Delivery and dispatch services (vehicles on-site)														P	
	14. Farm feed store, including storage of liquid and solid fertilizer, farm implement sales and repair	P								C	C	C	C	P	P	
	15. Food service, catering (no on-site service)													P	P	

APPENDIX A. LISTING OF PERMITTED AND CONDITIONAL USES

APPENDIX A. LISTING OF PERMITTED AND CONDITIONAL USES		Zoning Districts														
Use Category	Specific Use Type	AG	R-1A	R-1B	R-1C	R-2	R-3	R-M	C-0	C-1	C-2	C-3	DSD	I-1	I-2	P-R
	16. Food service -- walk-in, walk-up restaurants, walk-in, walk-in restaurants with drive-in and/or drive-thru								C	P	P	P	C	P	P	
	17. General retail and repair of goods												P			
	a. Indoor operations, display and storage								P	P	P	P	P	P	P	
	b. Indoor operations with outdoor display and storage									P	P	P	C	P	P	
	18. General retail, rental and repair of goods -- outdoor operations, display and storage; rental of equipment and machinery									P	P	P	C	P	P	
	19. Greenhouse, plant nursery										C		C	C	C	
	20. Kennel -- indoor; dog day care									C	C		C	C	C	
	21. Kennel -- outdoor									C	C			C	C	
	22. Laundromat, self service								P	P	P	P	C	P	P	
	23. Laundry service -- walk in trade including dry cleaning, pressing, dyeing									P	P	P	C	P	P	
	24. Laundry service -- no walk-in trade including diaper service, linen service, uniform service													C	C	

APPENDIX A. LISTING OF PERMITTED AND CONDITIONAL USES

Use Category	Specific Use Type	Zoning Districts														
		AG	R-1A	R-1B	R-1C	R-2	R-3	R-M	C-0	C-1	C-2	C-3	DSD	I-1	I-2	P-R
	25. Manufactured homes, modular building components sales and service													C	C	
	26. Mortuary funeral home								P	P			C	P	P	
	27. Personal services								P	P			P	P	P	
	28. Pawnbrokers and secured personal credit loans								C	C			C	C	C	
	29. Seasonal merchants with display of goods									P			C			
	30. Day merchants with display of goods									P			C			
	31. Adult oriented businesses													C	C	
	32. Shopping center/mall								C	P				P	P	
	33. Superstore/big box store								C	P				P	P	
	34. Strip mall								P	P				P	P	
H. Storage	1. Mini-warehouse or other self-service storage units with no outdoor storage													C	C	
	2. Mini-warehouse or other self-service storage units with outdoor storage													C	C	
I. Vehicle service	1. Motor vehicle service and repair								C	C				C	C	
	2. Motor vehicle body shop								C	C				C	C	
	3. Motor vehicle wash								C	C				C	C	
	4. Gasoline sales or gasoline station								C	P				P	P	

APPENDIX A. LISTING OF PERMITTED, CONDITIONED AND CONDITIONAL USES

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Use Category	Specific Use Type	Zoning Districts														
		AG	R-1A	R-1B	R-1C	R-2	R-3	R-M	C-0	C-1	C-2	C-3	DSD	I-1	I-2	P-R
	5. Tire recapping and storage									P	P			P	P	
	6. Truck stop/travel plaza											C				
J. Vehicle sales and leasing	1. Motor vehicle sales, including leasing and rental of new/used autos, trucks, motorcycles, RVs, trailers and boats									C	P	P		P	P	
K. Vehicle storage	1. Impoundment lot; RV, boat, bus and camper storage lot; wrecked vehicle storage lot														P	
	2. Junk yards, salvage yards, wrecking yards															C
4. INDUSTRIAL																
A. Industrial service manufacturing and productions	1. Indoor operations/indoor storage -- no hazardous material or liquids													P	P	
	2. Indoor or outdoor operations with outdoor storage or use of hazardous materials or liquids													C	C	
	3. Machine shop, welding															C
	4. Concrete mixing plant, asphalt, cement batch plant									C	C	C		C	C	C

APPENDIX A. LISTING OF PERMITTED, LISTED AND CONDITIONAL USES

Use Category		Zoning Districts														
		AG	R-1A	R-1B	R-1C	R-2	R-3	R-M	C-0	C-1	C-2	C-3	DSD	I-1	I-2	P-R
B. Assembly, distribution, manufacturing, processing, production, wholesale sales	1. Distribution facilities, wholesale sales, manufacturing / distribution													C	C	
	a. Indoor operations, storage and loading													P	P	
	b. Indoor storage with outdoor loading docks													P	P	
C. Waste-related use	c. Outdoor storage or outdoor loading, truck terminal													C	C	
	1. Non-hazardous waste transfer														C	
	2. Solid waste disposal sites, including landfill														C	
5. OTHER	3. Recycling collection station														C	
	4. Recycling center, indoor operations, indoor storage														C	
	5. Recycling center, indoor or outdoor operations, outdoor storage														C	
A. Farm, agribusiness	6. Recycling processing center														C	
	1. Farm, including horticulture only	P														
	2. Farm, including animal husbandry	P														
B. Aviation or surface	3. Stockyards/slaughter of animals														C	
	1. Airports/heliports														C	

APPENDIX A. LISTING OF PERMITTED, ZONED AND CONDITIONAL USES

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Use Category	Specific Use Type	Zoning Districts														
		AG	R-1A	R-1B	R-1C	R-2	R-3	R-M	C-0	C-1	C-2	C-3	DSD	I-1	I-2	P-R
	2. Helipad								C	C	C			C	C	
	3. Bus/railroad depot															
C. Mining	1. Oil or gas drilling													C	C	
	2. Extraction of coal, including quarries, mines, sand, fire-clay and gravel pits															

*Where two zoning districts are applicable to a use, the more restrictive zone shall govern.

Legend:

- AG - Agricultural District (Article 15)
- R-1A - Single Family Residential District (Article 4)
- R-1B - Single Family Residential District (Article 5)
- R-1C - Single Family Residential District (Article 5-A)
- R-2 - Two Family Residential District (Article 6)
- R-3 - Garden Apartment District (Article 7)
- R-M - Manufactured or Mobile Home/Park District (Article 8)
- C-0 - Office District (Article 9)
- C-1 - Local Commercial District (Article 10)
- C-2 - General Commercial District (Article 11)
- C-3 - Highway Commercial District (Article 12)
- DSD - Downtown Special District (Article 12-A)
- I-1 - Light Industrial District (Article 13)
- I-2 - Heavy Industrial District (Article 14)
- P-R - Park & Recreation District (Article 16)

BILL NO. 2011-03

ORDINANCE NO. 2011-03

AN ORDINANCE OF THE CITY OF FLINT HILL, MISSOURI, DELETING ORDINANCES 50 AND 105 PERTAINING TO RULES FOR LAND SUBDIVISION AND ESTABLISHING NEW SUBDIVISION REGULATIONS.

WHEREAS, on February 16, 1988, the Trustees of the Village of Flint Hill, Missouri, pursuant to Ordinance 50, as amended by Ordinance 105, enacted the Rules for Land Subdivision of the City of Flint Hill (collectively the "Subdivision Regulations"); and

WHEREAS, the City of Flint Hill has determined that it is necessary and proper to enact a new Subdivision Regulations Ordinance; and

WHEREAS, pursuant to Revised Missouri Statutes Section 89.410.1, a City's Planning and Zoning Commission shall recommend, and a City may by Ordinance adopt, regulations governing the subdivision of land within its jurisdiction; and

WHEREAS, the City's Planning and Zoning Commission did consider and recommend a new Subdivision Regulations Ordinance; and

WHEREAS, the Board of Aldermen and the Planning and Zoning Commission did hold Public Hearings on the proposed Subdivision Regulations Ordinance after giving notice; and

WHEREAS, at such Public Hearings all persons-in-interest and other citizens were given an opportunity to be heard.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FLINT HILL, MISSOURI, AS FOLLOWS:

SECTION 1. That the Rules for Land Subdivision, Ordinance 50, and as amended by Ordinance 105, be and hereby is deleted in its entirety, and replaced, in lieu thereof, with the Subdivision Regulations Ordinance of the City of Flint Hill attached hereto as Exhibit A and incorporated by reference herein.

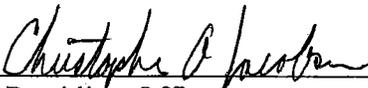
SECTION 2. Effective Date: This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

SECTION 3. Savings: Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

SECTION 4. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in

all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Read two times, passed, and approved this 27th day of April, 2011.


As Presiding Officer

Attest:


City Clerk

Approved this 27th day of April, 2011.


Mayor

Attest:


City Clerk

SUBDIVISION REGULATIONS

CITY OF FLINT HILL

STATE OF MISSOURI

ARTICLE I. GENERALLY

SECTION 1.1 ADOPTION - CONSTRUCTION

1. These "Subdivision Regulations" (herein "Regulations") are Exhibit A to Ordinance No. 2011-03 duly adopted at the Regular meeting of the Board of the City held on April 27, 2011, and is effective, as Ordinance No. 2011-03, as of April 27, 2011.
2. It is not intended by these Regulations to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where these Regulations impose greater restrictions, the provisions of these Regulations shall prevail. All other ordinances of the City inconsistent with these Regulations are hereby repealed to the extent of the inconsistency only.
3. In case of conflict between these Regulations or any part thereof and the whole or part of any other existing or future ordinance, the most restrictive in each case shall apply.
4. The City hereby declares that it would have passed these Regulations and each Section, Subsection, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more other Sections, Subsections, clauses or phrases be declared invalid or unconstitutional.
5. In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
6. The provisions of these Regulations relating to width and size of yards, courts and other open spaces, and relating to height of buildings, number of stories, percentages of lots required to be left unoccupied and relating to standards, are adopted pursuant to §§ 89.010 to 89.140, R.S.Mo.

SECTION 1.2 DEFINITIONS

For the purposes of these Regulations, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

BEST MANAGEMENT PRACTICES (BMP): A schedule of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce

the pollution of waters of the State of Missouri. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage. Both structural and non-structural measures to control, treat or prevent stormwater runoff pollution within waters of the State. Structural BMPs are engineered devices. Non-structural BMPs include, but are not limited to, alternative site design, ordinance and zoning, education and good housekeeping measures.

BOARD: The Board of Aldermen of the City of Flint Hill, Missouri.

BUILDING CODE: Refers to the currently adopted Building Code of the City, as amended from time to time. Please note these Regulations are designed to be used with the adopted codes Building Code as a reference for minimum performance standards.

CITY: The City of Flint Hill, Missouri.

DEBRIS OR SEDIMENT BASIN: A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt or other materials.

DESIGN MANUAL: Current edition of St. Charles County's design criteria for the preparation of Improvement Plans.

DIVERSION: A channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

EROSION: The wearing away of the land surface by the action of wind, water or gravity.

EXCAVATION OR CUT: The removal, stripping or disturbance of soil, earth, sand, rock, gravel or other similar substances from the ground.

EXISTING GRADE: The vertical location of the existing ground surface prior to excavations or filling.

FEMA: Federal Emergency Management Agency.

FILL OR FILLING: The placing of any soil, earth, sand, rock, gravel or other substance on the ground.

FINISHED GRADE: The final grade or elevations of the ground surface conforming to a proposed design.

GRADING: Any excavation, filling or combination thereof.

NATURAL WATERCOURSE: A channel formed in the existing surface topography of

the earth prior to changes made by unnatural conditions.

OPEN CHANNEL: A constructed ditch or channel designed for water flow.

ORDINANCE: The Ordinance adopting these Regulations unless otherwise noted.

P&Z: The Planning & Zoning Commission of the City.

RSMo.: The Revised Statutes of Missouri; currently in force and amended from time to time.

RUNOFF: That part of rainfall that flows off the land into streams or other surface waters.

SEDIMENT: Solid material, mineral or organic, that has been moved by erosion and deposited in a location other than the point of origin.

SILT TRAPS OR FILTERS: Staked bales or silt fencing systems that function as a filter and a velocity check to trap fine-grained sediment while allowing satisfactory passage for stormwater runoff.

SITE: A lot or parcel of land or a contiguous combination thereof where grading work is performed as a single unified operation.

SITE DEVELOPMENTS: Altering terrain and/or vegetation and constructing improvements.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP): A SWPPP will identify the sources of pollution that affect the quality of storm water discharges from a site and describe and ensure the implementation of practices to reduce pollutants in storm water discharges. A SWPPP is required to be approved by the City Engineer prior to the issuance of a land disturbance permit as set forth in these Regulations.

STREAMBANK, TOP OF EXISTING: The usual boundaries, not the flood boundaries, of a stream channel; the top of the natural incline bordering a stream.

SUBSTANTIAL RAIN EVENT: A rain event which has a rainfall intensity that causes erosion or a rain event that exceeds one (1.00) inch in a twenty-four (24) hour period.

SECTION 1.3

FINAL PLAT APPROVAL REQUIRED - WHEN

Approval By Board of Aldermen. No tract of land in the City may be divided, nor shall any plat of land situated in the City be recorded in the Office of the St. Charles County Recorder of Deeds, until a Final Plat thereof is first approved by the Board by ordinance, duly passed and approved by the Mayor, and such approval endorsed upon such Final Plat under the hand of the City Clerk and the seal of the City; nor until all taxes against the same shall have been paid. The

requirements of these Regulations are in addition to the requirements of the zoning ordinances of the City and no land use nor any construction, alterations or destruction of any structure shall be allowed that is not in compliance with these Regulations and the zoning ordinances of the City. Approval of any Final Plat shall be granted upon the Ordinance duly adopted by the Board pursuant to Missouri Law and upon findings recited in the Ordinances that the Final Plat meets the requirements in these Regulations. Before voting to approve or disapprove any proposed Final Plat, the Board shall receive the report and recommendation of P&Z on such proposed Final Plat. In the event P&Z has disapproved a proposed Final Plat, the Board may only approve such proposed Final Plat by the affirmative vote of at least four (4) of its members.

SECTION 1.4 FINAL PLAT APPROVAL - EXCEPTIONS

The requirements of these Regulations do not apply to the following types of land subdivision:

1. The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities or other pipelines which do not involve any new streets or easements of access.
2. The conveyance of land for highway or other public purposes or grants or conveyance relating to the vacation of land impressed with a public use.
3. Conveyances made to correct description of prior conveyances.

SECTION 1.5 P&Z

All proposed Preliminary Plans, Improvement Plans and Final Plat required by these Regulations shall be submitted to P&Z for review. P&Z shall approve or disapprove any proposed Preliminary Plans, Improvement Plans and Final Plat within sixty (60) days after its submission to P&Z at a public meeting of P&Z, except that P&Z may extend such sixty (60) day period with the consent of the applicant. If the proposed plat or plan is not approved or disapproved with such sixty (60) day period as extended, it shall be deemed approved by P&Z. Approval of the proposed Final Plat by P&Z is subject to review by and approval of the Board. P&Z shall state the reasons for any disapproval of any plat or plan in a written resolution, duly adopted.

SECTION 1.6 FILING FEES

1. Fees are contained in the City zoning ordinance and are to be paid by all entities submitting actions for consideration by P&Z and Board and shall cover the initial administrative costs of publication, notification and administration.
2. Initial administrative fees shall be paid at the time of application. Plan and Plat review and processing costs will be billed separately.
3. *Construction Inspection.* The City shall charge the applicant for inspection of all constructed improvements to verify compliance with plans approved by the City.

SECTION 1.7

PRELIMINARY PLAT REQUIREMENTS

Two (2) prints of any Preliminary Plat shall be submitted to P&Z by the submission deadline for the meeting at which approval is requested per the current City meeting calendar, which is on file at the office of the City Clerk. At the discretion of P&Z Coordinator, an aerial photo of suitable scale may be required. The photo shall have superimposed upon it the boundary of the property in question and any other information as may be deemed necessary by P&Z. The Preliminary Plat shall include the following identification and information:

1. *Identification.*
 - A. Proposed name of the subdivision.
 - B. Names of the owner, applicant and the engineer, surveyor or landscape architect responsible for survey and design.
 - C. North point, a scale of one (1) inch equals two hundred (200) feet or larger and date.
 - D. Approximate acreage in tract.
 - E. A statement to the effect that "this plat is not for record" shall be stamped or printed on all copies of the Preliminary Plat.
2. *Plat Information.*
 - A. Location of boundary lines and their relation to established section lines, fractional section lines or survey lines.
 - B. Physical features of property including watercourses, ravines, bridges, culverts, present structures and other features important to lot and street layout, including off-street parking if applicable.
 - C. Topography of tract with contour interval of one (1), two (2) or five (5) feet.
 - D. Names of adjacent subdivisions and/or property lines around perimeter within one hundred (100) feet showing any existing streets, highways, etc.
 - E. Location and width of existing and proposed streets, roads, lots (approximate dimensions), alleys, building lines, easements, parks, school sites and other features of the proposed subdivision.
 - F. Approximate gradients of streets will be shown.
 - G. Designation of land use, whether for residential, commercial, industrial or

public use, and present zoning district.

- H. Designation of utilities to serve proposed subdivision.
- I. Record owner, party preparing plat and party for whom plat is prepared.
- J. Depict flood hazard boundaries as shown on FEMA maps.
- K. Off-site topography within three hundred (300) feet of the perimeter of all natural drainage ways to which site stormwater discharges occur including all areas within twenty-five (25) feet from the top of the existing stream bank or 100-year, twenty (20) minute water surface elevation, where no defined bank exists.

SECTION 1.8 PRELIMINARY PLAT APPROVAL

Preliminary Plat approval shall confer upon the subdivider the following rights and privileges:

- 1. The Preliminary Plat will remain in effect for a one (1) year period. The applicant may, during this period, submit all or parts of said Preliminary Plat for Final Plat approval. Submittal of a Final Plat that is part of a Preliminary Plat will extend the approval of the Preliminary Plat for an additional year. Any part of a subdivision which is being developed in stages shall contain a tract of land of at least three (3) lots.
- 2. The general terms and conditions under which the Preliminary Plat approval was granted will not be changed.
- 3. The applicant may also proceed with detailed Improvement Plans required for all facilities or utilities intended to be provided.

SECTION 1.9 DISPLAY HOUSE PLAT

- 1. The purpose of this Section is to provide a procedure whereby the construction of a display house can begin prior to the recording of the Final Plat.
- 2. The Applicant may, after receiving approval of a Preliminary Plat of a proposed subdivision from P&Z, submit one (1) display house plat to the City Engineer for review for every ten (10) houses proposed, not to exceed ten (10) display houses. Each display house plat shall be on sheets not greater than twenty-four (24) by thirty-six (36) inches and include a complete outboundary survey of the proposed subdivision and the location of each display house in relation to proposed lots. The script of said display house plat shall contain terms and conditions as required by the City Engineer including, but not limited, to the following:
 - A. The display house plat shall be filed with the City prior to issuance of a building permit for any display house;

- B. The display house plat shall become null and void upon the recording of a Final Plat which establishes that each display house is on an approved lot;
- C. No part of the proposed subdivision may be conveyed for any structure therein until the display house or houses have been located in an approved and recorded lot;
- D. If initial construction of a display house has not commenced within ninety (90) days, the City Engineer's approval shall lapse and the display house plat shall be null and void;
- E. The fees shall be per the fee schedule for services, permit applications, plan reviews, inspections, rezonings and conditional uses, which is on file in the office of the City Clerk;
- F. All permanent structures shall be located on an approved subdivided lot by means of a Final Plat within one (1) year of the display house plat approval or such longer period as may be permitted by the City Engineer. If the Final Plat is not approved and recorded at the St. Charles County Recorder of Deeds office within the one (1) year period referred to above, the then owner shall remove or cause to be removed all structures from the property. Failure of the then owner to remove all structures from the property with ten (10) days of the end of the one (1) year period referred to above shall constitute a violation of these Regulations.

SECTION 1.10

GRADING PERMIT PROCESS

1. Any development greater than ten thousand (10,000) square feet and any development requiring the preparation of complete Improvement Plans in accordance with these Regulations as determined by the City Engineer shall be required to obtain a grading permit from the City. Once the Preliminary Plat has been approved by P&Z, the grading permit process shall be as described herein. Grading plans may be submitted to the City Engineer as part of the Improvement Plans or separately prior to the submission of Improvement Plans; however, a grading permit shall be submitted and processed in either case.
2. *Filing Procedures.* The applicant shall submit two (2) copies of the proposed grading plan and a completed application form to the City Engineer. Additional copies shall be requested upon review by the City Engineer. The grading plan shall be on sheets not greater than twenty-four (24) by thirty-six (36) inches.
3. *Information Required.* The following information is required for all grading plan submittals for approval. The required information may be combined for presentation on one (1) or more drawings or maps. In the interests of clarity, speed and efficiency in the review process, the City Engineer may request that information in addition to the grading plan be presented on drawings or maps. In

all cases, the grading plan submission must, at a minimum, include the following:

- A. The grading plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet and of such accuracy that the City Engineer can readily interpret the plan and shall include more than one (1) drawing where required for clarity.
- B. The property is identified by lot lines and location, including dimensions, angles and size, correlated with the legal description of said property. The grading plan shall be designed and prepared by a qualified land planner, registered professional architect and engineer or land surveyor. It shall also include the name and address of the property owner(s), applicant(s) and designer(s).
- C. It shall show the scale, north point, boundary dimensions, natural features such as woodlots, streams, rivers, lakes, drains, topography (showing at least five (5) foot contours intervals, and when terrain is irregular or drainage critical, contour interval shall be shown at least two (2) foot) and similar features. All topographic data shall directly relate to U.S.G.S. datum.
- D. It shall show existing manmade features such as buildings, structures, easements, high tension towers, pipelines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts and drains and shall identify adjacent properties within three hundred (300) feet and their existing uses.
- E. Any proposed alterations to the topography or other natural features are indicated.
- F. All filled places under proposed storm and sanitary sewer lines, building areas and/or paved areas and stormwater detention basin berms shall be compacted to ninety percent (90%) of maximum density as determined by the Modified AASHTO T -180 Compaction Test or ninety-five percent (95%) of maximum density as determined by the Standard Proctor Test AASHTO T -99.
- G. All fill placed in proposed roads areas shall be compacted from the bottom of the fill up to ninety percent (90%) of maximum density as determined by the Modified AASHTO T-180 Compaction Test or ninety-five percent (95%) of maximum density as determined by the Standard Proctor Test AASHTO T-99. All tests shall be verified by a soils engineer concurrent with grading and backfilling operations.
- H. *A sediment and erosion control plan.* The sediment control plan must be

implemented in accordance with the land disturbance permit issued for the proposed grading activities pursuant to Article III, herein.

- I. Development along natural watercourses shall have residential lot lines, commercial or industrial improvements, parking areas or driveways set back a minimum of fifty (50) feet from the top of the existing stream bank or 100-year, twenty (20) minute water surface elevation where no defined bank exists. The watercourse shall be maintained and made the responsibility of the owner or, as applicable, by subdivision trustees. Permanent vegetation shall be left intact. Variances may be approved and may include designed stream bank erosion control measures and shall be approved by the City Engineer. City, FEMA, and U.S. Army Corps of Engineers regulations and guidelines shall be followed where applicable regarding site development areas designated as floodplains and wetlands.
4. The City Engineer is authorized to promulgate rules and regulations for erosion and sediment management practices not inconsistent with the grading standards herein contained.
 5. A grading permit shall be issued and shall remain in force only upon compliance with the following requirements:
 - A. *Surface waters-damage.* Adequate provision shall be made to prevent surface waters from damaging the cut face of an excavation or the sloping surface of a hill.
 - B. *Retaining walls-cribbing.* Retaining walls or cribbing shall be required whenever necessary to prevent the surface of any excavation or fill from exceeding at any point the maximum allowable slopes as set forth herein.
 - C. *Drainage.* All drainage provisions shall be of such design to carry surface waters to the nearest practical storm drain, natural watercourse or street as approved by the City Engineer or his/her designee as a suitable place to deposit and receive such waters.
 - D. *Protection of streets/property.* No excavation shall be made so close to the property line to endanger any adjoining public or private street without supporting and protecting such public or private street or property from settling, cracking or other damage.
 - E. *Fill/location.* No fill shall be made so as to cause or to allow the same to be deposited upon or to roll, flow or wash upon or over the premises so affected; or upon or over any public street, walk, place or way; nor so close to the top of a bank of a channel as to create the possibility of bank failure and sliding. At a minimum, a setback of twenty-five (25) feet shall be provided as a buffer to sensitive areas.

- F. *Materials.* Materials for fills shall consist of material obtained from excavation of cut areas, borrow pits or other approved source. Material shall be free of vegetative matter and deleterious material and shall not contain rocks in excess of six (6) inches in diameter, where compacted by rollers or other mechanical equipment.
- G. *Minimum standards.* Minimum standards of excavations and fills shall be as follows; however, more stringent standards may be required based on site conditions:
- (1) The adjoining ground to development sites (lots) shall be provided with protection from accelerated and increased surface water, silt from erosion, and any other consequences of erosion. Runoff water from developed areas (parking lots, paved sites and buildings) above the area to be developed shall be directed to diversions, detention basins, concrete gutters and/or underground outlet systems.
 - (2) FEMA and U.S. Army Corps of Engineers guidelines shall be followed where applicable regarding site development areas designated as floodplains and wetlands.
 - (3) All lots shall be seeded and mulched or sodded before an occupancy permit shall be issued, except that a temporary occupancy permit may be issued by the City Engineer in cases of undue hardship because of unfavorable ground conditions.
- H. *Compaction.* All fills intended to support buildings or structures or sewers and conduits shall be compacted to a minimum of ninety percent (90%) compaction as determined by Modified Proctor, ASTM D-1557, unless a lesser percent is recommended to and approved by the City Engineer or his/her designee. [Compaction] of greater than ninety percent (90%) may be required where special conditions dictate (i.e., large structures, dams). Compaction of fills for buildings or structures must be certified by a registered professional engineer. Compaction of other fills shall be required where necessary as a safety measure to aid in preventing the saturation, slipping or erosion of the fill. The requirements of the City Engineer or his/her designee for the compaction of fills shall include, but shall not be limited to, the following:
- (1) Areas to be graded by cutting or filling shall be rough graded to within two-tenths (2/10) of a foot of accepted elevation after allowance has been made for thickness of topsoil, paved areas and other installations.

- (2) The natural ground surface shall be prepared by removing topsoil and vegetation and by compacting the fill upon a series of terraces. Hillside or slope fills shall require plowing or scarification of original ground.
 - (3) Grading on slopes will require silt control at intermediate levels to slow surface water, prevent rutting and decrease erosion.
 - (4) Grading sites will require silting basins pursuant to erosion and sediment control practices to prevent mud from washing onto adjacent properties.
 - (5) If fill material moisture content is below the requirement for compacting to maximum practical density, water in the proper amount shall be added. If moisture content is too great, fill material shall be aerated by blading or other satisfactory methods to reduce moisture content.
 - (6) Frozen materials or soft, mucky, friable, easily compressible materials shall not be incorporated in fills intended to support buildings, structures, sewers or conduits, or in the embanked ends of fills. Fill material shall not be placed, spread or rolled while the ground is frozen or thawing.
 - (7) The maximum uncompacted thickness of layers of the fill to be compacted shall not exceed eight (8) inches.
 - (8) Compaction shall be by tamping, sheep's foot rollers, multiple wheel pneumatic or other approved methods. Rolling shall be continuous until the desired maximum density is obtained.
 - (9) Density of the proposed fill(s) shall be submitted with the grading permit application for approval by the City Engineer or his/her designee.
 - (10) Topsoil disturbed by grading or building operations if stripped and piled for storage shall be stored only in an amount necessary to complete finished grading.
- I. Removal of timber, rubbish, logs, trees, brush, vegetative matter and rubbish of any description shall be removed and disposed of so as to leave the disturbed area with a neat and finished appearance. Timber, rubbish, logs, trees, brush, vegetative matter and rubbish of any description shall be removed to the following depths:

Paved areas

2 feet below subgrade

Non-paved areas

2 feet below finished grade

Solid rock, shale or similar materials shall be removed to a depth of fifteen (15) inches below subgrade for paved area and two (2) feet below finish grade for lawn area except where it is impractical because of rock outcropping. Burning of material shall fall under compliance of State Department of Natural Resources and local fire protection district regulations.

6. *Review Procedures.* The City Engineer shall review the grading plan for its conformance to standards and specifications set forth in these Regulations and other applicable ordinances. The City Engineer may request modifications in the grading plan. The City Engineer shall then confer approval, conditional approval or disapproval of the grading plan within forty-five (45) days of filing and shall notify the applicant with written reasons for its action.
7. *Effect Of Grading Plan Approval.* Grading plan approval shall confer upon the applicant, for a period of one (1) year from date of approval, the conditional right that the general terms and conditions under which the approval was granted will not be changed by the City Engineer. This one (1) year period may be extended by the City Engineer if the applicant has applied in writing for such an extension and the City Engineer determines a longer period should be granted due to unusual circumstances. If an extension is not granted, the grading plan approval is null and void. After approval of the grading plan, the applicant may proceed with the grading operations upon the final direction of the City Engineer.
8. Inspections shall be made by the City Engineer or his/her designate during each stage of fill operations and final approval shall be required upon completion of operations. Applicant shall notify the City of the following:

Commencement of grading.

Completion of rough grading.

Completion of finish grading.

Completion of all re-establishment of ground cover and construction work, which disturb ground cover.

SECTION 1.11

AS-BUILT PLANS

The Applicant shall cause the "as-built" location of each storm-sewer outfall of the project to be displayed on the "as-built" plans with horizontal location of the end point of the outfall clearly labeled and referenced to the project's boundary. In addition, the vertical elevation of each outfall shall be labeled on the "as-built" plans and shall be referenced to the project's vertical datum.

Two (2) paper sets and one (1) digital copy in AutoCAD format of the "as-built" plans on sheets not greater than twenty-four (24) by thirty-six (36) inches shall be submitted to the City Engineer before the City shall release the escrow established insuring or guaranteeing the stabilization and

revegetation of the site as described below.

SECTION 1.12

ESCROW REQUIREMENTS

The applicant shall post a lender's or escrow agreement insuring or guaranteeing the stabilization and revegetation of the site. The lender's or escrow agreement shall be the same as set out in these Regulations and in the amount provided in Section 3.4.

SECTION 1.13

IMPROVEMENT PLANS AND INSTALLATION

After the Preliminary Plat is approved by P&Z, Improvement Plans prepared by an engineer for the subdivision of all or any part of the tract shall be submitted to the City Engineer for review and approval. If significant changes are to be made after the Improvement Plans have been approved, P&Z shall require that revised Improvement Plans be submitted. The applicant shall submit two (2) copies of the proposed Improvement Plans and a completed construction permit application form to the City Engineer. Additional copies shall be requested upon review by the City Engineer. Improvement Plans shall be prepared on an exhibit not to exceed twenty-four (24) inches by thirty-six (36) inches and shall contain the following information:

1. Title page, which shall include key map showing the relationship of the area to be subdivided to the tract and which shall reflect areas of the tract previously subdivided plus adjacent streets.
2. North arrow and graphic scale.
3. Title block showing name and address of applicant and engineering firm, as well as the engineer's seal.
4. One (1) or more bench marks, U.S.G.S. or M.H.T.D. or others in or near the subdivision to which the subdivision is referenced. No assumed elevations will be accepted.
5. List of standards and specifications followed, citing volume, section, page or other references.
6. Paving details conforming to St. Charles County Standard Specifications.
7. Details of streets, existing and proposed sanitary sewers, storm sewers and water mills, drainage channels and swales.
8. Plans and profiles of streets and sewers scaled not less than one (1) inch equals fifty (50) feet horizontal and one (1) inch equals ten (10) feet vertical.
9. Plans for sediment control will be submitted to and approved by the City Engineer. A dollar amount equal to the proposed cost will be included in the performance guarantee.

10. Actual construction of such facilities and improvements may commence prior to Final Plat approval if the detailed Improvement Plans have been approved by the City Engineer, provided that such facilities and improvements will be inspected throughout their construction. Final Plat approval will be contingent, in part, upon acceptable compliance to County improvement and facility standards.
11. After approval of the Improvement Plans, a breakdown of quantities and either estimated costs or actual prices on all public improvements shall be submitted for review and approval if any escrow agreements are required.
12. Approvals need to be received by the City Engineer for water and sanitary sewer plans and for proposed crossing of pipelines.

SECTION 1.14 PERFORMANCE | GUARANTY

After the Improvement Plans have been approved, but before recording the Final Plat or obtaining a building permit, the applicant must:

1. Either complete the improvements under the inspection of the appropriate inspecting agency and in accordance with the approved Improvement Plans; or
2. Post a lender's or escrow agreement insuring or guaranteeing the installation of said improvements. The lender's or escrow agreement shall:
 - A. Be prepared on forms approved by the City by Ordinance.
 - B. Insure or guarantee the construction and completion of the improvements as set forth in the approved Improvement Plans based on the cost estimate prepared by the consulting engineer and approved by the City Engineer.
 - C. If there is an escrow sum, it shall be held in a special account by the escrow holder subject to the audit of the City.
 - (1) The amount of the cost estimate shall be held by an escrow holder or the lender as in the agreement provided until such time as the City Engineer recommends a release be authorized by the City after a written request is made by the applicant. Authorization by the City shall be written and addressed to the escrow holder or the lender authorizing release. At no time will the amount to be released depreciate the account to less than the cost of completing said remaining improvements. This sum shall be determined by using current market value of materials and labor. In no case shall the escrow holder or lender release more than ninety-five percent (95%) of the estimated sum until improvements and installations have been completed in a satisfactory manner in accordance with the subdivision regulations and approved by the City Engineer. The remaining five percent (5%) shall be released upon acceptance and dedication of said

improvements per item by the City. The estimated sum shall be held by the surety as in the agreement provided until such time as the City shall, by written authorization addressed to the surety, release the total sum.

The proper installation of streets, sidewalks, street pavement, curbs, curb and gutter and storm sewer facilities located in dedicated rights-of-way or easements in new subdivisions shall be complete and accepted by the city, or guaranteed by the furnishing by the subdivider or his agent of surety for the proper installation of streets, etc. If a surety bond, letter of credit or credit or demand note acceptable to the city to guarantee the installation of streets, etc., if a surety bond, letter of credit or demand note is to be issued, it shall be in favor of the city, and no building permit shall be issued for any lot or tract in a subdivision which abuts a street for which satisfactory surety has not been furnished. Construction plans for such installation must be approved by the city before construction begins. The subdivider shall not be permitted to cancel the surety bond, letter of credit or demand note without the written permission of the city. The amount of surety bond, letter of credit or demand note shall be for a term of not less than one (1) year nor more than two (2) years; however, upon completion by the subdivider and acceptance by the city of the improvements before the expiration date of the bond, letter of credit or demand note, it will be released by the city.

If, within a sixty (60) day period before the date of expiration of the surety bond, such required installations do not meet the city's specifications, the subdivider and the bonding company will be notified by the city that the improvements do not meet the city's specifications and failure to bring said installations up to required standards before the expiration date of the bond will result in the bond's being forfeited to the city, and so much of the bond as may be necessary to bring the streets up to specifications may be expended by the city and any excess of the bond shall be returned to the subdivider or his bondsman according to the agreements therein contained.

- (2) The City shall initiate a one (1) year warranty on all public improvements at such time as recommended by the City Engineer. Before making this recommendation, the following items need to be completed:
 - (a) All construction to be completed according to the approved plans.
 - (b) Two (2) sets of as-built plans prepared by a licensed engineer or land surveyor are received and approved by the City Engineer.
 - (c) The City Engineer acknowledges that all external inspecting agencies (State highways, County highways, governing water and sewer authorities, etc.) have accepted

those improvements that fall under their jurisdiction.

- (d) A title insurance policy has been furnished to, and approved by, the City Engineer indicating that the improvements have been completed, are ready for dedication to the City and are free and clear of all liens and encumbrances.
- (3) Then this amount shall be authorized to be released in its entirety after the City Engineer certifies that all the improvements have been constructed in accordance with the approved plans, meet all the requirements of the City for land subdivision.
- (4) Prior to a request for escrow release, the applicant shall make a written request for inspection of the improvements for which escrow is being held. The City shall inspect each category of improvements identified in the written request for an inspection within twenty (20) business days after the City's receipt of a written request for such inspection(s). In the event the City determines that any of the improvements are deficient in any respect, City will issue a written notice to the applicant specifying the deficiency(ies).
- (5) The City shall release funds for any completed segment of the work if the request for an inspection of the segment of the work has been made twenty (20) days before the Board meeting, provided no deficiencies were reported during the twenty (20) day period.
- (6) In the event that the improvements are not satisfactorily installed within two (2) years after approval of the Improvement Plans, the City has the right to remove said monies to complete the guaranteed improvements, unless an extension of time is granted by the Board.
- (7) A title insurance policy has been furnished to, and approved by, the City Engineer indicating that the improvements have been completed, are ready for dedication to the City and are free and clear of all liens and encumbrances.

SECTION 1.15 RECORDING-APPROVAL OF CLERK

No Final Plat shall be filed for record or recorded in the office of the Recorder of Deeds for St. Charles County, Missouri, unless and until the approval of the City Clerk is endorsed thereon. No lot shall be sold for such Final Plat until it has been approved by the above and approved by the City Engineer and filed for record in the office of the Recorder of Deeds of St. Charles County, Missouri.

SECTION 1.16

FINAL PLAT

After the Preliminary Plat has been approved by P&Z, a Final Plat shall be prepared and submitted to P&Z for approval by that body and by the Board. Before approving the Final Plat of all or part of a proposed subdivision, P&Z shall require that the improvements will be satisfactorily completed or an escrowed sum or lender's agreement has been placed for the completion of the improvements. The approval of P&Z shall be shown on the plat with the date of such approval and over the signature of the Chairman or Secretary. Two (2) prints of Preliminary Plat shall be submitted to P&Z by the submission deadline for the meeting at which approval is requested per the current City meeting calendar which is on file at the office of the City Clerk. The original plat shall show or be accompanied by the following information whether for residential, commercial, industrial or public use, such as parks, schools, churches, etc. The Final Plat shall be prepared on tracing cloth, its equal or better and shall contain the following information.

1. *Identification.* Sheet size maximum twenty-four (24) inches by thirty-six (36) inches, minimum twelve (12) inches by eighteen (18) inches.
 - A. Name of subdivision, plat, etc., and names(s) of those who prepared the plat.
 - B. North point, date and indication of scale used.
 - C. Acreage in plat.
 - D. Location map and key map on first (1st) page if more than one (1) sheet.
2. *Plat.*
 - A. Accurate boundary survey with bearings and distances tied to surveyed identification points (monuments).
 - B. Locations of lots, streets, public highways, alleys, parks and other features with accurate dimensions to decimals of feet, length and radius of all curves.
 - C. Building lines on front and side streets; location and dimension of utility easements.
 - D. Names of streets and lots numbered in logical order. Streets and names of adjacent subdivision (if applicable) and/or adjacent property owners within one hundred (100) feet in dashed lines.
 - E. Depict flood hazard boundaries as shown on FEMA maps.
3. *Written Statements.*

- A. Dedication of all streets, public highways, alleys and land intended for public use together with lot restrictions signed by all owners and all parties who have mortgage or lien interests.
 - B. Certification as to boundaries, monuments made by a registered land surveyor testifying that the above were made by him/her.
4. In the event a subdivision is to have privately maintained streets, evidence of the methods for controlling and maintaining each private facility shall be submitted with the Final Plat. Such restrictions must be approved by P&Z and the Board before they may be recorded.
 5. In cases where the applicant proposes to include other regulations i.e., architectural control, covenants and deed restrictions shall be submitted to P&Z indicating the additional regulations and how they are going to be administered.
 6. Subdivisions containing twenty-five (25) or more lots and using individual sewage treatment must receive approval from the Missouri Department of Natural Resources on a report prepared by an engineer outlining the plans for the disposal of water within the proposed subdivision.

Above to have corporate seal(s) affixed or embossed and to be notarized by a notary public. All figures and letters on the Final Plat must be in ink and shall be plain, distinct and of sufficient size to be easily read and must be of sufficient density to make a lasting and permanent record.

SECTION 1.17 RECORDING REQUIREMENTS

No Final Plat shall be filed for record or recorded in the office of the Recorder of Deeds for St. Charles County, Missouri, unless and until the approval of P&Z, the City Engineer and the Board and are endorsed thereon. No lot shall be sold for such Final Plat until it has been approved by the above and filed for record in the office of the Recorder of Deeds of St. Charles County, Missouri. No building permit will be issued until the Final Plat is recorded. Further, no dwelling unit may be occupied until the public or private improvements are completed, unless money is in escrow for the completion of said improvements.

SECTION 1.18 VACATION OF SUBDIVISIONS

Whenever any person or corporation may desire to vacate any subdivision or part thereof in which he/she shall be the legal owner of all of the lots or may desire to vacate any lot, such person or corporation may petition the Board giving a distinct description of the property to be vacated and the names of the persons to be affected thereby, which petition shall be filed together with a filing fee with the Board who shall give notice of the pendency of the petition in a public newspaper. The filing fee for the plat shall be per the fee schedule for services, permit applications, plan reviews, inspections, rezonings and conditional uses, which is on file in the office of the City Clerk. If no opposition be made to said petition, the Board may vacate the same by order with such restriction as they may deem for the public good. If opposition be made, said

petition shall be set down for public hearing before the Board. No vacation shall take place unless the advice of P&Z be obtained, which advice shall be filed with said petition.

SECTION 1.19

PENALTIES

P&Z shall, upon evidence of any violation of these Regulations, serve an order to cease and desist or correct or remove such violations, such order to be made by certified mail to the owner, applicant, general agent, lessee or contractor responsible for or contributing to the violative act. Any owner, applicant, general agent, lessee or contractor who, having been served with an order to cease and desist or correct or remove such violations, fails to comply with such order within the time limit set forth in the order or who shall continue to violate any of the regulations contained herein and orders made in connection herewith shall be guilty of a misdemeanor punishable by fine not to exceed One Thousand Dollars (\$1,000.00) per day of violation.

SECTION 1.20

VARIANCES

1. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or contains such topographic conditions or characteristics that the strict application of the requirements contained in these Regulations would impose practical difficulties or particular hardship, the Board of Adjustment may vary or modify any of the requirements of this regulation so that substantial justice may be done and the public interest secured and the general intent of this regulation preserved.
2. In granting variances, the Board of Adjustment may require such conditions as will, in its judgment, secure the objectives of these regulations.

ARTICLE II. DESIGN STANDARD/IMPROVEMENTS

SECTION 2.1 RESIDENTIAL LOT DESIGN STANDARDS

The following standards are regarded as guidelines for desirable development. The size, shape and orientation of lots shall be designed to provide desirable building sites and logically related to topography, natural features, streets and adjacent land uses. Due regard shall be given to natural features such as large trees; unusual rock formations; watercourses; and sites which have historical significance, scenic views and similar assets, the preservation of which would add attractiveness and value to the subdivision. The following minimum standards are set forth as guides to these goals.

1. Where additional widening strips are dedicated on existing streets, calculations of the area of a lot should not include the dedicated strips in determining the gross area of the lot. Dedicated widening strips shall be required for all proposed subdivisions which front along a County road. The area of all lots must be calculated exclusive of the street right-of-ways.
2. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, soil conditions, steepness of terrain, flood conditions or other adverse natural physical conditions, P&Z may, after adequate investigation, withhold approval of such lots until engineering studies are presented to P&Z which establish that the method proposed to meet any such condition is adequate to avoid significant danger to health, life or property.
3. Alleys are undesirable except where alleys of adjoining subdivisions would be closed off from access by the failure to provide alleys in new subdivisions.
4. Exhibit "A", which is attached hereto and made a part hereof, summarizes the design standards and improvements to be observed in subdivision development.

SECTION 2.2 BLOCKS

Blocks shall be designed so as to provide good circulation of traffic.

1. *Lengths.* Refer to Exhibit "A".
2. *Width.* Blocks shall be wide enough to allow two (2) tiers of lots with sufficient depth to provide an adequate building site on each lot, except as consistent with street design standards as set forth.

SECTION 2.3 LOT DIMENSIONS, SHAPES AND POSITIONS

The size, shape, orientation and dimensions of lots shall be appropriate for the location and physical character of the proposed subdivision and for the type of development contemplated in compliance with the applicable zoning ordinance or regulation. Building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the zoning

ordinance.

1. *Depth.* Excessive depth in relation to width shall be avoided. (A proportion of one (1) to one (1) or two (2) to one (1) will normally be considered appropriate, unless topography is such that other lot dimensions allow for proper development.)
2. *Street access.* Each proposed lot shall front upon a street improved to the standards and specifications of the St. Charles County Highway Department, unless the lots front on a private roadway.
3. *Width.* Lots for residential purposes shall have sufficient width at the building setback lines to permit compliance with side yard or distance requirements of the applicable zoning ordinance or regulations and still be adequate for a building of practicable width. The minimum lot width required for a lot fronting on a circular turnaround shall be measured along a line tangent to the setback line at a point midway between the side lot lines.
4. *Double frontage.* Lots with double frontage and reversed frontage shall be avoided, except where necessary to provide separation of development from traffic arteries or as otherwise required by topography or similar conditions.
5. *Side lot lines.* Side lot lines shall be at right angles to straight streets and radial to curved streets except when said radial lot lines detract from desirability of the lot, in which event some deviation may be allowed.
6. *Corner lots.* Corner lots for residential use shall be platted to permit compliance with the yard and setback requirements for the applicable zoning order. The right-of-way radius on corner lots shall be a minimum of twenty (20) feet or, in the case of a straight line, the line connecting two (2) points twenty (20) feet distance from the intersection of the projected lot lines.

SECTION 2.4

NON-RESIDENTIAL SUBDIVISION—COMMERCIAL AND INDUSTRIAL

In addition to the standards of these Regulations which are appropriate to the platting of all subdivisions, the subdivider shall demonstrate to the satisfaction of P&Z that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated. The following standards shall, therefore, be observed.

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street right-of-way and pavement shall be adequate to accommodate the type of volume of traffic anticipated.
3. Block length. Refer to Exhibit "A".

drainage channels, where required. Easements five (5) feet in width may be allowed for underground cable installations. Telephone and electric power lines shall be located underground, except in subdivisions where all of the lots are twenty thousand (20,000) square feet or larger in size and then the applicant will have the option of underground or overhead utility lines.

3. *Minimum Pavement Widths.*

- A. *Highways, major thoroughfares and collector streets.* Thirty-eight (38) foot minimum. In the case of a major thoroughfare requiring an improvement different than a thirty-eight (38) foot pavement, the matter of financial and other arrangements for installing wide pavements at the time shall be taken up by the applicant with the officials having jurisdiction.
- B. *Minor, stub and cul-de-sac streets.* Thirty (30) feet. Refer to Exhibit "A". The pavement of a turning circle at the end of a cul-de-sac street shall have a minimum outside diameter of eighty (80) feet.

A "T" or "Y" shaped paved space, when approved by P&Z in place of a turning circle, shall extend entirely across the width of the street right-of-way, except for sidewalk space, and shall be at least ten (10) feet wide with the flared portion rounded by a minimum radii of twenty (20) feet.

All cul-de-sac and stub streets shall have a turnaround radius of fifty (50) feet Turnarounds may not be required on stub streets which are less than two hundred fifty (250) feet in length and are planned to be extended in the future. All stub streets in excess of two hundred fifty (250) feet in length must provide a temporary turnaround with three (3) standard specification, "Manual on Uniform Traffic Control Devices", end of roadway markers mounted on two (2) pound "U" channel sign post. Each marker shall consist of an eighteen (18) inch diamond reflectorized red panel. The bottom of each panel shall be mounted a minimum of four (4) feet above the elevation of the pavement surface and installed at terminus of pavement. Refer to Exhibit " A" for general street standards.

- C. *Alleys and service drives.* Twenty (20) feet minimum.

- (1) *Sidewalks.* Sidewalks shall be installed on both sides of all major streets, collector streets, minor, dead-end and cul-de-sac streets. Sidewalks shall have a minimum width of four (4) feet in residential areas. In commercial and industrial areas sidewalks may be required as deemed appropriate by P&Z. The City by these requirements does not accept dedication of sidewalks.

Grades shall not exceed six percent on highways and major thoroughfares, eight percent on collector streets, or 12 percent on other streets. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even ten feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made to finish street grades having a minimum slope, preferably, of at least one-half percent. Grades for pedestrian ways or crosswalks should not exceed five percent (5%), unless steps of an acceptable design are to be constructed.

SECTION 2.7 STREET NAME SIGNS AND STREET NAMES

1. Street signs shall be erected by the subdivider at all intersections. Street name signs shall meet the requirements of St. Charles County Highway Department except that the sign legend shall be six (6) inch Series C black lettering for street name and four (4) inch Series B letters for the suffix on white reflective background. A proof of the proposed street identification sign shall be approved by the City Engineer prior to the manufacture or installation of any street identification sign.
2. Stop signs, yield signs, etc., non-illuminated, non-electric, reflectorized shall conform to the current "Manual on Uniform Traffic Control Devices" and be provided by the applicant.
3. Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.
4. Whenever a cul-de-sac street serves not more than three (3) lots, the names of intersecting street shall apply to the cul-de-sac.
5. To avoid duplication and confusion the proposed names of all streets shall be approved by the County Department of Community Development Planning Division prior to both Preliminary Plat approval and such names being assigned or used.

SECTION 2.8 PUBLIC STREET CONSTRUCTION

1. All streets shall be designed to meet the street design, right-of-way and utility easement requirements of the City and St. Charles County. Street shall be graded to full width of the right-of-way and fully constructed of asphalted concrete or Portland cement concrete pavements in accordance with the standard specifications of the County Highway Department. Refer to Exhibit "A" and

Exhibit "C" for applicable construction standards. Before streets are constructed, soil tests on the sub grade shall be submitted and approved by the City Engineer. In all fill areas in the roadways, soil tests shall be submitted and approved by the City Engineer for every two (2) feet of fill. No traffic will be allowed on new concrete pavement for a minimum of fourteen (14) days and until the concrete reaches a compressive strength of four thousand (4,000) psi. The streets shall not be approved unless it reaches a compressive strength of four thousand (4,000) psi.

2. *Improvement Of Existing Streets.* For any development fronting on an existing road or street, it shall be the responsibility of the applicant to bring the road or street up to County specifications to the centerline of the road or street plus an additional eight (8) feet of width as per County specifications.
3. *Designation Of Private Streets.* For any subdivision having private streets, the applicant must construct a sign at all entrances of the subdivision, within fifty (50) feet of the centerline of the road, which shall state: Private Streets Maintained by Property Owners. These signs shall be installed where they are easily visible to anyone entering the subdivision and maintained in good order by the applicant until the last lot is sold in the subdivision. The minimum size for each sign shall be twelve (12) inches high by eighteen (18) inches wide with two (2) inch high letters. There shall also be a sufficient contrast in the coloring of the sign background as compared to the message lettering. When private streets are built, they are to be built to public street standards.
4. *Approval Of Subgrade.* The City Engineer shall approve the subgrade before any base course or surface is placed thereon. The subgrade shall be so constructed that it will be uniform in density throughout. The entire width and length will conform to line, grade and cross section shown on the plans or as established by the engineer. If any settling or washing occurs or where hauling results in ruts or other objectionable irregularities, the contractor shall reshape and reroll the subgrade before the base or surfacing is placed. Tolerance allowed on all lines, grades and cross sections shall be plus or minus four-hundredths (0.04) feet.
5. *Utility Work Prior To Base Construction.* No base course work may proceed on any street until all utility excavations (storm and sanitary sewers, water, gas, electric, etc.) have been properly backfilled with granular material, crushed stone or gravel mechanically tamped in ten (10) inch lifts or jetted with water and allowed to set for a length of time satisfactorily to the City Engineer.

SECTION 2.9

MONUMENTS REQUIRED

Sufficient permanent and distinguished monuments shall be accurately placed throughout the subdivision so that street alignment may be traced with accuracy. Such monuments shall be in the form of iron pins or of something equal, not less than one-half (1/2) inch in diameter and three (3) feet long driven into the earth or spikes not less than six (6) inches long driven into the pavement. Such monuments shall be installed by the subdivider as soon as reasonably possible. The location of such monuments shall be indicated on the Final Plat and shall be placed in

accordance with the following requirements:

1. *Street points.* Monuments shall be set at the intersection of all streets and the beginning and end of all curves along the street centerlines.
2. *Curb marks.* Curbs shall be permanently marked at the beginning and end of all curves and at the prolongation of all lot sidelines.

SECTION 2.10 PUBLIC STORM SEWERS AND OTHER DRAINAGE APPURTENANCES

1. The standard construction specifications and regulations for engineering design requirements for storm water drainage facilities shall be as set out in the latest version of the St. Charles County requirements for public storm sewers and other drain appurtenances.
2. *Amendments.*
 - A. For all sites, regardless of size, the post-developed release rate shall not exceed the existing peak flow for the 100-year, 24-hour event.
 - B. Wherever the word "*site*" appears in the St. Charles County requirements, the word shall be construed as signifying any individual site drainage area.
 - C. *Detention basin outlet requirements.* All detention basin outlets not directly connected to existing offsite storm sewer systems or directly discharging into natural off-site watercourses shall be located a minimum of fifty (50) feet from development property lines as measured along the drainage way. No land disturbance shall occur which shall cause a nuisance to any adjoining property owner or which shall violate any Federal, State or local law or regulation. All construction activities shall be completed with minimum erosion, aesthetic degradation or other negative impact on the site or surrounding areas.
 - D. *Roof drain requirements in commercial and industrial zoning districts.* All roof downspouts on buildings located in "C-1", "C-2" or "I-I" zoning districts shall be connected to the storm sewer system via underground piping unless determined unnecessary by the City Engineer.
 - E. *Changing City-approved drainage patterns.* Stormwater drainage patterns that have been approved by the City shall not be changed without approval of the City Engineer.
3. All storm sewer management techniques shall be pursuant to requirements of the City Engineer.

SECTION 2.11 SANITARY SEWERS

All buildings, structures and use of land in the incorporated area of the City shall hereafter be required to have an adequate, safe and sanitary disposal system for all human, disposal of sewage or other liquidated wastes, shall conform to the methods outlined herein:

1. Where a public sanitary sewer main is reasonably accessible, in the opinion of P&Z, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot. Such systems and connections shall comply with the regulations of the Missouri State Board of Health and Missouri Department of Natural Resources and the applicable local sanitary sewer district.
2. It shall be the responsibility of the applicant/applicant to comply with all requirements of the applicable local sanitary sewer district. Verification of the service shall be provided at the time of submission of the Preliminary Plat or Site Plan.
3. Where no sewers are accessible and no plans for a sewer system have been prepared and approved, the applicant shall either install a sewage collection and disposal system in accordance with the requirements of the preceding paragraph or individual disposal devices may be installed on each lot within the subdivision; provided that no individual disposal device should be permitted unless the lots to be served have sufficient area to allow adequate soil absorption for on-site sewage disposal. P&Z may modify lot area requirements in relations to soil conditions and other pertinent facts and findings in any particular subdivision. All such individual devices and systems shall be constructed and maintained in accordance with the regulations and requirements of the Missouri Department of Natural Resources. In no case shall individual sanitary sewage disposal systems exist on lots of less than three (3) acres in an area,

SECTION 2.12 WATER SUPPLY

Where a public water supply main is reasonably accessible, in the judgment of P&Z, the subdivision shall be provided with a complete water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants. In no case shall there exist on lots of less than three (3) acres in area, individual water systems unless a public water system is not reasonably accessible in the judgment of P&Z. The water system shall be designed and approved by the approved water company serving the area of the proposed development.

SECTION 2.13 ELECTRIC, TELEPHONE AND FIBER OPTIC CABLE CONNECTIONS

All transformers, junction boxes, markers and other visual indications of electric, telephone or fiber optic cable connections shall be along the side or behind the rear building lines, so as not to be visible from the street. In corner lots, where a side building line is visible from the street, all transformers, junction boxes, markers or other visual indications of utility connections shall be

behind the rear building line.

SECTION 2.14 INSPECTION

1. Prior to starting any of the work covered by the above plans, after approval thereof, the applicant shall make arrangements to provide for inspection of the work sufficient, in the opinion of the City Engineer, to assure compliance with the plans and specifications as approved.
2. The City Engineer or his/her duly authorized representative shall make all necessary inspections of all pavement construction, along with all roadway related storm sewer construction.
3. Forty-eight (48) hours notice shall be given to the City Engineer's office regarding any requested inspection.

SECTION 2.15 COMPLETION OF CONSTRUCTION

1. The construction of all improvements required by these rules and regulations shall be completed within two (2) years from the date of approval of the Final Plat by the Board, unless good cause can be shown for the granting of an extension of time by authority of the Board upon recommendation by the City Engineer.
2. The final release of five percent (5%) of the escrow on all public improvements shall be made within thirty (30) days after a final inspection is made and all corrected items are completed.

SECTION 2.16 MAINTENANCE AND SUPERVISION

Where the subdivision contains sewers, sewage treatment plants, water supply systems or other physical facilities that are necessary or desirable for the welfare of the area or that are of common use or benefit and which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the agency having jurisdiction over the location and maintenance of such facilities and for the proper and continuous operations, maintenance and supervision of such facilities.

SECTION 2.17 TRUST INDENTURES

Trust indentures will be required by P&Z regarding maintenance of common areas.

ARTICLE III. EROSION AND SEDIMENT CONTROL

SECTION 3.1 PURPOSE

1. The purpose of these Articles is to control soil erosion on land that is undergoing development for nonagricultural uses and to preserve the natural terrain and waterways of land within the City. Soil erosion may result in the loss of valuable top soil, the degradation of water quality, and obstruct stormwater flows in storm sewers road ditches and natural watercourses.
2. The provisions in this regulation are intended to promote land preservation and the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth. Application of the regulations in this document is intended to control soil erosion and sedimentation.
3. Damages due to conduct in violation of this Article shall be the sole liability of the party or parties in violation and not of the City.

SECTION 3.2 SCOPE OF AUTHORITY

Any person, firm, corporation or business proposing to remove any ground vegetation, to disturb or fill the land or to store soil affecting five thousand (5,000) square feet or more of land within the City shall apply to the City Engineer for approval and issuance of a land disturbance permit. State and Federal permit conditions that are more stringent than the requirements set forth herein shall govern.

SECTION 3.3 LAND DISTURBANCE PERMIT REQUIRED

It shall be unlawful for the owner of a property and/or that owner's agent to perform land disturbance activities affecting five thousand (5,000) square feet or more without obtaining a land disturbance permit.

SECTION 3.4 EXEMPTIONS

Notwithstanding Section 3.3, a land disturbance permit will not be required for the activities listed below, provided that no change in drainage patterns or sedimentation onto adjacent properties will occur.

1. Land disturbance activities in public rights-of-way covered by a special use permit.
2. Land disturbance activities for or by any public utility for the installation, inspection, repair or replacement of any of its facilities.
3. Land disturbance activities in quarries and permitted sanitary landfills that do not drain off the property.

4. Land disturbance activity of land for farming, nurseries, landscaping or gardening or similar agricultural or horticultural use whenever there is substantial compliance with recommendations or standards of the local soil conservation authority.
5. Removal of existing or dying grass or similar vegetation by disturbing not more than a maximum area of ten thousand (10,000) square feet and resodding or reseeding with new landscaping to include preparation of the seed bed; provided erosion and sediment control measures are provided until the grass or other vegetation is established.
6. Gardening and similar activities on property occupied by one- or two-family dwellings.
7. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.

SECTION 3.5

PLAN SUBMITTAL REQUIREMENTS

Two (2) sets of plans (SWPPP) shall be submitted to the City Engineer for initial review along with the plan review fee. Additional copies of the plan shall be requested upon review by the City Engineer for review and approval. The review fee for the plans shall be per the fee schedule for services, permit applications, plan reviews, inspections, rezonings and conditional uses, which is on file in the office of the City Clerk. Initially submitted plans must include all items in Subsections (1) and (2) of this Section and must be supplemented by all items in Subsection (3) of this Section prior to issuance of any permit, unless an item is waived pursuant to Section 3.6.

- Existing and proposed contours.
- Drainage facilities and methods for preserving the natural watercourse and patterns of drainage.
- Identify limits of any areas to be disturbed by the proposed construction.
- Amount of current impervious coverage and proposed impervious coverage.
- Methods to mitigate additional impervious coverage and/or address drainage issues on the site.
- Connection to storm sewer and/or method of controlling storm water run-off on-site.
- Best Management Practices (BMPs) to reduce sediments and other pollutants associated with construction activities.
- Location of siltation fences, hay bales and other runoff prevention methods (as well as other items as required by the site plan review process) and plans for maintenance of these installations during construction.
- Schedule of street and sidewalk cleaning to alleviate mud and dirt on public right-of way.
- Seal of a registered Professional Engineer in the State of Missouri.
- Benchmark information from the site survey.
- Other information as required by the City Engineer or P&Z.

1. *General Information.*

- A. Name, address and telephone number of property owner or permittee.
- B. Property address and location map of land disturbance property.
- C. Property boundaries and adjacent property owners.
- D. A site map showing the outlines of the total project area and land disturbance areas.
- E. Total acreage of site or property.
- F. Total acreage of land disturbance.
- G. Name and address of engineering firm or engineer.
- H. Existing land use and zoning.
- I. U.S.G.S. bench mark source and site bench mark on U.S.G.S. datum.
- J. Plotted no larger than on twenty-four (24) inch by thirty-six (36) inch paper at an appropriate horizontal scale between one (1) inch equals two hundred (200) feet and one (1) inch equals ten (10) feet.
- K. Topographic survey of physical features to at least twenty-five (25) feet beyond the land disturbance activity area.
- L. Existing surface contours at interval no greater than two (2) feet to at least twenty-five (25) feet beyond the land disturbance activity area.
- M. FEMA flood panel number and delineation of 100-year floodplain and floodway.
- N. Location of soil types, wooded areas, watercourses, wetlands, surface water bodies and soil borings.
- O. Location of all underground and above ground utilities, including pipelines operated at a service pressure in excess of two hundred (200) psig.

- P. Delineation of the trees to be preserved.
 - Q. Delineation of the vegetative buffer plan.
 - R. Field surveyed natural watercourses showing top and toe of banks.
 - S. Proposed access to the site either from public right-of-way under a permit issued by the governing agency or through private property under an easement or license. (Attach copy of permit, easement or license.)
 - T. All proposed permanent improvements to be constructed as part of the land disturbance activity.
 - U. Proposed surface contours at intervals no greater than two (2) feet to at least twenty-five (25) feet beyond the land disturbance activity area.
 - V. Land disturbance activity notes, which include a note stating that "The contractor shall contact the City Engineer to request inspection of the site at least two (2) days in advance of construction startup".
 - W. Construction details.
 - X. Signature, seal and date of a licensed professional engineer or registered land surveyor and his (her) statement identifying sources of topographical information.
 - Y. A signed statement by the permittee assuming full responsibility for the performance of the land disturbance activities and that all State, County, City and private property or roads will be adequately protected.
 - Z. Other items as required by the City Engineer.
2. *Specific design information.*
- A. A geotechnical report identifying the United States Department of Agriculture soil textures throughout the site; slope stabilization analysis for cut and fill slopes; and other pertinent data related to erosion or sediment concerns during land disturbance activities.
 - B. The sequence of all land disturbance activities including those listed below, and all installations of erosion and sediment controls listed below, shall be shown on construction plans:
 - (1) Stripping and clearing;
 - (2) After changes in drainage courses;

- (3) Construction of underground infrastructure;
- (4) Construction of structures, such as buildings, pavement, retaining walls;
- (5) Final grading; and
- (6) Landscaping.

The City Engineer may require that separate construction plans be submitted for separate phases of the project.

- C. Stabilization of any stream bank erosion problems existing in natural watercourses that are to be left undisturbed, that may jeopardize private lots, public utilities or detention facilities.
 - D. Details of any temporary drainage system proposed to be installed in connection with any and all phases of land disturbance activity.
 - E. Details of proposed water impoundment structures, embankments, sediment or debris basins, grass or lined waterways and diversions with the details and locations of proposed stable outlets and the location of any downstream impoundments which could be affected by the proposed land disturbance activities.
 - F. Location of construction traffic entrance and wash-off pad.
 - G. Description of erosion and sediment controls that will be installed prior to and during land disturbance activity to control pollutants in stormwater discharges, along with drainage area map with appropriate pre-development, appropriate interim and post runoff calculations for each proposed stormwater conveyance system and erosion and sediment control. Calculations shall conform to Section 3.15 to 3.20, herein.
 - H. Drawing depicting the runoff travel paths, which are the route taken by a drop of effective rainfall falling at the most hydraulically remote point to the outlet of a drainage basin to determine the time of concentration used in Subsection 2.G., above. Provide calculations for time of concentration and composite curve number (CN) for pre-developed watersheds.
 - I. Description and location of permanent erosion and sediment controls after land disturbance activities have ended.
 - J. Calculations required by Section 3.15 to 3.20.
3. *Other required submittals.* Other items, if applicable, must be submitted prior to

issuance of a land disturbance permit.

- A. Alternative material and vendor specifications for erosion and sediment control devices.
- B. Other City permits, such as floodplain development permit, special use permit, demolition permit and building permit for retaining walls.
- C. Permits from other governmental agencies, such as United States Army Corps of Engineers Section 404 permit and Missouri Department of Natural Resources Section 401 permit.
- D. Missouri Department of Natural Resources land disturbance permit.
- E. Performance guarantee pursuant to Section 3.7.
- F. Executed easements needed for land disturbance activities or access.

SECTION 3.6 WAIVER OF REQUIREMENTS

The applicant may request a waiver of specific plan submittal requirements to the City Engineer. The City Engineer, upon recommendation from the City Engineer, may grant the request for a waiver upon the determining that the item to be waived is not applicable to the project under review or that the request for a waiver is justified and that the remaining information on the submitted plans is sufficient to show that the work will comply with the objectives and principles of these Regulations.

SECTION 3.7 PERFORMANCE GUARANTY

In order to obtain a land disturbance permit, the applicant must insure or guarantee the stabilization of the site upon completion or stoppage of the land disturbance activity.

- 1. *Instruments of performance guarantee.* The applicant shall post an escrow agreement, lender's agreement or (for amounts of five thousand dollars (\$5,000.00) or less) a certified check with the City Clerk in the amount established in this Section.
- 2. *Amount of performance guarantee.*
 - A. Except as provided hereafter in this Section, the amount of the performance guarantee shall be determined from the estimated land disturbance acreage rounded up to the nearest tenth (0.1) of an acre times the cost per acre according to the following schedule:

Land Disturbance Acreage	Cost per Acre
<5.0	\$3,000.00
5.1-20.0	\$2,500.00

>20.0	\$2,000.00
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- B. However, additional amounts will be required equal to the costs of other proposed construction items referenced in Section 412.060(1)(t) and/or (2)(b)
 - C. Alternatively, the applicant may post a performance guarantee in an amount determined by a line item cost estimate for all erosion and sediment controls and other proposed construction items referenced in Section 412.060(1)(t) and/or (2)(b).
3. *Release of performance guarantee funds.*
- A. The Board may authorize release up to fifty percent (50%) of any performance guarantee funds upon confirming by inspection that all erosion and sediment controls and other proposed construction items are in place and functioning properly, including establishment of vegetation.
 - B. The Board may authorize release up to ninety percent (90%) of any performance guarantee funds subject to an escrow or lender's agreement upon confirming by inspection that vegetation has been established and ongoing maintenance has been provided for all installed erosion and sediment controls. However, the amount retained shall not be reduced to less than the cost of maintaining the erosion and sediment controls.
 - C. The Board shall authorize release of all remaining performance guarantee funds only when the City Engineer certifies that all land disturbance work has been completed and all soil subject to the land disturbance permit is stabilized, including permanent vegetation.

SECTION 3.8

ISSUANCE OF A LAND DISTURBANCE PERMIT

A land disturbance permit shall be issued by the City Engineer only if:

- 1. The application for that permit is complete and includes all submittals required by these Regulations and not waived; and
- 2. The design submitted for approval with the permit is consistent with the design standards established or authorized by these Regulations.

SECTION 3.9

TRANSFER OF LAND DISTURBANCE REQUEST

- 1. Unless a permittee transfers a land disturbance permit as provided herein, that permittee remains bound by the terms of that permit even after transfer of ownership of land subject to it. A land disturbance permit may be transferred only

if all of the following conditions are met. The permittee must file a request for transfer with the City Engineer cosigned by the transferee, which must include: (a) Legal description of the area to be transferred; and (b) A map or plan showing the area to be transferred.

2. The City Engineer must determine from the request and supporting documentation that the area to be transferred includes substantially all of any drainage basin or basins wholly or partly within the area subject to the originally issued permit and give permittee and transferee written mail notice of that determination.
3. The transferee must submit to the City Engineer:
 - A. An executed escrow or lender's agreement or certified check; and
 - B. A copy of the Missouri Department of Natural Resources land disturbance permit ownership transfer documentation per 10 CSR 20-6.200 for the same transfer (no City permit may be transferred without this document).

SECTION 3.10

REQUIREMENTS BEFORE CONSTRUCTION STARTUP

It is the responsibility of the permittee to ensure that the following items are performed prior to construction startup, unless deemed non-applicable to the project by the City Engineer.

1. Schedule a pre-construction conference with the City Engineer prior to the start of each construction phase of land disturbance activity including installation of the temporary construction entrance. The permittee will be responsible for notifying all contractors and other entities, including utility crews that will perform work at the site, to be in attendance.
2. Supply in writing to the City Engineer the name and telephone number of all contractors and subcontractors and a twenty-four (24) hour telephone number of the permittee's designated agent supervising and directing all land disturbance activities on site.
3. Mark tree preservation areas per the approved land disturbance plan and/or grading plan for the site and vegetated buffer areas per the approved land disturbance plan and/or grading plan for the site.
4. Identify in writing each erosion and sediment control product that is not a specification authorized by these Regulations and submit manufacturer specifications and installation techniques for approval by the City Engineer for performance equivalency with City specifications.
5. Identify proposed good housekeeping practices to control general site pollutants, such as construction wastes, site litter, construction debris, dust and sanitary wastes.
6. Identify toxic or hazardous substances, petroleum products, pesticides, herbicides and other pollutants that will be used on site. Identify pollution control method for each substance and submit an emergency management plan for responding to any loss of toxic materials due to a containment failure. This plan must include documentation of actions and mandatory reporting to the Saint Charles County Division of Environmental Services, Solid Waste Enforcement.
7. Provide a location map depicting any proposed borrow or fill sites in the City and the proposed truck haul routes through the City.
- 8.

SECTION 3.11

PLAN MODIFICATIONS DURING CONSTRUCTION

1. *Field Modifications.* The permittee shall modify already approved plans or modify descriptions of pollution prevention methods in any of the following circumstances.
 - A. Inspections by the City Engineer or by the Missouri Department of Natural Resources indicate deficiencies.
 - B. Inspections by the permittee indicate deficiencies.
 - C. Either the permittee or the City Engineer determines that the current installations are ineffective in significantly minimizing or controlling erosion of land or sedimentation in streams or lakes.
 - D. Either the City Engineer or the Missouri Department of Natural Resources determines that total settleable solids from a stormwater outfall exceeds two and one-half (2.5) milliliters per liter per hour (ml/L/hr) or one-half (0.5) ml/L/hr in the event the land disturbance activity is within a valuable water resource area as determined by the Missouri Department of Natural Resources.
 - E. Either the City Engineer or the Missouri Department of Natural Resources determines that violations of Water Quality Standards 10 CSR 20-7.031(3) may occur or have occurred.
 - F. Either the City Engineer or the Missouri Department of Natural Resources determines that the pollution prevention methods submitted to the City Engineer as required herein, are ineffective in preventing pollution of waterways from construction wastes, chemicals, fueling facilities, concrete truck washouts, toxic or hazardous materials, site litter or other substances or wastes likely to have an adverse impact on water quality.
2. *Submittal Of Amended Plans.* The permittee shall submit for the City Engineer's approval amended plans and descriptions of pollution prevention methods in any of the following circumstances.
 - A. The permittee seeks to modify the originally approved plans for the design, operation or maintenance of erosion and sediment controls.
 - B. The permittee modifies the design for the construction project for which the permittee submitted those originally approved plans, so as to significantly affect the quality of stormwater discharges.
 - C. The City Engineer determines that the temporary facilities or erosion and sediment controls installed according to approved plans fail to meet performance standards imposed by these regulations and that those

failures require amendment of those plans and supporting documentation or calculations.

SECTION 3.12

INSPECTIONS AND REPORTS

1. *City Inspections.*
 - A. The permittee consents to the City inspecting the proposed development site and all work in progress and to payment of additional administration and inspection fees. In order to recoup the actual costs for administration and field inspection of land disturbance and erosion control at the development site, the costs associated with administration of the land disturbance permit and associated field inspections shall be reimbursed to the City based on periodic billings to the permittee.
 - B. The City Engineer or his designee shall make inspections and notify the permittee in writing when the work fails to comply with the conditions of the land disturbance permit.
 - C. The permittee shall notify the City Engineer or his designee at least two (2) working days before the following activities to obtain timely inspection:
 - (1) Establishment of tree preservation and stream buffer boundaries;
 - (2) Start of land disturbance or construction;
 - (3) Installation of erosion and sediment controls;
 - (4) Completion of site clearing;
 - (5) Completion of rough grading;
 - (6) Completion or suspension of final land disturbance activity;
 - (7) Close of the construction season; and
 - (8) Completion of final landscaping.
 - D. The City Engineer or his designee shall inspect the property periodically for compliance with these regulations and after any notice to correct issued pursuant to Subsection 1., B., of Section 3.12. The City Engineer or his designee may inspect the property upon receipt of a citizen complaint concerning erosion or sediment control issues.
2. *Permittee Inspections And Reporting.*

- A. The permittee shall make regular inspections of the permitted site, observing all erosion and sediment control and other pollutant control measures, outfalls and off-site receiving waters. The inspections must be conducted by a person knowledgeable in the principles and practice of erosion and sediment controls, who possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of the erosion and sediment controls used.
- B. Inspections must be made by the permittee at least once per week and no later than seventy two hours (72) days after a substantial rain event. A reduction in the weekly inspections may be waived by the City Engineer upon recommendation of the City Engineer for the following reasons:
- (1) The entire site is temporarily stabilized;
 - (2) Runoffs unlikely due to winter conditions, such as snow cover or frozen ground; and
 - (3) Construction is during arid periods when no erosion or sediment has occurred.
- C. All inspections by the permittee shall be documented in written form on reports with copies submitted to the City Engineer at the time interval specified in the permit. A report of each inspection shall be kept on site by the permittee if possible. Otherwise, the inspection form will be retained by the permittee at its business office. Falsification of reports is in violation of the permit and cause of immediate suspension or revocation of the permit. The inspection reports are to include the following minimum information:
- (1) Inspector's name and signature;
 - (2) Date of inspection;
 - (3) Observations relative to the effectiveness and deficiencies of the erosion and sediment controls and other pollution prevention controls;
 - (4) Actions taken or necessary to correct deficiencies, including the log of field changes to the approved plan during the period covered by the report;
 - (5) A listing of areas where land disturbance activities have permanently or temporarily stopped; and
 - (6) Stormwater sampling information and analytical results, when

applicable.

- D. The permittee shall be responsible for correcting any deficiencies identified within seven (7) calendar days of the date of inspection required by this Subsection identifying these deficiencies.
- E. The City Engineer shall make additional inspections as necessary to ensure the validity of the reports filed and, where applicable, to confirm the correction of reported deficiencies.

SECTION 3.13

VIOLATIONS, CORRECTIONS AND ENFORCEMENT

1. *Violations*

- A. It shall be a violation of these Regulations to construct, enlarge, alter, repair or maintain any land disturbance activity, excavation or fill, or cause the same to be done, contrary to any provision of these Regulations.
- B. It shall be a violation of these Regulations to fail to install and maintain any erosion and sediment control measures and systems authorized and required by a duly issued land disturbance permit.
- C. It shall be a violation of these Regulations to fail to comply timely with any notice to correct issued or correct timely any deficiencies identified.
- D. The need to halt or reduce the permitted construction or grading activity in order to maintain compliance with the permit conditions shall not be a defense to the permittee in an enforcement action.

2. *Notice To Correct, Notice of Violation And Service of Notices.*

- A. Upon confirming any violation or deficiency, the City Engineer shall issue a written notice to correct directing abatement of those violations and/or correction of that deficiency within seven (7) calendar days. The notice shall state that failure to comply with its terms shall constitute an additional violation of these Regulations.
- B. Upon confirming failure to comply timely with any notice to correct, the City Engineer shall issue a written notice of violation, including a stop work order and notice of fines as authorized herein.
- C. Notwithstanding the foregoing provisions of this Subsection, when the City Engineer finds that any person has undertaken land disturbance activity without a land disturbance permit required by these Regulations, the City Engineer shall issue a notice of violation including a stop work order and notice of fines and such fines shall accrue from the day on which such unauthorized land disturbance commenced.

- D. The City Engineer shall serve any written notice authorized by this Subsection by posting one (1) copy at the work site and by hand-delivering or mailing other copies to any and all persons responsible for the violation or deficiency.

3. *Enforcement*

- A. *Stop work order.* The City Engineer shall also have the right to stop all or any part of the construction activities and development until all corrections set out in such notice have been satisfactorily made. To that end, the City Engineer shall issue and post on the site a written order directing that such construction activities and development be stopped immediately and shall serve that written order upon any person, firm, corporation or business engaged in such construction activities and development at the site that is the subject of the violation. Every day that such work continues shall constitute a separate violation. These Regulations do not preclude other remedies available under Federal, State or common law.
- B. *Forfeiture of performance guarantee.* In the event of a violation or deficiency that is not resolved in a reasonable time, the performance guarantee proceeds may be used by the City to install pollution prevention controls to stabilize the site subject to the land disturbance permit. Prior to resumption of work, permittee must post a new performance guarantee in an amount determined pursuant to Section 3.7.
- C. *Fines.* Any person responsible for a violation of these Regulations shall be guilty of a misdemeanor and liable for a fine not to exceed one thousand dollars (\$1,000.00) a day. Every day that such violation is ongoing shall constitute a separate violation.
- D. *Enforcement.* It shall be the duty of the City Engineer to enforce these Regulations. In discharging that duty the City Engineer may request and shall receive, so far as may be necessary in the discharge of that duty, the assistance and cooperation of other City Officials.
- E. *Actions for fines and injunctive relief* In the event of a violation, the City Engineer may request the City Attorney to institute an appropriate action for fines and injunctive relief against the person or persons responsible for that violation.

SECTION 3.14

CLOSING OF LAND DISTURBANCE PERMITS

The City Engineer shall close land disturbance permits upon permittee's stabilization of all soil at the site subject to the permit and release the entire performance guarantee as authorized in Section 3.7.

SECTION 3.15

PERFORMANCE STANDARDS

Designs for erosion and sediment controls shall meet the following performance standards:

1. Compliance with all standards imposed by Missouri Department of Natural Resources Missouri State Operating Permit MO-RIOOA or, if the land disturbance area is within a valuable water resource area as determined by the Missouri Department of Natural Resources, a Missouri State Operating Permit MaR109 issued in compliance with the Missouri Clean Water Law (Chapter 644, RSMo., as amended), the Federal Water Control Act (Public Law 95-500, 92d Congress, as amended) and Missouri and Federal regulations pursuant thereto.
2. Compliance with the following additional standards stated herein:
 - A. No land disturbance activity shall result in the impounding of surface water on property other than the permittee's unless the permittee obtains easements or licenses for that purpose.
 - B. Runoff into receiving streams from any area undergoing land disturbance activities that is greater than three (3) acres shall not exceed the six (6) month peak runoff rate for that area in its predeveloped state.
 - C. Temporary discharges into receiving streams from any area undergoing land disturbance activities shall not result in the accelerated erosion of those streams' channels at the point of discharge.
3. If temporary facilities and erosion and sediment controls installed pursuant to approved plans fail to meet the performance standards set out herein, the City Engineer may require the permittee to submit modified plans as provided in Section 3.11.

SECTION 3.16

DESIGN CRITERIA

1. The erosion and sediment controls and temporary facilities identified herein shall be designed to accommodate at a minimum the runoff for the design storm specified, using the runoff coefficients specified in Subsection 4., and calculated according to the methods defined in this Section.
2. If installed erosion and sediment controls, designed according to this Article, fail to meet its performance standards above, the permittee shall be required to correct the deficiency in question.
3. *Design storm.* Designs for erosion and sediment controls and temporary facilities constructed during land disturbance activities shall be based on the design storms shown in Table 1.

Table I-Design Storm	
-----------------------------	--

Erosion and Sediment Control and Temporary Facilities	Design Storm
Stormwater conveyance Systems:	
On-site drainage ditches and diversions	6 month
By-pass storm sewers and channels	2 year
Entrance road culvert	2 year
Storm Inlet Sediment Protection	6 month
Stream Crossing Structures:	
Duration of use: 4 months or less	2 year
Duration of use: longer than 4 months	10 year
Sediment Basin:	
Basin size	6 month
Basin overflow	10 year

4. *Runoff coefficient.* The runoff coefficient (C) corresponds to the effective runoff based on ground cover, ground slope and that portion of rainfall that is lost to surface runoff by processes such as depression storage, infiltration, interception and evaporation. The runoff coefficients in Table 2 shall be used in calculating peak runoff rates and stormwater volumes.

Table 2-Runoff Coefficient Table	
Ground Cover	Runoff Coefficient (C)
Pasture and unimproved areas	15%
Woods	10%
Lawns <6% slope	15%
Lawns >6% slope	30%
Graded/no vegetation <6% slope	50%
Graded/no vegetation >6% slope	60%
Gravel parking lot	75%
Gravel road	80%
Pavement, walks, buildings	95%

The runoff coefficients shall be determined for each drainage area to proposed erosion and sediment control and temporary facilities based on the following criteria.

- A. Land disturbance areas shall be considered stripped of all vegetation in determining runoff for erosion and sediment controls placed prior to land disturbance activities.
- B. After cut and fill operations are completed, land disturbance areas shall be considered stripped of all vegetation and pavement installed in determining sediment controls, runoff conveyance systems and erosion prevention devices.
5. *Peak runoff rate calculation method.* The Rational Method, as developed by Mulvaney in 1851, shall be used to determine the peak (maximum) runoff rate.

The Rational Method (also known as the Rational Formula) is:

$$Q = C i A$$

Where Q = peak runoff rate in cubic feet per second (cfs)

C = runoff coefficient (dimensionless)

I = rainfall intensity rate in inches per hour

A = drainage area in acres

- A. The runoff coefficients (C) to be used are set out in tabular form in Table 2, above.
- B. The rainfall intensity rates (I) were derived for St. Charles County from the Rainfall Frequency Atlas for the Midwest, Bulletin 71 by Huff and Angel, 1992 for a ten (10) minute rain event. The rainfall intensity rates in Table 3 shall be used.

Table 3 Rainfall Intensity Rates	
Design Storm	Rainfall Intensity Rate (inches/hour)
6 month	2.86
1 year	3.54
2 year	4.38
5 year	5.53
10 year	6.62

6. *Total runoff volume calculation.* The total volume of runoff for calculating sediment basin size shall be based on the runoff coefficient times the total rainfall in a twenty-four (24) hour period, which is:

$$V = P \times C \times A \times 3630$$

Where V = total runoff volume in cubic feet

P = inches of rainfall in a twenty-four (24) hour period

C = runoff coefficient (dimensionless)

A = drainage area in acres

- A. The runoff coefficients (C) to be used are set out in tabular form in Table 2, above.
- B. The total inches of rainfall in a twenty-four (24) hour period was derived for St. Charles County from the Rainfall Frequency Atlas for the Midwest, Bulletin 71 by Huff and Angel, 1992. The following Table 4 shall be used:

Table 4- Total Inches of Rainfall in a 24-Hour Period	
Design Storm	Rainfall Intensity Rate (inches/hour)
6 month	2.03

1 year	2.50
2 year	3.25
5 year	4.10
10 year	5.00

7. *Design Manual Authorized.* The City Engineer is hereby authorized to develop design criteria for erosion and sediment controls that may be employed to comply with these regulations and to meet the performance standards set out above. The design criteria may include specific requirements or conditions for the use of any particular erosion and sediment control.
8. *Use Of Guidelines.* Plans required by these regulations may include erosion and sediment controls included in a Design Manual, but any Design Manual is not intended to preclude use of other erosion and sediment control methods not included in it. Engineering professionals are encouraged to design innovative ways to address site specific conditions. In all cases, erosion and sediment control products shall be used and installed according to the manufacturer's specifications. In all cases, designs must be approved by the City Engineer and must be in compliance with these regulations and the terms and conditions of applicable Federal and State permits.

SECTION 3.17

SURFACE STABILIZATION REQUIREMENTS

1. *Surface Stabilization Techniques.* Bare ground must be stabilized by vegetation, rock surfacing, erosion control blankets and netting, soil binders, structural topping, like concreting or other techniques authorized by the Design Manual or approved pursuant to these Regulations. With respect to vegetation, the following provisions shall also apply.
 - A. Temporary seeding shall be used if the area will be disturbed later in the development. The area must be vegetated by permanent seeding or sodding, when no further land disturbance will occur.
 - B. Seeding, fertilizing and mulching shall be applied at the rates and times specified by the City Engineer.
 - C. Mulch can be used as temporary cover in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. Application rates are shown in the Design Manual.
 - D. Temporary seeding and mulching shall be placed on seventy percent (70%) of the total disturbed site area according to the stabilization schedule.
 - E. Temporary seeding may be suspended in portions of the project area which have an active building permit. Upon completion of the building activity, the site must be permanently stabilized.

- F. Seeded areas shall be refertilized four (4) weeks after initial seeding. The seeded area shall be inspected at that time for uniform cover and adequate density. All areas which are bare and sparse (less than thirty percent (30%) ground cover) shall be reseeded and mulched.
- G. Non-degradable mats shall be used only as a permanent installation and in areas that will not be mowed.

2. *Surface Stabilization Schedule.* Land disturbance activities shall be scheduled as provide in the table below:

Soil Stabilization Table	
Soil Disturbance Activity or Condition	Required Stabilization Time
Soil disturbance has ceased in areas greater than 2,000	14 days
After construction of dikes, swales, diversions and other	5 days
When slopes are steeper than 3 horizontal to 1 vertical	7 days
When slopes are greater than 3% and longer than 150	14 days
Perimeter controls around soil stockpiles	End of workday
Stabilization or covering of inactive stockpiles	30 days
When land disturbance is completed, permanent soil installed	30 days

3. *Land Disturbance Phasing.* Land disturbance activities should be scheduled in stages of development, so that only the areas that are actively being developed are exposed. Land disturbance areas exceeding ten (10) acres may require phasing, if the City Engineer determines that runoff from the land disturbance area may adversely affect other property.

SECTION 3.18 EARTHWORK REQUIREMENTS

1. Surface water shall be diverted from the face of all cut and fill slopes exceeding eight (8) feet in vertical elevation.
2. Slope breaks shall be provided whenever the vertical elevation of any slope exceeds twenty (20) feet.
3. Diversion berms shall not exceed eight hundred (800) feet in length.
4. No excavation shall be made so close to the property line to endanger any adjoining public or private street without supporting and protecting such public or private street or property from settling, cracking or other damage.
5. No fill material shall be placed so as to cause or to allow the same to be deposited upon or to flow onto another property without written consent of the owner.
6. No fill material shall be placed so as to cause or to allow the same to be deposited

upon or to flow onto any public street, walk, place or way, nor so close to the top of a bank of a channel as to create the possibility of bank failure.

7. Materials for fills shall consist of material obtained from excavation of banks, borrow pits or other approved source. Material shall be free of vegetative matter and deleterious material and shall not contain large rocks or lumps except as certified by a geotechnical engineer to be acceptable fill material.
8. No cut or fill slope shall be made steeper in slope than three (3) horizontal to one (1) vertical without a geotechnical report and approval by the City Engineer.
9. Individual and isolated slopes, rock dikes, undisturbed natural slopes and slopes blending with the natural terrain may be steeper than the requirements as approved by the City Engineer.
10. All fills and trench backfills shall be compacted to the minimums as defined by the City Engineer. Compaction of fills and backfills must be certified by a geotechnical engineer.
11. Solid rock, shale, tree stumps, masonry and other obstructions shall be removed to a depth of two (2) feet below finished grade or pavement subgrade.

SECTION 3.19

STORMWATER CONVEYANCE REQUIREMENTS

Temporary conveyance of stormwater during land disturbance activities depends upon the peak runoff for the design storm and a suitable method to prevent erosion after construction. The requirements listed below shall be used for temporary conveyance of stormwater.

1. All drainage shall be designed to transport surface waters to the nearest practical storm drain, natural watercourse or street as approved by the City Engineer.
2. Diversion channels and ditches are to be designed to a non-erosive velocity as defined by the City Engineer or the geotechnical report required herein. Diversion ditch length shall not exceed eight hundred (800) lineal feet.
3. A rock outfall is required at all pipe and improved channel discharges to open watercourses. The maximum design velocity shall be ten (10) feet per second (fps). If the discharge velocity exceeds ten (10) fps, an engineered energy dissipater may be required as determined by the City Engineer.

SECTION 3.20

SEDIMENT CONTROL REQUIREMENTS

1. A temporary construction vehicle wash-off pad is required to avoid tracking mud onto public roads and must be located where construction traffic leaves the site. The permittee shall remove any mud, sediment or debris tracked onto public roads by sweeping or other mechanical means.

2. Sediment basins shall be used to meet water quality discharge requirements and predeveloped runoff rates during land disturbance activities. Sediment basins shall be designed for the following criteria.
 - A. Sediment volume shall be determined from the Natural Resources Conservation Service's Revised Universal Soil Loss Equation (RUSLE).
 - B. Wet volume shall contain the total runoff produced from the 6-month 24-hour storm.
 - C. Dewatering time shall be twenty-four (24) hours for the total volume of wet storage of the basin.
 - D. The outlet must be designed to convey the peak 10-year runoff with a minimum one (1) foot freeboard between the water surface of the outlet and the top of the basin embankment.
 - E. Other sizing requirements as determined by the City Engineer.

ARTICLE IV. FLOOD HAZARD PREVENTION

SECTION 4.1

LANDS TO WHICH CHAPTER APPLIES

This Article shall apply to all lands within the jurisdiction of the City, identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) currently in affect and as later amended, and any future revisions thereto. In all areas covered by this Article no development shall be permitted except through the issuance of a floodplain development permit granted by the Board or its duly designated representative under such safeguards and restrictions as the Board or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the City.

SECTION 4.2

FLOODPLAIN ADMINISTRATOR

1. The City Engineer is hereby designated as the Floodplain Administrator under this Article.
2. Duties of the Floodplain Administrator shall include, but not be limited to:
 - A. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of these Regulations have been satisfied;
 - B. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
 - C. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
 - D. Issue floodplain development permits for all approved applications;
 - E. Notify adjacent communities and the State Emergency Management Agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
 - F. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
 - G. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;

- H. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
- I. When floodproofing techniques are utilized for a particular non-residential structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.

SECTION 4.3 COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this Article and other applicable regulations.

SECTION 4.4 WARNING AND DISCLAIMER OF LIABILITY

The degree offload protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This Article shall not create a liability on the part of the City, any officer or employee thereof, for any flood damages that may result from reliance on this Article or any administrative decision lawfully made thereunder.

SECTION 4.5 ADMINISTRATION

1. A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Section 4.1. No person, firm, corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.
2. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:
 - A. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address or similar description that will readily identify and specifically locate the proposed structure or work;
 - B. Identify and describe the work to be covered by the floodplain development permit;
 - C. Indicate the use or occupancy for which the proposed work is intended;

- D. Indicate the assessed value of the structure and the fair market value of the improvement;
- E. Specify whether development is located in designated flood fringe or floodway;
- F. Identify the existing base flood elevation and the elevation of the proposed development;
- G. Give such other information as reasonably may be required by the Floodplain Administrator;
- H. Be accompanied by plans and specifications for proposed construction; and
- I. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

SECTION 4.6

GENERAL STANDARDS

- 1. No permit for floodplain development shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A Zones and AE Zones, unless the conditions of this Article are satisfied.
- 2. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Article. If Flood Insurance Study data is not available, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
- 3. Until a floodway is designated, no new construction, substantial improvements or other development, including fill, shall be permitted within any numbered A Zone or AE Zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- 4. All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes and other developments shall require:
 - A. Design or adequate anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- B. Construction with materials resistant to flood damage;
- C. Utilization of methods and practices that minimize flood damages;
- D. All electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- E. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and on-site waste disposal systems be located so as to avoid impairment or contamination; and
- F. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage;
 - (2) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - (4) All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. *Storage, Material And Equipment.*

- A. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
- B. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation or if readily removable from the area within the time available after a flood warning.

1. All manufactured homes to be placed within all unnumbered and numbered A Zones and AE Zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A Zones and AE Zones on the community's FIRM on sites:
 - A. Outside of a manufactured home park or subdivision;
 - B. In a new manufactured home park or subdivision;
 - C. In an expansion to an existing manufactured home park or subdivision; or
 - D. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A Zones and AE Zones on the community's FIRM, that are not subject to the provisions of Subsection 2., B., be elevated so that either:
 - A. The lowest floor of the manufactured home is at or one (1) foot above the base flood level; or
 - B. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

SECTION 4.9

FLOODWAY

Located within areas of special flood hazard established Section 4.1 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to

carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements and other development, within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. If Subsection 2, above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article III.
4. In unnumbered A Zones, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources as set forth in this Article.

SECTION 4.10

RECREATIONAL VEHICLES

Recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM shall:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
2. Be fully licensed and ready for highway use*; or
3. Meet the permitting, elevation and the anchoring requirements for manufactured homes of this Article.

* A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

SECTION 4.11

FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

1. The Board of Adjustment, as established by the City, shall hear and decide appeals and requests for variances from the floodplain management requirements of these Regulations.
2. RESPONSIBILITY OF APPEAL BOND.
 - A. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the Board of Adjustment as defined herein.
 - B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of these Regulations.
3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court of the County of St. Charles as provided in Section 89.110, R.S.Mo.
4. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA.

In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of these Regulations and the following criteria:

- A. The danger to life and property due to flood damage;
- B. The danger that materials may be swept onto other lands to the injury of others;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location, where applicable;
- F. The availability of alternative locations, not subject to flood damage, for the proposed use;
- G. The compatibility of the proposed use with existing and anticipated development;

- H. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- J. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems; streets; and bridges.

5. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsection (B) through (F) below have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause,
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or

victimization of the public or conflict with existing local laws or Chapters.

F. A community shall notify the applicant in writing over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and
- (2) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by these Regulations.

6. CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES

A. Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Subsections 4 and 5 herein.

B. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at grade and wet-floodproofed.

- (1) Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
- (2) For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with this Article.
- (3) The accessory structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structure in accordance with this Article. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy and hydrodynamic and debris impact forces.
- (4) Any mechanical, electrical or other utility equipment must be located above the base flood elevation or floodproofed so that they

are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with this Article.

- (5) The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with this Article.
- (6) The accessory structures must comply with the floodplain management floodway encroachment provisions of this Article. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100year flood.
- (7) Equipment, machinery or other contents must be protected from any flood damage.
- (8) No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
- (9) A community shall notify the applicant in writing over the signature of a community official that:
 - (a) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - (b) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by these Regulations.
- (10) Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

SECTION 4.12 PENALTIES FOR VIOLATION

Violation of the provisions of this Article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City, or other appropriate authority, from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 4.13 AMENDMENTS

The regulations, restrictions and boundaries set forth in this Article may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of these Regulations are in compliance with the National Flood Insurance Program (NFIP) regulations.

SECTION 4.14 DEFINITIONS

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

100-YEAR FLOOD: See "*BASE FLOOD*".

ACCESSORY STRUCTURE: The same as "*APPURTENANT STRUCTURE*".

ACTUARIAL RATES: See "*RISK PREMIUM RATES*."

ADMINISTRATOR: The Federal Insurance Administrator.

AGENCY: The Federal Emergency Management Agency (FEMA).

APPEAL: A request for review of the Floodplain Administrator's interpretation of any provision of these Regulations or a request for a variance.

APPURTENANT STRUCTURE: A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1 %) or greater chance of flooding in any given year.

BASE FLOOD: The flood having a one percent (1 %) chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the structure having its floor subgrade (below ground level) on all sides.

BUILDING: See "*STRUCTURE*"

CHIEF EXECUTIVE OFFICER OR CHIEF ELECTED OFFICIAL: The official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

COMMUNITY: Any State or area or political subdivision thereof which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

DEVELOPMENT: Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ELEVATED BUILDING: For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

ELIGIBLE COMMUNITY OR PARTICIPATING COMMUNITY: A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "*start of construction*" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "*Existing construction*" may also be referred to as "*existing structures*."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots

on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- .1. The overflow of inland, and/or
- .2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

FLOOD ELEVATION DETERMINATION: A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence.

FLOOD ELEVATION STUDY: An examination, evaluation and determination of flood hazards.

FLOOD FRINGE: The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A Zones.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see "Flooding").

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of Police power. The term describes such State or local regulations, in any combination thereof, that provide standards for the purpose

offload damage prevention and reduction.

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities or structures and their contents.

FLOODWAY OR REGULATORY FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOODWAY ENCROACHMENT LINES: The lines marking the limits of floodways on Federal, State and local floodplain maps.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

- .1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- .2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- .3. Individually listed on a State Inventory of Historic Places in States with historic preservation programs which have been approved by the Secretary of the Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- .4.a. By an approved State program as determined by the Secretary of the Interior; or
- .4.b. Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of these Regulations.

MANUFACTURED HOME: A structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "*manufactured home*" does not include a "*recreational vehicle*".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MAP: The Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM) or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

MARKET VALUE OR FAIR MARKET VALUE: An estimate of what is fair, economic, just and equitable value under normal local market conditions.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "*new construction*" means structures for which the "*start of construction*" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

NFIP: The National Flood Insurance Program (NFIP).

PARTICIPATING COMMUNITY ALSO KNOWN AS AN ELIGIBLE COMMUNITY: A community in which the Administrator has authorized the sale of flood insurance.

PERSON: Includes any individual or group of individuals, corporation, partnership, association or any other entity, including Federal, State and local governments and agencies.

PRINCIPALLY ABOVE GROUND: At least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

RECREATIONAL VEHICLE: A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REMEDY A VIOLATION: To bring the structure or other development into compliance with Federal, State or local floodplain management regulations or, if this is not possible, to reduce the impacts of its non-compliance.

RISK PREMIUM RATES: Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "*Risk premium rates*" include provisions for operating costs and allowances.

SPECIAL FLOOD HAZARD AREA: See "*AREA OF SPECIAL FLOOD HAZARD*".

SPECIAL HAZARD AREA: An area having special flood hazards and shown on a FHBM, FIRM or FBFM as Zones (unnumbered or numbered) A and AE.

START OF CONSTRUCTION: Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvements were within one hundred eighty (180) days of the permit date. The "*actual start*" means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "*actual start of construction*" means the first (1st) alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE COORDINATING AGENCY: That agency of the State Government or other office designated by the Governor of the State or by State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.

STRUCTURE: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "*Structure*", for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- .1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions; or
- .2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE: A grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

VIOLATION: The failure of a structure or other development to be fully compliant with

the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required by these Regulations is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

EXHIBIT A

REQUIRED SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

GUIDE FOR DETERMINING WIDTHS AND TYPE OF NEW ROADWAYS

When the traffic generated reaches a point that it cannot adequately be handled by a minor street, the following general guidelines will be used in determining the pavement width of the street necessary for handling the traffic:

<i>Type</i>	<i>*Pavement</i>	<i>Approximate Average Daily Traffic (Ultimate Development)</i>
Minor Collector	36 feet	2,500
Major Collector	38 feet	5,000
Highways and Major thoroughfares	Contact St Charles Highway Engineer	10,000

*Roadways constructed to Federal requirements may require additional width.

The ADTs (average daily traffic) are approximate and the above criteria is intended as a general guideline only. The actual need and widths of collector or arterial type roads will be investigated for each development. Traffic volumes for residential and multi-family developments will generally be based on the number of trips generated per unit. A detailed traffic generation report will normally be required for commercial and industrial developments.

The need for and location of collector and arterial streets will be determined on the basis of traffic generated by the surrounding developments as well as the development itself. Consideration will also be given to the spacing and continuity of collector and arterial streets. New roadways will be required as per the St Charles County Highway Engineer.

Street Standards:

A.1. *Arterial streets.*

A.1.a. *Pavement width (back of curb to back of curb).* Contact St. Charles County Highway Engineer.

A.1.b. *Grades of streets.* (Maximum) six percent (6%), (minimum) one-half of one percent (.5%).

A.1.c. *Radii of curvature (on the centerline).* Three hundred (300) feet (minimum).

A.1.d. *Corner radii (minimum).* Thirty-seven (37) feet at back of curb.

A.1.e. *Sidewalks.* Two (2) sides.

A.2. *Collector street.*

A.2.a. *Pavement width (back of curb to back of curb).* Thirty-eight (38) feet.

A.2.b. *Grades of streets.* (Maximum) six percent (6%), (minimum) one-half of one percent (.5%).

A.2.c. *Radii of curvature (on the centerline).* Two hundred (200) feet minimum.

A.2.d. *Corner radii (minimum).* Twenty (20) feet at back of curb.

A.2.e. *Sidewalks*. Two (2) ~~sides~~.

A.3. *Minor and dead-end streets*.

A.3.a. *Pavement width (back of curb to back of curb)*. Thirty (30) feet.

A.3.b. *Grades of streets*. (Maximum) 12 percent (12%), (minimum) one-half of one percent (.5%).

A.3.c. *Radii of curvature (on the centerline)*. One hundred (100) feet minimum.

A.3.d. *Corner of radii (minimum)*. Ten (10) feet at back of curb.

A.3.e. *Sidewalks*. Two (2) ~~sides~~

A.3.f. *Temporary turnaround*. All dead-end streets shall terminate in a circular turnaround having a minimum paved radius of fifty (50) feet. Turnarounds may not be required on dead-end streets which are less than two hundred fifty (250) feet in length and are planned to be extended in the future.

B.4.a. *Cul-de-sac street*.

B.4.b. *Pavement width (back of curb to back of curb)*. Thirty (30) feet.

B.4.c. *Grades of streets*. (Maximum) twelve percent (12%), (minimum) one-half of one percent (.5%).

B.4.d. *Radii of curvature (on the centerline)*. One hundred (100) feet minimum.

B.4.e. *Corner radii (minimum)*. Twenty (20) feet at the back of curb.

B.4.f. *Sidewalks*. Two (2) ~~sides~~

B.4.g. *Radius of court (at back of curb)*. Fifty (50) feet for fully paved cul-de-sac and forty (40) feet minimum for open-center cul-de-sacs. Open-center cul-de-sacs shall have fourteen (14) feet minimum raised island with vertical curbs.

B.4.h. *Alleys*. Alleys, when platted, shall have a minimum width of twenty (20) feet.