

# **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OF PREVIOUS ORDINANCE:** All prior ordinances of the City of Flint Hill relating to Zoning and Subdivision are hereby repealed effective coincident with the effective date of this Ordinance.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, recreational, commercial, industrial, and open space areas within the City of Flint Hill and promote their orderly and beneficial use and 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 and market 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, it being the intent of the Board of Aldermen of the City that it would adopt this Ordinance without the invalid portions and provisions.

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 for an existing building or any building hereafter erected or structurally altered shall be considered as required yard or lot area for more than one building.
- C. No use as to which any land is put shall enlarged or changed, in whole or in part, except as otherwise provided in this Ordinance.
- D. 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.
- E. No building may hereafter be erected or structurally altered to the extent specifically provided in this ordinance except as otherwise provided in this Ordinance.
- F. 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.
- G. 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.

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## ARTICLE 2

### RULES AND DEFINITIONS

**2.01 RULES OF CONSTRUCTION:** For the purpose of this Ordinance, certain rules of construction apply to the text, as follows:

- A. Words used in the present tense include the future and past tenses.
- B. Words in the singular include the plural and the plural the singular, unless the context clearly indicates the contrary.
- C. The terms “shall” and “must” are always mandatory and not discretionary; the word “may” or “should” are permissive.
- D. Words or terms not interpreted or defined in this Ordinance shall be interpreted in accordance with their normal dictionary meaning and customary usage, using Webster’s Ninth New Collegiate Dictionary (1986).
- E. The word “person” includes a firm, organization, association, partnership, trust, company, or corporation, as well as an individual.
- F. The words “use” or “occupy” shall include the words “intended”, “designed”, or “arranged” to be “used” or “occupied”.

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

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 a lot occupied by a main building or structure. 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 treat, or cure disease or treat or relieve pain.

Acupuncturist: A person who practices acupuncture.

Administer: When used in connection with the regulations relating to Medical Marijuana Facilities (Section 19.06.G of this Ordinance) and Qualifying Patient Medical Marijuana Cultivation (Section 18.065 of this Ordinance), shall have the same meaning as set forth in 19 C.S.R. 30-95.010(1), as amended, of the Missouri Code of State Regulations.

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 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.

Agricultural: Farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry. Agricultural also includes the packing, treating, or storing of produce, meat or dairy. The operation of sales yards and auction yards for cattle, hogs or livestock, 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 Chapter 311, RSMo. (2006) and as hereinafter amended.

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.

Alteration: Any addition, removal, extension, or change in the location of part of a building, any change in use from one zoning classification to another, or any moving of a building from one place 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 a residential building 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 building of two (2) or more apartments. Typical apartment houses are designed with an internal single or double loaded corridor which opens to a number of apartments. 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.

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

Art Display, Indoor: A room or series of rooms within a building where works of art are exhibited and/or offered for purchase.

As-Built Plans: Construction plans revised to show a building, facility or structure as constructed.

Athletic Fields, Private: Land used for outdoor games such as baseball, football and soccer, owned, operated and maintained by a private person or entity.

Athletic Fields, Public: Land used for outdoor games such as baseball, football and soccer, owned, operated and maintained by a governmental entity.

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

Bakery: A place for baking and selling baked goods.

Bank: A 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 structures or facilities on the same premises.

Bar: A business 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, or facility which is completely below ground, or which is partly above and partly below ground, having more than one-half (1/2) of its height below grade.

Bed and Breakfast Inn: A building wherein overnight lodging and a morning meal are provided for compensation, where two (2) or more lodging 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 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 is sometimes 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 enterprise, 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 a lot that is covered by the maximum horizontal cross-section of a building, typically expressed as a percentage.

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 finished grade at the front of the building to the highest point of the 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 the purpose of which is to prohibit construction of a building or structure in the area between such Building Line or Setback Line and said right-of-way, edge of a stream, 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 numerous passengers usually along a fixed route according to a schedule.

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

**Campground:** 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/Caterer:** A business engaged in the preparation of food and beverages for consumption at another location.

**Cemetery:** Land dedicated for burial of the dead, including crematory facilities as an accessory use.

**Child Day-Care Center:** Shall have the same meaning as the term “Daycare” as set forth in 19 CSR 30- 95. 010(6), as amended, of the Missouri Code of State Regulations.

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

**Church:** A building used principally for religious or spiritual congregation or worship. The congregation of persons at a building not used principally for religious or spiritual congregation or worship is a use of the building for a church. The word church shall not include or mean an Undertaker’s chapel, or funeral building, a religious educational institution, a parochial school or day care center.

**City:** The City of Flint Hill, Missouri.

City Engineer: The officially appointed Engineer of the City.

Clinic, Outpatient: A building or structure where persons are not lodged overnight but are admitted for examination, treatment care by one (1) or more physicians, dentists or healthcare provider 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 Comprehensive Plan adopted by the City pursuant to Chapter 89, RSMo.

Conditional Use: A use that would not be appropriate generally or without restriction in the zoning district but which, if restricted as to number, area, location, scope or otherwise, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. A use which is determined an allowable conditional use is denoted in Appendix A. Uses not denoted in Appendix A may be approved pursuant to Article 19.

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

Construction Plans: The engineering drawings showing types of materials and details for construction of 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 for the safe and convenient reversal of traffic movement.

Cultivation: Means, as related to activity authorized pursuant to Article XIV, Section 1 of the Missouri Constitution and all rules and regulations issued by DHSS, the process by which a person, business or legal entity promotes the germination and growth of a seed to a mature marijuana plant.

Cultivation Identification Card: Means an additional, separate, or enhanced Identification Card issued by the State of Missouri allowing the holder to cultivate medical marijuana in amounts and in secure manners as authorized by the Missouri Department of Health and Senior Services, or its successor agency, only to the extent authorized by applicable law.

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.

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 an owner to the City or other governmental body 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, treatment or care of teeth, including 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 a governmental body for the confinement of persons awaiting trial or those convicted of minor crimes.

Developer: Any person, corporation, or government agency undertaking any development as defined in the Ordinance. The term Developer includes such commonly used references as subdivider, 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.

DHSS: Means the Missouri Department of Health and Senior Services, or its successor agency.

District: A geographic area for which the City has applied a zoning.

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 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.

Elementary or Secondary School: Shall have the same meaning as set forth in 19 CSR 30-95.010(11), as amended, of the Missouri Code of State Regulations.

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. Exotic Animals includes, but is 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 dwelling with single kitchen facilities, or a group of not more than five (5) living together by joint agreement and occupying a dwelling 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 retail;
3. Accessory water and cooling towers.

For residential buildings: the sum of 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.

Flowering Marijuana Plant: Means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

Frontage: The length of the property boundary line abutting the street which the main access door of a building faces.

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.

Greenbelt 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 in 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.

Group Home Facility for more than 8 Persons: A residential facility, as defined by Section 89.020.2, RSMo.

Gym: A building or portion thereof used for exercise and/or training.

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: A building providing primary health services, medical or surgical care to persons primarily suffering from illness, disease, injury, deformities and other abnormal or traumatic 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 temporary lodging, with or without meals, and in which there are more than ten (10) sleeping rooms.

House: (See: Dwelling)

Hunting and Fishing Resort: A building and accessory structures 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 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. Livestock shall include, but is 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 as the building, 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, particularly as set forth in a Recorded Plat or Final Plan, 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 overhang. 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 lot line.

Lot Line, Side: Any lot boundary line not a front or rear lot line; 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 lot 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.

Marijuana: Means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” does not include industrial hemp containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

Marijuana-Infused Products: Means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

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.

Medical Marijuana Cultivation Facility: Means a facility licensed by DHSS to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

Medical Marijuana Dispensary Facility: Means a facility licensed by DHSS to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this Ordinance to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

Medical Marijuana Facility: Means a medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or medical marijuana testing facility.

Medical Marijuana-Infused Products Manufacturing Facility: Means a facility licensed by DHSS to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

Medical Marijuana Testing Facility: Means a facility certified by DHSS to acquire, test, certify, and transport marijuana.

Medical Marijuana Transportation Facility: Means a facility certified by DHSS to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana-transportation facility.

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 formation 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 a 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: Display 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 as storage, whether for sale or not, but not including the temporary outdoor display of seasonal goods.

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

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.

Primary Caregiver: Shall have the same meaning as set forth in 19 CSR 30-95. 010(30), as amended, of the Missouri Code of State Regulations.

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.

Qualifying Patient: Shall have the same meaning as set forth in 19 CSR 30-95.010(35), as amended, of the Missouri Code of State Regulations.

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, Eastern.

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.

State: The State of Missouri.

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.

Structure: Any improvement on land composed of man-made materials.

Subdivision: The partitioning of a parcel or tract of land by an owner or developer into two (2) or more lots of any size for the purpose of sale, lease, or development, whether immediate or future; included are all changes in street lines, dedication or platting of streets, and change in lot lines.

Substance Abuse Treatment Facility-Inpatient: Structures and land used for the treatment of alcohol or other substance abuse where one (1) or more patients are provided with care, meals and lodging.

Substance Abuse Treatment Facility-Outpatient: Structures and land used for the treatment of alcohol or other substance abuse where neither meals nor lodging is provided.

Superstore: A large retail store whose physical layout resembles a large square or box and contains a gross total floor area of generally more than fifty thousand (50,000) square feet and provides a wide array of items for sale. These stores may be found on separate parcels within a retail shopping center with their own dedicated parking area and may provide products in an outdoor area.

Telecommunications Facilities: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of telecommunications as authorized by the Federal Communications Commission which a person seeks to locate or has installed upon a tower or antenna.

Telecommunications Tower: A self-supporting lattice, guyed or monopole structure which supports telecommunication facilities. The term tower does not include amateur radio operators' equipment or utility poles.

Theater, Indoor: A building or part of a building devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis.

Theater, Drive-In: An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles or on outdoor seats.

Townhouse: The townhouse, once known as the row house is a single-family attached unit. Townhouses are characteristically built as individual units in a series of four (4) to eight (8) houses, with common side walls between units and a side yard on the end unit only. Typically, the townhouse has two (2) stories, but may be designed with one (1), two (2) or three (3) stories and may be built on slab or on basement. Built-in garages are often constructed as part of the unit. Townhouses usually have a fenced private rear yard patio for outdoor living. Townhouse densities will vary, although in general six (6) to eight (8) units per gross acre (including streets) is normal.

Transition: 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 uses as open space, for the 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.

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## 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  
DSD Downtown Special District  
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 Aldermen 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 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 that have accrued at the time of the effective date of this Ordinance and such accrued violations 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.

**3.09 APPLICATION SUBMISSION:**

Any application for any action to be taken under this Zoning Ordinance shall not be deemed submitted until the application form is completed, the application fee is received, and such other requirements of the applicable provision(s) of this Zoning Ordinance are satisfied.

The City Clerk and City Engineer have no authority to waive or alter the deadlines for submission contained in this Zoning Ordinance.

The Fee Schedule for applications required by the provisions of the Zoning Ordinance is set forth in Exhibit A to Article 31. The Applications for such permits are kept on file in the office of the City Clerk. A list of such Applications is contained on the City's website.

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## ARTICLE 4

### R-1A 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 residential character as evidenced by use, 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.
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 apply:

| Lot Area | Min Lot Depth | Min Lot Width<br>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 from the front building line.
  2. Side Yards: Not less than thirty (30) feet from the side building lines.
  3. Rear Yard: Not less than fifty (50) feet from the rear building line.
- 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: No more than four (4) off-street parking spaces. See Article 24 for additional parking requirements.
- H. Landscaping Regulations: See Article 22.
- I. Fencing: See Article 18.11.

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## 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 residential character as evidenced by uses, 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<br>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 from the front building line.
2. Side Yards: No part of the main dwelling shall be closer than thirty (30) feet to the side lot line; 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: No more than four (4) off-street parking spaces. See Article 24 for additional parking requirements.

H. Landscaping Regulations: See Article 22.

I. Fencing: See Article 18.11.

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## ARTICLE 5-A

### R-IC 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 residential character as evidenced by uses, 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.02 PERMITTED USES:** The listing of permitted uses is set out in Appendix A.

**5-A.03 CONDITIONAL USES:** The listing of conditional uses is set out in Appendix A.

**5-A.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 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<br>at the building line. |
|----------|---------------|----------------------------------------|
| 1/2 Acre | 125           | 100                                    |

Where a lot fronts a cul-de-sac the minimum lot width shall be met at the 40 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 1,300 square feet for a ranch house, 1,600 square feet for a 1-1/2 story house and 2,000 square feet for a two story.
- E. Yard Requirements:
1. Front Yard: not less than thirty (30) feet.
  2. Side Yards: No part of the main dwelling shall be closer than ten (10) 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 twenty-five (25) 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: No more than four (4) off-street parking spaces. See Article 24 for additional parking requirements.
- H. Landscaping Regulations: See Article 22.
- I. Fencing: See Article 18.11.

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## 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 single lot. This district is intended to create and preserve areas of essentially single-family residential character, utilizing two attached dwellings as part of one building.
- 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 no less than one (1) acre in size.
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<br>at the building line. |
|----------|---------------|----------------------------------------|
|----------|---------------|----------------------------------------|

|        |     |    |
|--------|-----|----|
| 1 Acre | 125 | 75 |
|--------|-----|----|

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 twenty-five (25) feet.
2. Side Yard: No part of the main dwelling shall be closer than twenty-five (25) feet to the side lot line; however, accessory structures may be no closer than fifteen (15) feet to the side lot line.
3. Rear Yard: not less than twenty-five (25) feet.

F. Height Requirements:

1. For Buildings and Structures: No building or structure shall exceed a height of three (3) stories, or forty-five (45) 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.

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## 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  
Multi-family: 7,260 sq. ft. per dwelling unit  
  
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 (100) feet  
Two-Family: one hundred (100) feet  
Multi-Family: one hundred ten (110) 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.
  - E. Minimum Unit Size: 1,000 sq. ft. per unit plus 2 car attached garage  
Yard Requirements

1. Front Yard: not less than fifty (50) feet.
2. Side Yards; not less than twenty-five (25) 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 & Zoning 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.

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## 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 & 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 & Zoning Commission shall constitute compliance with this requirement.

**8.05 DISTRICT REGULATIONS AND PERFORMANCE STANDARDS:** The regulations set forth in the R-1B District 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 overfilling 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. Existence of Non-Conforming Uses: 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.

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## 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, in which case, the minimum Site Area shall be no less than three (3) acres.
- 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 street level of the building is used as provided herein.
- 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.
- 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. No separate business establishment shall occupy more than 5,000 square feet of floor space.
  2. 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.

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## 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: One (1) acre.
- B. Minimum Lot Width: Seventy-five (75) 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.

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## 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: One (1) acre.
- 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.

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## 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 Lot Size:** For properties, tracts and lots not abutting Highway P, the minimum lot size is ½ acre. For properties, tracts and lots abutting Highway P, there exists no minimum lot size in consideration of the fact that these tracts, lots and properties are of varying sizes, many being less than ½ acre in size and in consideration of eliminating barriers to development, redevelopment and change in such of the tracts abutting Highway P consistent with the Purpose stated in Section 12-A.01.

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 applicable considerations are included in the manuals and standards of the Architectural Review Board and other building character facets and materials may be approved pursuant to review and approval of the Architectural Review Board.
- 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 & 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 which may be required under Article 26, all buildings and structures within the DSD – Downtown Special District shall submit architectural elevations, building designs, building situation and characteristics, and buildings materials to the Architectural Review Board for review and approval.

(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 and the manuals and standards of the Architectural Review Board. No building permit shall be authorized by the City of Flint Hill for any development subject to this Article which does not have approval from the Architectural Review Board.

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.

c. Site Design Standards.

(1) Design and building placement must take into account sensitivity to the site and the surrounding area, including the inclusion of and/or considerations of transition to different uses contemplated in the Purpose, Section 12-A.01, consistent with an overall downtown area co-extensive with the area of the DSD.

(2) Design and building placement must incorporate the environmental features as defined by the Natural Resource Protection Standards.

(3) 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.

(4) Design of buildings or clusters of buildings should avoid “monotonous tendencies.”

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

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

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

(8) 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.

d. 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## ARTICLE 17

### PUD PLANNED UNIT DEVELOPMENT

**17.01 PURPOSE:** The provisions of this article are designed to deal with 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 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 –  
APPROVAL  
PLANNING & ZONING COMMISSION - PUBLIC HEARING, REVIEW, AND  
RECOMMENDATION  
GOVERNING BODY - PUBLIC HEARING, REVIEW AND APPROVAL  
THROUGH RESOLUTION

### **STEP 2**

#### **FINAL PLAN APPROVAL**

APPLICATION AND FINAL PLAN SUBMITTED TO CITY ENGINEER –  
APPROVAL  
PLANNING & ZONING COMMISSION - REVIEW AND RECOMMENDATION  
GOVERNING BODY - REVIEW AND ADOPTION BY ORDINANCE

### **STEP 3**

#### **CONSTRUCTION PLAN APPROVAL (See Subdivision Regulations)**

APPLICATION AND CONSTRUCTION PLAN SUBMITTED TO CITY ENGINEER  
APPROVAL  
PERFORMANCE GUARANTY (See Section 1.14, Subdivision Code)  
PERMITS ISSUED

### **STEP 4**

#### **DISPLAY HOUSE PLAT APPROVAL (See Subdivision Regulations)**

APPLICATION AND DISPLAY HOUSE PLAT SUBMITTED TO CITY ENGINEER  
APPROVAL

### **STEP 5**

#### **RECORD PLAT APPROVAL (See Subdivision Regulations)**

APPLICATION AND RECORD PLAT SUBMITTED TO CITY ENGINEER  
APPROVAL  
GOVERNING BODY – REVIEW AND ADOPTION BY ORDINANCE

### **STEP 6**

#### **BUILDING PERMIT APPROVAL**

APPLICATION AND BUILDING PLANS SUBMITTED TO BUILDING  
INSPECTOR – PLOT PLAN SUBMITTED FOR APPROVAL BY CITY  
ENGINEER  
APPROVAL  
PERMIT ISSUANCE

**17.02 AUTHORITY:** The Board of Aldermen of the City of Flint Hill shall have the authority to approve Area and Final Plan for a Planned Unit Development (PUD). Such plans may

be considered by the Board of Aldermen only after the Planning & Zoning 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 area may be waived by the Board of Aldermen upon the favorable recommendation of the Planning & 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 Planning & Zoning Commission to support the request from a waiver of the minimum area requirement. The Planning & Zoning 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 approval or rejection of the Planning & Zoning Commission recommendation must be obtained prior to the submission of an application for a Planned Unit Development designation. If the Board of Aldermen approves the waiver, review of the Area Plan shall proceed before the Planning & Zoning Commission. In no case shall any lot within the DSD or any residentially-zoned district be less than ½ acre in size.

**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. In no case shall any lot within the DSD or any residentially-zoned district be less than ½ acre in size.

The application may accompany a zoning amendment application for the lot in question. Following review by the Planning & 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 Clerk, who shall transmit the Area Plan to the City Engineer for review for compliance with the provisions relating to the content of the Area Plan. On approval by the City Engineer, the application shall be transmitted to the Planning & Zoning Commission for consideration. The application must be approved by the City Engineer at least fifteen (15) days prior to the date of the Planning & Zoning Commission meeting at which it is to be first considered.

The applicant may appear before the Board of Aldermen and/or Planning & 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 and the registration seal of the engineer, surveyor or designer responsible.
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. The reasons for proceeding as a PUD.
9. 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 district or proposed district 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 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 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.
  3. Residential Data:
    - a. Estimated total residential units.

- b. Average square feet of the residential units.
  - c. Breakdown of non-residential land by type of use.
  - d. Total parking by land use type and parking ratio per residential unit.
  - e. Density Chart - Reflecting residential development's density per acre exclusive of public right-of-way and common ground and with and without other types of land uses.
- 4. 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.
  - d. Density Chart - Reflecting development's density per acre exclusive of public right-of-way and common ground with and without other types of land uses.
- 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 & 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 & 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 Clerk shall prepare legal notices advertising the review of the Area Plan by the Planning & 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 & Zoning Commission will be held within ninety (90) days of the submission to Planning & Zoning of the City Engineer approved Area Plan and application. Public hearings, may be continued by the Planning & 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 & 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 & 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 & 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 by Resolution; 3) approve the Area Plan with conditions by Resolution; 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 Resolution 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 & Zoning Commission, and the Board of Aldermen shall determine based upon review of the Planning & Zoning 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 logical, reasonable and acceptable to the City.
- B. In the Downtown Special District and all districts zoned residential, there shall not be any lot less than ½ acre in size. In no case shall any lot within the DSD or any residentially-zoned district be less than ½ acre in size.
- C. 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. The development (buildings) so permitted may be clustered and located without meeting yard setback requirements or lot lines in the district in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents; the Planning & Zoning Commission and the Board of Aldermen shall determine the setback and lot lines.
- D. 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 and refuse disposal.
- E. Each phase of the proposed development shall not be dependent upon completion of subsequent phases of the same development for the facilities and services.
- F. The common ground, 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.

- G. 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.
- H. Where applicable, the Planning & Zoning Commission and Board of Aldermen 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.
- I. 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 of the Area Plan authorizes the Area Plan for three (3) years after the date of the Resolution. Such authority expires unless improvements (activity beyond clearing and grading) are begun within eighteen (18) months of the date of approval of the Resolution. Approval authorizes the applicant to obtain adoption of an Ordinance for a Final Plan for the entire tract, or portion thereof if the PUD is developed in phases.
- B. Passage of the Resolution 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 & 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 Planning & Zoning 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 person (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 Planning & Zoning 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, but 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. It shall show by chart the average density calculation for the development.
- K. Any other information deemed necessary by the City Engineer, Planning & Zoning Commission or Board of Aldermen.

**17.10 PROCEDURE FOR FINAL PLAN REVIEW:**

- A. The Planning & Zoning Commission shall, upon receipt of a Final Plan, study same and approve or deny the Final Plan.
- B. The Planning & 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 & 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 Planning & Zoning Commission each a revised Area Plan which incorporates such changed layout. 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 & Zoning 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 development 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 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 & Zoning 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 of Aldermen, 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 of Aldermen.
- B. Failure to obtain approval of Final Plan as herein provided shall result in the expiration of authority to develop under the approved Area Plan and requires 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 all appropriate fees have been paid, and the City shall have issued a permit for the construction of improvements

authorized by said approved Final 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 (activity beyond clearing and grading) is begun in accordance with the approved Final Plan. Expiration of the approved Final Plan shall require filing and review of a new Area Plan and 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 Planning & Zoning Commission shall not review or approve plans for any subsequent phases of the PUD unless good cause can be shown for not completing same. The owner or applicant may apply to the Planning & Zoning Commission for additional authorization for the Area Plan and Final Plan, but such application must be submitted to Planning & Zoning Commission prior to the expiration of the two(2) year period after the date of approval of the Final Plan.

**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.
- D. Developers shall be required to post notice, at the sales office, that these items are available for review.

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## 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.

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 by the City Engineer.

- 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 a 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.

**18.065 QUALIFYING PATIENT MEDICAL MARIJUANA CULTIVATION — AN ACCESSORY USE IN ALL ZONING DISTRICTS:** On any lot in the City, a person possessing a current, valid medical marijuana cultivation identification card issued by the State of Missouri may have as an accessory use qualifying patient medical marijuana cultivation as permitted by Article XIV, Section 1, Clause 7(9) of the Missouri Constitution so long as all the following conditions are met:

- A. The cultivation must take place only in a facility that is enclosed, locked and equipped with security devices (the “Cultivation Area”), all of which shall be designed in such a way as to permit access only by the qualifying patient or by such patient’s primary caregiver and in accordance with all federal and Missouri laws and regulations.
  1. The State- issued medical marijuana cultivation authorization must be clearly displayed within the Cultivation Area and in close proximity to the marijuana plants as required by State regulations.
  2. The Cultivation Area must have an odor control system that is at least as stringent as that which is required by State regulations and which complies with the nuisance and property maintenance codes of the City.
  3. No marijuana may be smoked, ingested or otherwise consumed or administered on the lot except by a qualifying patient.
  4. One (1) qualifying patient, or the primary caregiver for that person on their behalf, may cultivate up to six (6) flowering marijuana plants and six (6) non-flowering marijuana plants at any given time in a single, enclosed, locked facility.
  5. Two (2) qualifying patients, who both hold valid medical marijuana cultivation identification cards, may share one (1) enclosed locked and secured facility but no more than twelve (12) flowering marijuana plants and twelve (12) non-flowering marijuana plants may be cultivated in a single enclosed, locked

facility, except when one (1) of the qualifying patients, as a primary caregiver, also owns a medical marijuana cultivation identification card for third qualifying patient, in which case that primary caregiver may cultivate six (6) additional flowering marijuana plants and six (6) additional nonflowering marijuana plants for a total of eighteen (18) flowering marijuana plants and eighteen (18) nonflowering marijuana plants in a single, enclosed, locked and secured facility.

6. All cultivated flowering marijuana plants in possession of a qualifying patient or primary caregiver shall be clearly labeled with the qualifying patients' name.
7. All patient marijuana cultivation must cease immediately upon the expiration suspension or revocation of the State issued Medical Marijuana Cultivation Identification Card.
8. Nothing herein shall convey or establish a right to cultivate medical marijuana in facility or premises or state or federal law or a private contract would otherwise prohibit doing so.

#### **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 conditions relating to public health, safety and welfare 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.
- 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 Sales.**

- a. It shall be unlawful for any person to sell, offer to sell or expose for sale any fireworks of any type whatsoever within the City without first having obtained a "fireworks stand" permit for each location at which fireworks are sold or offered for sale from the Board of Alderman.
- b. A Fireworks Stand Permit is authorized only for fireworks classified as "1.4G Class C Common Fireworks" by the United States Department of Transportation.
- c. A Fireworks Stand Permit shall be issued for fireworks stands located only in "C-1", C-2", "I-1" or "I-2" zoning districts.
- d. An application for a Fireworks Stand Permit shall be submitted to the City Clerk by June 1 of the year in which the Permit is sought and shall include the following:
  - (1) A permit fee of six thousand dollars (\$6,000.00) for each proposed location for fireworks sales;
  - (2) A statement that the applicant agrees to comply strictly with the terms of this Chapter, the laws of the State of Missouri, St. Charles County and the City;
  - (3) A site plan showing the following:
    - (a) Address or site location;
    - (b) Property owner and operator names, addresses and phone numbers;



- (c) Size of the lot and the stand(s), tent(s) and/or other facility(ies) from which the sales will occur and the fireworks will be stored or displayed;
  - (d) Location of all stand(s), tent(s) and/or other facility(ies), including trailers and storage units located on the lot, related to the sales;
- (4) Location of all existing driveway entrances and temporary parking lot areas;
- (5) Location of required restroom facilities (a minimum of one (1) facility on site is required);
- (6) Location of required dumpsters (a minimum of one (1) two (2) yard dumpster for a location having one thousand (1,000) square feet or less of sales area and a minimum of two (2) two (2) yard dumpsters or one (1) four (4) yard dumpster for a location having more than one thousand (1,000) square feet of sales area);
- (7) Location of required on-site, off-street customer parking spaces (a minimum of one (1) space per three hundred (300) square feet of sales area is required);
- (8) Location of nearest fire hydrant;
- (9) A valid Missouri State sales tax number;
- (10) Other information as may be required by the City to ensure public health and safety.
- e. An electrical inspection must be obtained from the City Engineer or Building Inspector prior to the commencement of sales.
- f. A certificate of flame resistance must be submitted for each tent and a fire inspection must be obtained from the Wentzville Fire Protection District.
- g. The following standards shall be used for the review of any Fireworks Stand Permit and shall apply to operations under the permit:
  - (1) Structures from which fireworks are to be sold or stored shall not be located within one hundred (100) feet of any permanent

structure or building, public park, swimming pool or public or private playground.

- (2) Structures from which fireworks are sold or stored shall not be located within one hundred (100) feet of any structure in which petroleum products are sold or dispensed in any manner other than in closed containers.
- (3) A maximum of two (2) semi-truck storage trailers or the equivalent area of trailer storage as determined by the Fire Marshal shall be allowed per location. Additional storage may be permitted upon review and approval of the Fire Marshal. Such trailers shall maintain a minimum of ten (10) foot separation, have DOT labels on them and must be marked "EMPTY" with four (4) inch letters when all contents are removed.
- (4) All weeds and combustible materials shall be cleared from any sales location including a distance of at least twenty-five (25) feet surrounding the sales location.
- (5) Each facility shall comply with the provisions of the currently adopted Building Code relative to temporary structures. All facilities shall be erected and/or maintained in a manner that will reasonably ensure the safety of all occupants, patrons and surrounding property.
- (6) A minimum three (3) foot wide, unobstructed aisle running the length of the stand, inside and behind the sales counter, shall be provided.
- (7) Each stand up to twenty-four (24) feet in length must have at least two (2) exits. Each stand in excess of twenty-four (24) feet must have at least three (3) exits. Exit locking devices, if any, shall be easily released from the inside without special knowledge, key or effort.
- (8) Each stand shall maintain a two and five-tenths (2.5) gallon, 2A rated water-pressure type fire extinguisher or an ABC minimum 2A:10BC rated fire extinguisher near each exit and such extinguishers shall be kept in good working order and shall be easily accessible.
- (9) Signage shall meet the following requirements:

- (a) No pennants, streamers, balloons, searchlights, strobe lights, beacons, inflatable signs are permitted;
  - (b) No portable signage or off-premise signage is permitted except as provided herein;
  - (c) No signage may be attached to non-commercial vehicles;
  - (d) Signage may not extend above or beyond the limits of the primary structure or the commercial vehicle(s) associated with the business;
  - (e) All signage must be attached to the primary structure being used for the sale of fireworks or to a commercial vehicle being used as storage or an integral part of the operation;
  - (f) No signage may be located in a public right-of-way or on public property;
  - (g) Total square footage of all signage viewable from any one (1) angle for one (1) location shall not exceed three hundred (300) square feet;
  - (h) When a location does not abut a public right-of-way and does not have direct access from such right-of-way, one (1) off-site, freestanding sign or banner not to exceed thirty-two (32) square feet shall be permitted, provided such sign does not interfere with public safety and is not within the public right-of-way. Such sign shall not contribute to the three hundred (300) square foot signage allowance.
- h. Persons under sixteen (16) years of age shall not be employed upon the premises. If any person under eighteen (18) years of age is employed at a location selling fireworks, the location shall be supervised by at least one (1) person over the age of twenty-one (21).
  - i. Sales of fireworks shall be permitted only during the period June 20 through July 10 each year. No sales shall be permitted prior to 8:00 A.M. or after 10:00 P.M. on any day, except on July 1 through July 4, upon which days the closing time may be 11:00 P.M.

- j. Permit holders shall not permit smoking or any type of open flames upon the premises and shall prominently post at least two (2) signs prohibiting smoking.
- k. Permit holders shall not permit debris, wrappers or papers to accumulate on the premises and dumpsters shall be emptied as necessary to maintain the premises in a clean and orderly manner.
- l. Permit holders shall not attract customers by means of flagging of vehicles or engage in any activity which obstructs or interferes with the free flow of traffic upon any street or highway.
- m. All items permitted under Chapter 320, RSMo. (2016), as amended from time to time, may be sold.
- n. Permit Holders shall keep at the location of sales at all times a copy of the City-issued permit, approval or permit from the Wentzville Fire Protection District, State Fire Marshall permit and proof of a valid Missouri sales tax number.
- o. Any permit granted hereunder may be suspended and all sales prohibited by the Mayor and/or his/her designee upon violation of any of the provisions of this provision which pose a danger to the public or if any ordinance violation remains uncorrected for twenty-four (24) hours after the permit holder has been given notice to correct a violation by the City. If a written request is delivered to the office of the Mayor within ten (10) days of the suspension, a hearing shall be held within ten (10) days of the receipt of such written request by the Mayor to determine the existence of the violation and the appropriateness of the suspension. Any permit holder whose permit has been suspended and does not request a hearing before the Mayor, or whose suspension is upheld by the Mayor, shall not be licensed in the next succeeding year for fireworks sales.

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 (PUD).

**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.

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## 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 & 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.
- 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 application 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 & Zoning Commission shall review and conduct a public hearing on all conditional use permit applications. After such review and public hearing, the Planning & 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 & 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 & 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 of 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 annual fee for a communications tower permit shall be \$6,000.00, and the fee for an annual permit for each antenna on a communication tower, excepting one antenna of the owner of the communication tower is \$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, DSD and commercial districts. Outdoor storage of equipment, vehicles and materials shall not be allowed in residential districts except as allowed under other City Ordinances.

G. **Medical Marijuana Facilities.**

1. **Definitions:** For purposes of this subparagraph G, "then-existing" shall mean any building that is occupied by, or for which a building permit has been issued and which will be used as, an elementary or secondary school, child day-care center, or church at the time an individual or entity applies for a conditional use permit to operate a medical marijuana facility. For purposes of this subparagraph G, "church" shall have the same meaning as set forth in 19 CSR 30-95. 010(5), as amended.
2. **Siting:** No medical marijuana facility shall be sited within one thousand (1,000) feet of any then-existing elementary or secondary school, child day-care center, or church.

- a. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the property line of the facility to the closest point of the property line of the school, daycare, or church.
- b. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church.
- c. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

Any application for a conditional use permit for a marijuana facility shall include as part of the application a sealed statement of a Missouri licensed professional engineer or land surveyor that the siting requirements of this subsection (b) are satisfied as of a date certain but no greater than thirty days prior to submission of the application for the conditional use permit.

- 3. Outdoor Operations or Storage: No medical marijuana dispensary, medical marijuana-infused products manufacturing facility, or marijuana testing facility may store or display marijuana or marijuana-infused products outside of an enclosed building.
- 4. Onsite Usage Prohibition: No marijuana may be smoked, ingested, or otherwise consumed or administered on the premises of any medical marijuana facility, including the parking lot.
- 5. Hours of Operation: All sales or distribution of medical Marijuana and any other products sold to the public through a medical marijuana dispensary shall take place only between the times established by and forth by the Planning and Zoning Commission and the Board of Aldermen in the Conditional Use Permit for that facility. Medical marijuana dispensaries shall be secured and closed to the public after the hours established by the Conditional Use Permit. No persons not employed by the medical marijuana dispensary may be present in such facility at any time closed to the public.
- 6. Display of Licenses Required: The medical marijuana facility license issued by the State of Missouri and any and all licenses

issued by the City shall be displayed in a prominent place in plain view near the front entrance of the medical marijuana facility.

7. Odor Control and Security Plans and Systems: All applications for a conditional use permit for a medical marijuana facility shall include, in addition to any other material required by Article 19 of this Zoning Ordinance and by law, an odor control plan at least as stringent as that required by state regulations, and a security plan for security systems, equipment, and procedures as least as stringent as that required by state regulations. Implementation and maintenance of such odor control and security systems shall be a condition of any conditional use permit issued for a medical marijuana facility.

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## 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 PARCELS OR 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.
- D. Change in Use, User and Ownership: If such non-conforming use changes, or if the user of the non-conforming use changes, including circumstances where the majority ownership interest of the user changes, or where the ownership of the parcel or tract changes, 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.
- D. Change in Use, User and Ownership: If such non-conforming use changes, or if the user of the non-conforming use changes, including circumstances where the majority ownership interest of the user changes, or where the ownership of the building or structure changes, the subsequent use of such building or structure shall conform to the regulations and provisions set by this Ordinance for the district in which such building or structure is located.

**20.04 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 or improvements 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.

**20.05 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.

**20.06 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.

- 20.07 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.
- 20.08 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 & Zoning Commission.
- 20.09 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.
- 20.10 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.

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## 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.

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## 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 addition 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 and provision for maintenance of common ground landscape elements shall be included in covenants / indentures.

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.

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## 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 and Zoning Commission shall have and perform all of the functions of the Zoning Commission and Planning Commission as provided for in Chapter 89, RSMo., as amended, and shall be known as the “Planning & Zoning Commission” of the City.
- 23.05 FUNDS - APPROPRIATIONS OF:** The Board of Aldermen may provide the funds, equipment and accommodations necessary for the work of the Planning & Zoning Commission, but the expenditures 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:** In addition to the duties in Chapter 89, RSMo., the Planning & Zoning 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 Planning & Zoning Commission, within a reasonable time, all available information it requires for its work. The Planning & Zoning Commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the Planning & Zoning Commission shall have the power necessary to enable it to perform its functions and promote municipal planning.

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## ARTICLE 23-A

### ARCHITECTURAL REVIEW BOARD

- 23-A.01.** 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.
- 23-A.02** Definitions. For the purposes of this Article, the following words and phrases are defined as follows:
1. ARCHITECTURAL STANDARDS AND GUIDELINES: The specific requirements applied by the Architectural Review Board in the administration of their powers and duties defined by 12-A.04.H of this Ordinance and by the ARB Standards and Manuals.
  2. AREA: A specific geographic division of the City of Flint Hill.
  3. ARB: The City of Flint Hill Architectural Review Board.
  4. 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.
  5. REVIEW MATERIALS: All materials identified on the ARB Review Application and the Architecture Review Board Standards and Manuals, as amended from time to time by the ARB.
- 23-A.03** 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 ARB 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.

A. Composition of Architectural Review Board.

(1) The ARB shall consist of five (5) persons who shall be residents of the City of Flint Hill or owners of property within the DSD zoning district, all of whom shall be appointed by the Mayor with the consent of the majority of the members of the Board of Aldermen. Three alternate members of the ARB may be appointed to serve in the absence or 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 & Zoning Commission to act as the ARB, until such time as the Mayor, with the consent of the Board of Aldermen shall appoint the members of the ARB consistent with paragraph (1), above. Upon such appointment of the members of the Architectural Review Board, the Planning & Zoning Commission and its members authority and duties as the ARB shall terminate.

B. Terms.

(1) The terms of office for the members of the ARB shall be for a period of three (3) years running from January 1 of the year of his or her appointment and ending on December 31 of the year in which they complete their tenure as a ARB member. At the first meeting of the ARB, 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 whose absence result in the vacancy.

(2) 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 1 of the year of their appointment and ending on December 31 of the year in which they complete their tenure as an alternate to the ARB. 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 alternates shall be appointed in such a manner to ensure that their terms to not run for the same time period.

C. Meetings. The ARB shall meet as is necessary to perform their duties or as otherwise directed by the Chair.



A quorum shall consist of three (3) of the members. All decisions or actions of the ARB shall be made by motion with a majority vote of those members present and voting controlling. No member of the ARB shall vote on any matter that may materially or apparently affect the property, income or business interest of that member. The ARB 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.

The ARB shall hold public meetings.

- D. Officers. Officers shall consist of a Chair, Vice-Chair and Secretary elected by the ARB who shall each serve beginning upon the appointment of any member to the ARB and until a new appointment. 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 ARB shall have the following duties:

- (1) Take minutes of each meeting;
- (2) Be responsible for publication and distribution of copies of the minutes, reports and decisions to the members of the ARB;
- (3) Give notice to the City Clerk for posting as provided herein by law for all public meetings conducted by the ARB;
- (4) Advise the Mayor of vacancies on the ARB and expiring terms of members;
- (5) Prepare for submission to the Board of Aldermen a complete record of the proceedings before the ARB on any matter requiring Board of Aldermen considerations; and
- (6) Review and inspect projects which have been approved by the ARB for compliance and self-education.

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

**23-A.05.** Powers and duties. The ARB shall have the following powers and duties:

- A. To adopt standards, provided that such standards are consistent with this Article, the Revised Statutes of the State of Missouri and the provisions of Article 12-A (the Downtown Special District regulations).

- B. To review and act upon all plans for the construction of buildings and structures proposed in the City's Downtown Special District.
- C. 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.
- D. To develop and recommend to the Board of Aldermen modifications to Article 12-A relating to the regulations of the Downtown Special District and to this Article.
- E. To testify before all boards and commissions, including the Planning & 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.
- F. 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.
- G. To assist and participate with the Planning & 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.
- H. 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 aides in anticipation of review and action by the Planning and Zoning Commission and/or the Board of Aldermen.
- I. Review Authority.
  - (1) Review materials. Any applicant for any construction subject to the ARB shall complete an application, shall deposit with the City Clerk the materials to be used by the applicant and such other information to ensure the ARB can fulfill its review authority. The submittal of a sample of the actual materials to be incorporated into any building or structure is mandatory and, if not provided, no review by ARB will occur. A meeting of the ARB shall not be set until a sample of all materials is deposited with the City Clerk, an application for review is complete and the application review fee is paid. The application review fee is \$125.

It shall be the responsibility of the applicant to provide ten (10) color copies of each application and such other information the applicant intends to present to the ARB.

The City Engineer shall review and approve the Plot Plan or Site Plan for each Application. The City Clerk shall determine the completeness of the Application.

- (2) The ARB shall consider the application, the provisions of Article 12-A, and its Standards, and, promptly at the meeting or at a subsequent meeting, vote to approve or deny the application. Any denial of an application shall include a writing which details the changes in criteria necessary for approval and the applicant may submit a revised application for consideration which, at a future meeting, the ARB will consider. A decision must be made by the ARB within fourteen (14) days of the meeting at which the application is considered or, if continued, the meeting at which the applicant requests in a signed writing, submitted to the Chair or acting Chair, a decision.

The 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.

- (3) Modifications. Standards are “minimum standards” and, unless an alternative proposed feature, material, or design is approved, the applicant must conform the structure or building to the approved feature, material and design.

**23-A.06**      Appeal Of Actions Of The Architectural Review Board. An applicant may appeal any decision of the ARB in lieu of compliance with the writing accompanying the vote. Such appeal will be to the Board of Adjustment under the procedures set forth therein.

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## 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<br>member and employee | 1 per three students, plus 0.5 per faculty                                                                |
| Vocational School                            | 1 per three students, plus 0.5 per faculty<br>member and employee.                                        |
| School, High                                 | 1 per three students, plus 0.5 per faculty<br>member and employee.                                        |
| School, Elementary and Middle                | 2 per classroom, or 1 per five seats<br>auditorium or assembly room, whichever is<br>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<br>serve eating and drinking facilities,<br>whichever is greater |
| Entertainment, Indoor                        | 1 per 100 square feet                                                                                     |
| Auction Houses                               | 1 per two employees, plus 1 per three seats,<br>plus 1 per 75 square feet within main sales<br>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<br>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.

- 1. For the purposes of this Subsection B, the following terms shall mean:

*PRIVATE OFF-STREET DRIVEWAY:* An off-street parking or circulation area used for ingress to and egress from any dwelling for use by vehicular and pedestrian traffic leaving or entering onto a public street.

*PRIVATE OFF-STREET ROAD:* An off-street parking or circulation area in private ownership and used for vehicular travel by the owner of such parking or circulation area and those having express or implied permission from the owner but not by other persons.

- 2. All portions of a private off-street driveway or road located within one hundred feet (100') of any public street shall be surfaced in accordance with Subsection A of this Section

24.09, and at a width of no less than ten feet (10'). For private off-street driveways and roads less than twelve feet (12') in width, the portion of the driveway or road that intersects and abuts to a public street is to be widened by a tapered or radius apron centered on the driveway or road providing a minimum width of twelve feet (12') at the intersection of the public street. The apron is to commence at the street and extend on the driveway or road from the street a minimum distance of two (2) times the difference between the total driveway width (including the apron) at the street and the driveway width measured without an apron. If a private off-street driveway or road connects to a garage, and the garage is located within one hundred feet (100') of a public street, the private off-street driveway or road shall be surfaced as follows:

- (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; and
  - (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.
- 3. For private off-street driveways which do not connect with a garage, the driveway shall either connect to a residential structure, or it shall extend to the furthest limit of use for off-street parking in connection with access to a residential structure.
- 4. For all private off-street driveways and roads (for purposes of this Part 4, "private drives") fronting and/or abutting an existing road or street:
  - (a) It shall be the responsibility of the owner of the private drive to ensure the condition of the existing road or street after construction of such private drive is restored to the condition existing at commencement of construction to the centerline of said existing road or street.
  - (b) It shall be the responsibility of the owner of the private drive to ensure that each private drive is designed and installed with proper expansion joints and other means to reduce the adverse effects of street creep. The ultimate responsibility shall remain on the owner to plan for, install and construct such expansion joints and other means to prevent and remedy adverse effects of street creep.
- 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<br>(FT) | STALL DEPTH<br>(FT) | AISLE WIDTH<br>(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<br>Aisle) | 22 (curb length)    | 8                   | 12                  |
| Parallel (2-way<br>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            | One                     |
|                                                                                                                                     | 10,000 - 20,000           | Two                     |
|                                                                                                                                     | 20,000 - 40,000           | Three                   |
|                                                                                                                                     | 40,000 - 60,000           | Four                    |
|                                                                                                                                     | Each 50,000 over 60,000   | One Additional          |
| Apartment building, motel, hotel, offices or office building, hospital or similar institutions or places of public assembly         | 5,000 - 10,000            | One                     |
|                                                                                                                                     | 10,000 - 100,000          | Two                     |
|                                                                                                                                     | 100,000 - 200,000         | Three                   |
|                                                                                                                                     | Each 100,000 over 200,000 | One Additional          |
| Funeral home or mortuary                                                                                                            | 2,500 - 4,000             | One                     |
|                                                                                                                                     | 4,000 - 6,000             | Two                     |
|                                                                                                                                     | Each 10,000 over 6,000    | 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.

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## 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.

| <u>Octave Band</u>             | <u>Decibels</u> |
|--------------------------------|-----------------|
| 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.

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## ARTICLE 26

### SITE PLANS / PLOT PLANS

**26.01 PURPOSE:** It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement and circulation, both within a 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 or Plot Plan review and approval for certain buildings, structures and uses that can be expected to have an impact on natural resources, traffic patterns, adjacent land usage, and the character of future development.

A **SITE PLAN** is intended to demonstrate to the Board of Aldermen and Planning & Zoning Commission the character and objectives of the proposed development in adequate detail for the Planning & Zoning Commission and the Board of Aldermen 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 proposed development, use, structure or building and be binding on the use and development of the property.

A **PLOT PLAN** is required under the City's Building Codes for a building permit to issue where a Site Plan is not required and it provides basic information regarding the proposed structure.

**26.02 BUILDINGS, STRUCTURES, AND USES REQUIRING A SITE PLAN:** No building permit shall issue for the construction of any building or structure unless a detailed Site Plan has been reviewed and approved by the Planning & Zoning Commission :

- A. For multiple-family buildings containing three (3) or more dwelling units.
- B. For more than one (1) multiple-family building on a lot, parcel, or tract of land, or combinations of lots under one ownership.
- C. For a manufactured and/or mobile home or development in accordance with the provisions of Article 8.
- D. For any building or structure or addition thereto in any residential, commercial, office, or industrial district with a floor area greater than 500 Sq. Ft.
- E. Exceptions:
  - 1. Single-family dwellings, sheds; garages and other accessory buildings to a single-family dwelling. Note: a plot plan for single-family dwellings, accessory buildings, garages and structures as required under the applicable Building Code is required.

2. In other cases as determined by the City Engineer.

### **26.03 APPLICATION AND FEE:**

#### **A. Site Plan:**

1. Any person may file a request for a Site Plan review by the Planning & Zoning Commission and Board of Aldermen by completing an application for Site Plan Review and paying the required fee of \$125 plus an engineering deposit of \$600.
2. The City Engineer upon receipt of such Site Plan, other necessary data, and payment of the required fee, shall review and, upon the City Engineer's approval for the form of the Site Plan so communicate to the applicant that the Site Plan is approved by the City Engineer. The applicant shall then deposit with the City Clerk fifteen (15), full-sized copies of the approved Site Plan with the City Engineer's approval attached. Upon receipt of the required copies, the City Clerk shall then set the meeting of the Planning & Zoning Commission for review of the Site Plan but such meeting shall not occur earlier than fourteen (14) days from the date of the receipt by the City Clerk of the copies.
3. Written notice of the date and time of the meeting of the Planning & Zoning Commission shall be communicated to the applicant.

#### **B. Plot Plan:**

1. A Plot Plan is part of the submission to the Building Inspector of building plans. The Plot Plan is reviewed by the City Engineer and, upon approval, forwarded to the Building Inspector and incorporated into the approved plans for building.

### **26.04 REQUIRED DATA FOR SITE PLAN:** Every Site Plan submitted to the Planning & Zoning 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,” 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 Chair of the Planning & 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 Planning & Zoning 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 Planning & Zoning Commission and Board of Aldermen shall ascertain whether it is consistent with all regulations of the Zoning Ordinance and shall consider: Safe and convenient traffic movement and circulation, both within the site and in relation to access streets; the relationship of buildings and uses both within a site and in relation to adjacent uses; the conservance of natural resources; open space and landscape screening.

Further, in consideration of each Site Plan, the Planning & Zoning Commission and Board of Aldermen shall 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 and may require improvements to assure such safe and convenient flow.
- 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 Planning & Zoning Commission approval of the Site Plan, the applicant shall file with the City Clerk ten (10) copies of the Site Plan with the signature of the Chair of the Planning & Zoning Commission. The Board of Aldermen shall review the Site Plan so submitted at the next regularly occurring meeting of the Board of Aldermen.

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 Plan 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 for which no building permit has been issued or under which the work authorized has not been completed may be amended or revised. Such amendment shall be made upon application and in accordance with the procedure provided in this Article.

**26.09 SITE PLAN GUARANTEE:** As a condition of approval of the Site Plan, the Board of Aldermen shall require a deposit to guarantee the installation of improvements for public improvements in accordance with the provision of Section 1.14 of the Subdivision Code.

**26.10 VIOLATIONS:** The Ordinance approving the Site Plan shall constitute an agreement by the owner and applicant, their heirs, successors, and assigns that 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.

**26.11. PLOT PLAN – REQUIRED INFORMATION, APPROVAL, EXPIRATION, REVISION, VIOLATIONS:**

A. Required information for Plot Plan.

1. North arrow and appropriate scale (that is, the scale used must be sufficient to show without confusion the information required herein).
2. Depict flood hazard boundaries as shown on FEMA map and identify FEMA map; or include note that no part of the is within FEMA map hazard boundaries.
3. Show driveway and sidewalk with widths, and show streets or roads abutting boundary lines, if practical, otherwise, show driveway as it is adjacent to street or road.
4. Boundary of lot, showing setback lines, if practical. Thus, for a 3 acre lot, it is not practical to show the boundary of the lot and show the detail required herein; accordingly, the plot plan must show the detail and, by note

or otherwise, identify the total size, in acres, of the lot, note the distance to the applicable setback lines and boundary lines for every structure (setback distance is measured from cantilevers and overhangs).

5. The footprint of building(s) and structure(s). Provide top of foundation, finished floor, garage finished floor and basement floor elevations. Provide a note detailing the number of stories and basement finish (that is, walkout, lookout or an in-grade basement). If any part of the property is within the FEMA hazard boundary, low sill elevation must also be provided.
  6. Stormwater direction and, if obtainable from a prior topographic survey of the property, topography of lot.
  7. Show location of all existing and proposed utilities to serve property if located onsite, within boundary of lot and show all easements, including width.
  8. Signature/date/seal by registered professional land surveyor or engineer in the State of Missouri.
  9. Such other information deemed necessary by the City Engineer.
- B. The Plot Plan shall be reviewed by the City Engineer for compliance with the required information.
- C. The approval of a Plot Plan expires with the expiration of the building permit issued.
- D. The approved Plot 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.

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## 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, construction 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 or existing 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 and shall be accompanied by a fee deposit of \$600 against which shall be debited the time actually incurred by the City Engineer for inspection and review and of which the balance shall be returned with the completed Certificate to the applicant.

**27.05 VOIDING OF CERTIFICATE OF ZONING COMPLIANCE:** Any Certificate of Zoning Compliance granted under this Ordinance shall become null and void one (1) year from the date of issuance and, 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 for a future use.

**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 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 for the use of those applying for permits as provided in this Ordinance. Any permits issued by the Building Inspector or 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 Building Inspector or 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, Site Plans, 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.

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## 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 & 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 & 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 & 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 & Zoning Commission 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. 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:** Upon receipt of the completed application and fees, the City Engineer shall review and ensure the application is appropriate form. Upon approval by the City Engineer, the applicant shall prepare fifteen (15) copies of the application and deposit the same with the City Clerk. The City Clerk shall set the hearing before the Planning and Zoning Commission which hearing shall be no sooner than fourteen (14) days from the date of receipt of the required number of copies and no later than ninety (90) days from the date of receipt of the required number of copies. Any such hearing may, for good cause at the request of the petitioner or in the discretion of the Planning & 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 zoning designation or a change in boundaries of a district, the City Clerk notify by certified mail, return receipt requested, all property owners identified 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. Upon the final hearing of such application, the Planning & 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 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 partly, 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.

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## 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 deckline 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 in no case exceeding six (6) months without approval by the City Engineer.

**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, latticing, and platforms which are attached to the sign structure.

**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 the completion of the sign for which the same was issued, when it shall appear 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 subarticle, sentence, clause, phrase, or portion of this Article 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. The Board of Alderman in adopting and re-adopting this Article intended that this Article without any invalid or unenforceable provisions.

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## **ARTICLE 31 FEE SCHEDULE**

Please review Ordinances of the City as other fees or charges, which may not appear here, may apply.

### **1. ARCHITECTURAL REVIEW BOARD**

- Application Fee: \$125.00.

\*includes 2 reviews by City Engineer; additional reviews are charged at City Engineer hourly rate

### **2. BOARD OF ADJUSTMENT APPEALS**

- Filing Fee: \$125.00.

- Transcript Deposit: \$1,000.00 (Missouri Statute requires a hearing before the Board of Adjustment to be transcribed; the cost of transcription is unknown; if there is a balance due, the appealing party shall pay the balance upon notice of the charge; if the transcript cost is less than the Transcript Deposit, the appealing party will receive a refund).

### **3. BUILDING PERMITS: The Building Permit fees are maintained in the office of the City Clerk. See Building Codes.**

### **4. COMMERCIAL – PRELIMINARY PLAT, FINAL PLAT, AREA PLAN AND FINAL PLAN (RECORD PLAT review is included within Final Plat and Final Plan review)**

\*includes 2 reviews by City Engineer; additional reviews are charged at City Engineer hourly rate

### **5. COMMUNICATIONS TOWER PERMIT – ANTENNA PERMIT: \$6,000.00 annual permit for the tower and one antenna; a permit for each additional antenna is required and is \$6,000.00.**

\*includes 2 reviews by City Engineer; additional reviews are charged at City Engineer hourly rate

### **6. CONDITIONAL USE PERMIT**

- Application Fee: \$125.00

- Publication Deposit: \$300.00 (Balance due or refunded).

- Engineering Deposit: \$500.00 (Balance due or refunded).

### **7. CONSTRUCTION PLAN REVIEW/INSPECTIONS**

- Permit Fee: \$125.00

- Review Fees:

- Up to 5 acres: \$1,400.00

- 5 acres to 20 acres: \$1,400, plus an additional plus an additional \$500.00 for each acre or part of an acre above 5 acres
- More than 20 acres: \$19,500.00, plus an additional \$300.00 per acre for each acre or part of an acre above 20 acres
- A maximum review fee of \$40,000 per construction phase applies

8. **FIREWORKS PERMIT: \$6,000.00 for each location.**
9. **GRADING PERMIT and SWPPP**
  - Application Fee: \$125.00
  - Review Fee:
    - Up to 10 acres: \$290.00 per acre
    - 10 to 100 acres: \$2,900.00 plus \$75.00 for each acre above 10 acres.
    - More than 100 acres: \$6,750.00
10. **HOME BUSINESS/OCCUPATION PERMIT**
  - Permit Fee: \$125.00
11. **RESIDENTIAL – PRELIMINARY PLAT, FINAL PLAT, AREA PLAN and FINAL PLAN (RECORD PLAT review is included within Final Plat and Final Plan review; each submission other than Record Plat requires payment of the fees below)**
  - Application Fee: \$125.00 for each plat review or plan review
  - Review Fee:
    - Up to 20 acres: \$620.00
    - 20 acres to 100 acres: \$620.00 plus \$75.00 for each acre above 20
    - More than 100 acres: \$620.00 plus \$50.00 for each acre above 100
12. **COMMERCIAL/INDUSTRIAL - PRELIMINARY PLAT, FINAL PLAT, AREA PLAN and FINAL PLAN (RECORD PLAT review is included within Final Plat and Final Plan review; each submission other than Record Plat requires payment of the fees below)**
  - Application Fee: \$125.00 for each plat review or plan review
  - Review Fee:
    - Up to 3 acres: \$620.00
    - More than 3 acres: \$620.00 plus \$75.00 for each acre above 3
13. **SANITARY SEWER LINES – CONNECTIONS/TAPS and LINE INSTALLATION PERMITS**
  - Lines less than 4”
    - Up to 1,000 feet: \$250.00
    - More than 1,000 feet: \$250.00 plus \$75.00 per 1,000 feet (pro rated) above 1,000 feet
    - Inspection: (the fees above include one inspection): \$75.00 per hour
  - Main Line (4” or greater):
    - Up to 1,000 feet: \$250.00

- More than 1,000 feet: \$250.00 plus \$125.00 per 1,000 feet (pro rated) above 1,000 feet
- Inspection: (the fees above include one inspection): \$75.00 per hour

**- Borings:**

- Pavement Boring: \$250.00
- Pavement Replacement/Installation Inspection: \$75.00 per hour

**14. SPECIAL USE PERMIT**

- Permit Fee: \$125.00

**15. SITE PLAN**

- Application Fee: \$125.00
- Publication Deposit: \$300.00 (Balance refundable or due)
- Engineering Review: \$500.00 Deposit (deposit includes initial review and one review of re-submittal; each subsequent submittal is charged at City Engineer hourly rate)

**16. STORMWATER PERMIT**

- Up to 10 acres: \$500.00
- 10 acres or more: \$290.00, plus \$75.00 for each acre or part of an acre above 10 acres

**17. VARIANCE APPLICATION**

- Filing Fee: \$125.00
- Publication Deposit: \$800.00 (Balance refunded or due)
- Engineering Review: \$500.00 Deposit (deposit includes initial review and one review of re-submittal; each subsequent submittal is charged at City Engineer hourly rate).

**18. ZONING and RE-ZONING APPLICATIONS**

- Application Fee: \$125.00
- Publication Deposit: \$300.00 (Balance refundable or due)
- Engineering Review: \$500.00 Deposit (deposit includes initial review and one review of re-submittal; each subsequent submittal is charged at City Engineer hourly rate).

Other fees apply and, to the extent the review requires engineering services, such services will be charged at the Contract rate for the City Engineer as amended from time to time and a schedule of the charges shall be maintained in the City Offices.