

DRAFT UNIFIED DEVELOPMENT ORDINANCE OF THE VILLAGE OF LOCH LLOYD, MISSOURI

The following is a preliminary draft of a new Unified Development Ordinance (UDO) that is being reviewed for the Village of Loch Lloyd. Text in red is generally new language being proposed or substantially rewritten from the language found in the current UDO.

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CHAPTER 1 – TITLE

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Section 1.1 Title and Purpose. This Ordinance shall be known and may be cited as the “Unified Development Ordinance” of the Village of Loch Lloyd, Missouri, hereafter “Village,” and may be abbreviated as “UDO.” It may also be referred to herein as the “Ordinance” or “these regulations.” The purpose of this Ordinance is to regulate and control the development of land and related matters within the Village to promote the public safety, health, and general welfare of the community.

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

Whenever, in furtherance of this Ordinance, the Board of Trustees (“Board”), or any individual trustee, officer or agent of the Board, or any appendant organization of the Board, including, but not limited to, the Planning and Zoning Commission, Board of Adjustment or Finance Committee (each, a “Board Representative”), makes a finding or determination, such finding or determination may be made in the sole judgement of such Board or Board Representative, subject to good faith compliance with applicable state law.

Section 1.3 Jurisdiction and Applicability. These regulations apply to development or subdivision of any parcel of land located within the corporate limits of the Village. No building permit or certificate of occupancy shall be issued for any parcel of land and no subdivision of land shall occur after the effective date of the UDO that is not in conformance with the provisions of the UDO. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the UDO. In addition, the provisions of the adopted building and fire codes shall apply as shall any other ordinance or regulation adopted by the Village.

Section 1.4 Relationship to Homeowner Association Rules, Private Covenants, and Deed Restrictions. Property within the boundaries of the Village of Loch Lloyd may be located within a homeowner’s association and be covered by association rules and regulations and other private covenants and restrictions including deed restrictions. The more restrictive regulation applies.

However, the Village is not authorized nor responsible for the review and enforcement of any such private rules and regulations. Property owners are encouraged to review and comply with any association rules and private covenants that may be in place on their property.

Section 1.5 Effective date. The provisions of this Ordinance are hereby adopted and become effective on _____.

Section 1.6 Severability. It is the Village's intention that the sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, the unconstitutionality or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Ordinance since the same would have been enacted without the incorporation into this Ordinance of the unconstitutional or invalid section, subsection, paragraph, sentence, clause or phrase. The Board of Trustees hereby declares that it would have adopted this Ordinance and each, section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more other, sections subsections, sentences, clauses and phrases be declared unconstitutional..

Section 1.7 Conformance Required.

- A. No building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used for any purpose except in accordance with the provision of this Ordinance and other relevant Village ordinances.
- B. No person may use or occupy any land or building or authorize or permit the use or occupancy of land or buildings except in accordance with all of the applicable provisions of this Ordinance.
- C. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

Section 1.8 Administration.

- A. **Zoning Administrator.** There is hereby created the position of Zoning Administrator. Unless otherwise designated by the Board of Trustees of the Village, the Village Clerk shall serve as the Zoning Administrator. The Zoning Administrator shall administer and enforce the provisions of the UDO and shall have the following powers and duties:
 - 1. To issue all permits and certificates required by the UDO.
 - 2. To notify in writing the person responsible for any violations of any of the provisions of the UDO, indicating the nature of the violation and ordering the action necessary to correct it.
 - 3. To order discontinuance of illegal use of land, buildings, or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done, or take any other action authorized by the UDO to ensure compliance with or to prevent violation of its provisions.

4. The Zoning Administrator may delegate the powers and duties of the office of Zoning Administrator to any other officer, employee, or contractor of the Village.

B. Planning and Zoning Commission.

1. Powers and Duties. The Planning and Zoning Commission shall serve as an advisory body to the Board of Trustees on matters relating to land use, planning, and development within the Village of Loch Lloyd. The Planning and Zoning shall have the power and duties as prescribed in Chapters 89 and 445, RSMo., and as may otherwise be provided herein this Ordinance.
2. Membership. The Planning and Zoning Commission, hereafter "Commission," is hereby continued and established as the Planning and Zoning Commission. It shall consist of seven (7) members including the Chair of the Board of Trustees, a member of the Board of Trustees selected by the Board, and five (5) citizens appointed by the Chair and approved by the Board of Trustees.
3. Terms of Office. The members shall be appointed for two (2) year terms, which terms shall be staggered.
4. Vacancies. Vacancies shall be filled by appointment by the Chair of the Board of Trustees with approval by the Board of Trustees for the unexpired term of any member whose term becomes vacant.
5. Removal. Members of the Planning and Zoning Commission may be removed by the Board of Trustees with or without cause.
6. Officers. The Planning and Zoning Commission shall elect its Chair and Secretary from among the citizen members. The terms of Chair and Secretary shall be for one (1) year with eligibility for re-election. The Planning and Zoning Commission may also elect for a term of one (1) year, a Vice-Chair who shall serve in the absence or disqualification of the Chair.
7. Salary. All members of the Planning and Zoning Commission shall serve without compensation except for such amounts determined appropriate by the Board of Trustees to offset expenses incurred in the performance of their duties.
8. Procedures. Decisions on all issues brought before the Planning and Zoning Commission shall require a majority vote of the quorum. The Planning and Zoning Commission may adopt rules of procedure. The Planning and Zoning Commission shall hold regular meetings and special meetings as necessary. Any regular monthly meeting of the Planning and Zoning Commission may be omitted, if in the sole discretion of the Chair of the Planning and Zoning Commission, there are too few items on the agenda to justify the expense of holding the meeting. Other meetings may be designated by the Planning and Zoning Commission or may be called by the Chair. All meetings of the Planning and Zoning Commission shall comply with Chapter 610, RSMo.

C. Board of Adjustment.

1. Powers and Duties. The Board of Adjustment shall have the power and duty to:
 - a. Hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations where it is alleged by the appellant that there is clear error in fact or law in such order, requirement, decision or refusal made by the Zoning Administrator based on or made in the enforcement of these regulations;
 - b. Hear and decide upon applications for use and area variances in accordance with the provisions of this Ordinance;
 - c. Hear and decide upon applications for legal non-conforming use;
 - d. Undertake such other responsibilities as may be required by this Ordinance or by the Board of Trustees.
2. Membership. The Board of Adjustment is hereby established and shall consist of five (5) members, who shall be appointed by the Chair and approved by the Board of Trustees. If no members have been so appointed, the Board of Trustees shall serve as the Board of Adjustment with the Chair of the Board of Trustees serving as the Chair of the Board of Adjustment.
3. Term of Office. The terms shall be overlapping five (5) year terms, provided that 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.
4. Vacancies. Vacancies shall be filled by appointment by the Chairman with the approval of the Board of Trustees for the unexpired term of any member whose term becomes vacant.
5. Officers. The Board of Adjustment shall elect a Chair from among its members. The Village Clerk shall serve as Secretary.
6. Removal from Office. Members of the Board of Adjustment may be removed from office by the Board of Trustees with or without cause.
7. Salary. All members of the Board of Adjustment shall serve without compensation except for such amounts determined appropriate by the Board of Trustees to offset expenses incurred in the performance of their duties.
8. Procedures. The Board of Adjustment may adopt rules and administrative regulations governing its procedure and may meet as needed for the transaction of business. The affirmative vote of four (4) members of the Board of Adjustment shall be required to approve any request, application, conditional use permit or variance. A quorum of three (3) members of the Board of Adjustment shall be required for a meeting to be held. After the Board of Adjustment has heard an appeal and made a decision, it may,

in its sole discretion, refuse, for a period of six (6) months thereafter, to hear an appeal based on a similar application by the same parties for the same property.

Section 1.9 Interpretation of Standards. In the interpretation and application, the provisions of the UDO shall be held to be minimum requirements. Where the UDO imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of the UDO shall control. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following township lines or section lines shall be construed as following township lines or section lines.
- D. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.
- E. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through D above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections A through D above, the Zoning Administrator shall interpret the district boundaries.

Section 1.10 Zoning Districts Dividing Property. Where one lot or parcel is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the other in its respective zoning classification and for the purpose of applying the regulations of the UDO, each portion shall be considered as if in separate and different ownership.

Section 1.11 Establishment of Districts. For the purpose of the UDO, the following zoning districts are hereby established within the Village:

- A. **R-1 - Single Family Residential District.**
- B. **R-1a - Single Family Residential District.**
- C. **R-1aa - Single Family Residential District.**
- D. **R-1b - Single Family Residential District.**
- E. **ROS - Recreation & Open Space District.**

F. **R-A - Single Family Attached Residential District.**

G. **C - Commercial Zoning District.**

H. **PD - Planned Development District.**

Section 1.12 Adoption of Zoning Map. The official zoning map, and the explanatory material thereon, is hereby adopted by reference and declared to be a part of the UDO. The official zoning map shall be on file in the office of the Village Clerk and shall be the final authority as to the current zoning status of land, buildings and other structures in the Village.

Section 1.13 Annexation of Territory. All territory which may hereafter be annexed to the Village shall be considered as lying in the ROS – Recreation & Open Space District until such classification shall have been changed by amendment in accordance with the provisions of the UDO.

Section 1.14 Enforcement and Penalties.

A. **Enforcement.** Officials and employees of the Village who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this UDO.

B. **Violations of Prior Regulations.** All violations under the previous regulations that exist within the Village as of the effective date of this Ordinance, shall continue to be violations and shall not be considered to be legal, nonconforming situations under this UDO. The Village shall have the authority to secure remedies for violations of those regulations to the same extent that it may secure similar remedies for violations of this UDO.

C. **Penalties for Violations and Civil Remedies.**

1. Civil Citations. If the Zoning Administrator determines that a violation of this Ordinance or regulations made under its authority has occurred, the Zoning Administrator may issue the violator a civil citation, which shall be proceeded upon in accordance with the provisions herein. The civil citation shall be issued to the violator by the Zoning Administrator upon a uniform municipal infraction form provided by the clerk of the municipal court, which shall include a notice or summons to answer the charges against the violator within the time specified on the form for hearing before the municipal court. Upon issuance of a civil citation, the Zoning Administrator shall provide a copy of the notice or summons to the clerk of the municipal court.

2. Plea and Fines. Any person issued a civil citation for a violation of this Ordinance or regulations made under its authority, for which payment of a fine may be made to the municipal court, shall have the option of paying the fine in the sum and within the time specified in the civil citation upon entering a plea of guilty and upon waiving an appearance in court. It shall be the duty of the municipal court to accept payment of a fine. The payment of a fine to the municipal court shall be deemed an acknowledgment of conviction of the alleged offense and the court, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment. Any

person issued a civil citation may, in the alternative, enter a plea of not guilty, and upon the entry of a plea of not guilty, shall be entitled to a trial as authorized by law.

3. Fines for Violations. Violations of any provision of this Ordinance are hereby declared to be public offenses and, pursuant to the authority of Section 89.120, RSMo., misdemeanors. The owner or general agent of a building or premises where a violation of any provision of the regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where a violation has been committed or exists, or the owner, general agent, lessee or tenant of any part of the building or premises in which a violation has been committed or exists, or the general agent, architect, builder, contractor or any other person who commits, takes part in or assists in any violation or who maintains any building or premises in which any violation exists shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than **two hundred fifty dollars (\$250.00)** for each and every day that such violation continues, but if the offense be willful, on conviction of the offense, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each day that such violation continues or by imprisonment for ten (10) days for each and every day the violation continues or by both the fine and imprisonment, in the discretion of the court, For the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than two hundred fifty dollars (\$250.00) or more than five hundred dollars (\$500.00) for each and every day that the violation shall continue or by imprisonment for ten (10) days for each and every day that the violation shall continue or by both fine and imprisonment in the discretion of the court.
4. Penalty After Notice of Violation. Any person who, having been served with an order to correct a violation, shall fail to comply with the order within ten (10) days after the service or shall continue to violate any provision of this Ordinance in the same manner as stated in the order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).
5. Civil Lawsuits. The Village shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this Ordinance and to abate nuisances maintained in violation thereof, In the event that any building or structure is or is proposed to be erected, constructed, altered, converted, moved or maintained in violation of this Ordinance, or any building, structure or land is proposed to be used in violation of this Ordinance, the Village Attorney, or other appropriate authority of the Village may, in addition to any other remedies, institute injunction, mandamus or any other appropriate actions or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, moving, maintenance or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises,

- D. **Section 1.15 Definitions.** For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

1. **“Abut”** means to physically touch or border upon, or to share a common property line (i.e., adjoining and / or contiguous). See also “adjoining lot or land.”
2. **“Access”** means the place, means or way by which pedestrians or vehicles shall have ingress and egress to a property or parking area.
3. **“Accessory dwelling” or “accessory dwelling unit (ADU)”** means a secondary, smaller, independent living space on the same lot as a primary (or principal) house, featuring its own kitchen, bathroom, and sleeping area – sometimes referred to as a guest house, granny flat, or in-law suite. Said accessory dwelling may be attached to, detached from, or built within the main home.
4. **“Accessory Solar Energy Conversion System (ASECS)”** means a solar energy conversion system which is incidental and subordinate to a principal use on the same parcel and intended to primarily provide electrical power for use on the site in which the system is located. ASECS do not include concentrating solar power systems (CSPS). See “Solar Energy Conversion System (SECS).”
5. **“Accessory structure”** means a subordinate building or structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Among other things, the following are considered to be an accessory structure: gazebo, garage, pool, pool house, and play structure. To be classified as an accessory structure, it must be detached and cannot touch, be connected to, or otherwise attached to the principal structure.
6. **“Accessory use”** means a subordinate use which serves an incidental function to that of the main use of the premises which is located on the same lot as the main use.
7. **“Accessory Wind Energy Conversion System (AWECS)”** means a wind energy conversion system that is incidental and subordinate to a principal use on the same parcel and intended to primarily provide power for use on the site in which the system is located. See “Wind Energy Conversion System (WECS).”
8. **“Adequate public facilities”** means stormwater, water, wastewater, street, electric and telecommunications facilities provided at minimum acceptable level of service necessary to serve the intended building or use of land.
9. **“Adjoining lot or land”** means a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. See also “abut.”
10. **“Addition”** means an extension or increase in floor area or height of a structure, including any building.
11. **“Annexation”** means the incorporation of a land area into an existing community with a resulting change in the boundaries of that community.
12. **“Battery Energy Storage Systems (BESS)”** means a bank of batteries or capacitors used to store electricity for later use primarily off-site through the electrical grid or

export to the wholesale market – sometimes called a battery storage power station
This definition does not include a battery storage system which is incidental and subordinate to a principal use on the same parcel and intended to primarily provide electrical power for use on the site in which the system is located.

13. **“Bed and Breakfast Inn”** means an owner-occupied dwelling unit that contains no more than five (5) guest rooms where lodging, with or without meals, is provided for compensation. For establishments to be considered a bed and breakfast inn, versus an extended stay hotel, apartment hotel, or apartment house or building, all rooms must be available for rent for as little as one (1) night and no more than 30 days, no rental contract or similar agreement is involved, and the establishment must be licensed as a hotel and collect and pay hotel/motel tax on all guest rooms and guest stays.
14. **“Boarding house,”** also referred to as a “rooming house,” means a dwelling or part thereof, in which lodging is provided by the owner or operator to more than three borders. See also “group quarters.”
15. **“Building”** means any structure which is permanently affixed to the ground, as provided by the building code, has a roof supported by columns or walls, and is used for housing or enclosure of people, animals, or personal property. When a portion thereof is completely separated from every other portion by a dividing wall (or firewall when applicable) without openings or an enclosed breezeway, then each such portion shall be deemed to be a separate building. See also “structure.”
16. **“Building height”** means the vertical distance above the highest for the following three levels listed herein below and measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.
 - a. From the street curb level.
 - b. From the established or mean street grade in case the curb has not been constructed.
 - c. From the average finished ground level adjoining the building where it sits back from the street line.
17. **“Building setback line”** means a line shown on a plat beyond which a building or structure may not be erected. Such building line shall not be less than required by the UDO.
18. **“Building permit”** Means an official certification which constitutes the following:
 - a. Construction. Approval before any new construction, or alteration or addition to an existing structure may commence.

- b. Evidence. Evidence that a design for a proposed improvement substantially complies with the provisions of this chapter and all other applicable provisions of this code, including the building code and subdivision code.
19. **“Principal building”** means a building in which is conducted the principal use of the lot on which it is located.
20. **“Comprehensive Plan”** means the current long-range land use master plan and policy adopted by the Board of Trustees to guide the development of the Village.
21. **“Conditional use”** means a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the UDO and authorized by the Board of Adjustment.
22. **“Conditional use permit”** means a permit issued by the authorized board stating that the conditional use meets all conditions set forth in local ordinances.
23. **“Concentrating Solar Power System (CSPS)”** means a power generation system that uses mirrors to concentrate the sun's energy to drive traditional steam turbines or engines that create electricity. The thermal energy concentrated in a CSPS plant is sometimes stored and later used to produce electricity.
24. **“Cul-de-Sac”** means a short, minor street having one end open to motor traffic and the other end permanently terminated by a vehicular turnaround.
25. **“Church or place of religious worship”** means an institution that people regularly attend to participate in or hold religious services, meetings, and other typical ancillary activities. The term “church” does not carry a secular connotation and includes buildings in which the religious services of any denomination are held. This does not include a dwelling. See “Religious institution.”
26. **“Club”** means a property on which meetings are held by any association with access to such property restricted to the general public and controlled by its members, provided that the property is owned, leased or held in common for the benefit of its members. For the purposes of this chapter, the definition of the term “club” does not include a fraternity or sorority house.
27. **“Deck”** means any flat-floored, roofless structure, at or above the finished grade, adjoining or directly adjacent to a building. See also “terrace.”
28. **“Developer”** means any person, individual, firm, partnership, association, corporation, estate, trust or other entity that proposes or acts to grade, excavate, improve or otherwise prepare a parcel of land for possible use for any purpose other than agricultural uses, or to create a subdivision.

29. **“Development”** means any man-made change to improved or unimproved property, including building, mining, dredging, filling, grading, paving, excavating or drilling operations.
30. **“Duplex”** – see “dwelling, two-family.”
31. **“Dwelling”** means any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home, and designed to be placed on, supported by and attached to a continuous perimeter foundation, which is permanent and constructed in accordance with the Building Code for site-built housing.
32. **“Dwelling, accessory”** means a separate and smaller second dwelling that is located within the lot or building envelop of a single-family dwelling and is held under the same ownership of that single-family dwelling. This separate dwelling contains its own living, cooking, and housekeeping facilities, may or may not have its own entrance, and is contained within, attached to, or built separate from the principal single-family dwelling. Examples include: a dwelling over an attached or detached garage, a tiny house built on a separate foundation in the backyard, a dwelling within the basement of the principal building, or a dwelling attached to the principal building.
33. **“Dwelling, attached”** means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.
34. **“Dwelling, detached”** means a dwelling which is not attached to any other dwelling by any means. See also “dwelling, single-family detached.”
35. **“Dwelling, multi-family”** means a building with three (3) or more dwelling units designed for or occupied by three or more families with separate cooking and housekeeping facilities for each, where either the units share a common entrance from the exterior of the building or any single unit has common walls or floors with more than two units. Said buildings have dwellings units that are both vertically and horizontally attached to one another. See “Apartment house or building.”
36. **“Dwelling, single-family”** means a building containing one dwelling unit.
37. **“Dwelling, single-family detached”** means a dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means. See also “dwelling, detached.”
38. **“Dwelling, townhouse”** means a one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more walls.
39. **“Dwelling, triplex”** means a dwelling containing three dwelling units, each of which has direct access to the outside or to a common hall.

40. **“Dwelling, two-family (duplex)”** means a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell or hall exterior to both dwelling units.
41. **“Dwelling unit”** means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. See also “apartment unit.”
42. **“Enclosed Floor Area”** means areas of the residence enclosed and finished for all year occupancy, computed on outside measurements of the residence and shall not mean or include any areas in basements, garages, carports, porches, or attics.
43. **“Factory-built home”** means any structure, designed for residential use, which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of the UDO, factory-built homes include manufactured homes and modular homes.
44. **“Family”** means one (1) or more individuals occupying a dwelling unit and living together as a single, nonprofit housekeeping unit, and sharing common living, sleeping, cooking, and eating facilities. The definition of Family does not include any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; and, any group of individuals who are in a group living arrangement because of criminal offenses.
45. **“Family Child Care Home”** means a private residence where childcare is given by a person for no more than ten (10) children for any part of the twenty-four-hour (24-hour) day and licensed by the State of Missouri. See “In-home daycare.”
46. **“Fences”** means artificially constructed barriers of any material or combination of materials erected to enclose or screen areas of land.
47. **“Fill”** means the placing, storing or dumping of any material on an area which results in changing the grade or increasing the natural surface elevation of the area.
48. **“Finished grade”** – see “grade, finished.”
49. **“Flag lot”** means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.
50. **“Floor area”** means the total area of all floors of a building, or any part of such area, measured to the outside surface of exterior walls or the center line of walls to attached buildings or uses.

51. **“Frontage”** means that side of a lot abutting on a street; the front lot line.
52. **“Gazebo”** means an accessory structure having a roof supported by columns with or without opaque and/or translucent materials constructed between said columns and intended for use as a shelter or housing of recreational activities associated with residential uses.
53. **“General public”** means any and all individuals, without any prior qualifications.
54. **“Government Facility”** means governmental offices providing administrative, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.
55. **“Grade”** means the degree of rise or descent of a sloping surface.
56. **“Grade, finished”** means the final elevation of the ground surface after development.
57. **“Grade, natural”** means the elevation of the ground surface in its natural state, before man-made alterations.
58. **“Grading”** means any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.
59. **“Greenbelt”** means an open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.
60. **“Greenhouse”** means a building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.
61. **“Gross Floor Area”** means the total sum of all floor spaces in a building, measured from the outside face of exterior walls, including habitable areas, hallways, stairwells, garages, and basements.
62. **“Ground Area”** means the area of a building within its largest outside dimensions computed on a horizontal plane at the first-floor level, exclusive of open porches, breezeways, terraces, and exterior stairways.
63. **“Group Care Facility”** means a government licensed or approved facility which provides resident services in a dwelling to individuals with the dwelling that are developmentally disabled, aged, or undergoing rehabilitation; are in need of adult supervision; and are provided services in accordance with their individual needs. The term “group care facility” does not include any facility defined in this ordinance as a residential care facility.

64. **“Group quarters”** means a dwelling that houses unrelated individuals. “Group quarters” includes fraternities, sororities, army barracks, dormitories and the like. See also “boarding house.”
65. **“Home-based business”** means any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates. Also commonly referred to as a “home occupation.”
66. **“Homeowner’s Association”** means the association of all the unit owners acting pursuant to the bylaws through its duly-elected Board of Managers in accordance with applicable statutes.
67. **“Home Occupation”** see “home based business.”
68. **“In-home daycare”** means a private residence where childcare is provided to any number of children regardless if registered or licensed by the State of Missouri. See “Family Child Care Home.”
69. **“Lot”** means a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.
70. **“Lot area”** means the total area within the lot lines of a lot, excluding any streets rights-of-way.
71. **“Lot coverage”** means that portion of the lot that is covered by buildings and structures.
72. **“Lot depth”** means the distance measured from the front lot line to the rear lot line.
73. **“Lot frontage”** means the length of the front lot line measured at the street right-of-way.
74. **“Lot line”** means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
 - a. **“Common lot line”** means a side lot line that is shared between attached structures.
 - b. **“Front lot line”** means the line which adjoins a public street or private street.
 - c. **“Rear lot line”** means the boundary which is opposite and most distant from the front lot line. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension. In case of an interior triangular or gore-shaped lot, it means a straight line ten-feet in length which (in paragraph form) is parallel to the front lot line or its cord and intersects the two other lot lines at points most distant from the front lot line.
 - d. **“Side lot line”** means any lot line not a front lot line or a rear lot line.

- e. **“Street side lot line of a corner lot”** means for a corner lot, the street frontage that is the longest is typically the street side lot line and is perpendicular to the rear lot line.
 - f. **“Zero lot line”** means the location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.
75. **“Lot Line Adjustment”** means the alteration of one or more lot lines between adjoining parcels where no additional lots are created.
76. **“Lot Tie Agreement”** means a recorded agreement requiring two or more lots or parcels to remain under common ownership.
77. **“Lot of record”** means a lot which is part of a subdivision recorded in the Office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded. For purposes of the UDO, an existing contract of purchase at the time of the effective date of the UDO also constitutes a lot of record.
78. **“Lot types”** shall be defined as follows:
- a. **“Corner lot”** means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
 - b. **“Double frontage lot”** – See “lot, through.”
 - c. **“Flag lot”** means a lot not fronting on or abutting a public road and where access to the public road is by narrow, private right-of-way.
 - d. **“Interior lot”** means a lot other than a corner lot.
 - e. **“Outlot”** means an unbuildable lot designated on a subdivision plat and intended for future replatting into a buildable lot or lots or intended to be held and owned by a homeowner’s association, property owner’s association, or similar private consortium as common space, open space, area for stormwater facilities, shared parking, or similarly shared site improvements or elements.
 - f. **“Postage-stamp lot”** means a small lot typically contained within an owner’s association held common lot or outlot and intended to define the immediate area surrounding the perimeter of an individual townhouse or rowhouse unit or commercial building for ownership purposes. Postage-stamp lots are generally designed to be established no closer than 5-feet from any foundation or building wall, excluding shared walls located along a common lot line. Postage-stamp lots may or may not have public street frontage but shall at a minimum have access to public streets and public utilities via the surrounding outlot.
 - g. **“Reverse frontage lot”** means a through lot which is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

- h. **“Through lot”** means a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.
79. **“Lot width”** means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
80. **“Maintenance Bond”** means a surety or other acceptable financial guarantee ensuring the repair or replacement of public improvements for a specified period following Village acceptance.
81. **“Manufactured home”** means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheel or axles. See also “modular home.”
82. **“Minor Subdivision”** means a subdivision with no proposed streets and fewer than four (4) lots.
83. **“Mobile home”** means any vehicle without power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Missouri.
84. **“Modular home”** means a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles. See also “mobile home.”
85. **“Nonconforming”** means a lot, structure, land use or activity that does not conform to the present requirements of the zoning district.
86. **“Open space”** means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.
87. **“Owner”** means the person who holds free, simple or equitable title of the property in question.
88. **“Park”** for purposes of this chapter, means an area of land set aside for public use and maintained for recreational purposes.

89. **“Parking area”** means any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.
90. **“Parking space”** means a space for the parking of a motor vehicle within a public or private parking area.
91. **“Patio”** – see “terrace.”
92. **“Paving, HMA”** means a surface paved with hot mix asphalt (HMA) that is of an appropriate thickness and includes an appropriate pavement base as required by the Village design standards or as otherwise is prudent to provide a durable, lasting, and safe paved surface for use by automotive vehicles, trucks, delivery vehicle, emergency service vehicles, pedestrians, and bicycles.
93. **“Paving, PCC”** means a surface paved with Portland cement concrete (PCC) that is of an appropriate thickness and includes an appropriate pavement base and internal reinforcement as required by the Village design standards or as otherwise is prudent to provide a durable, lasting, and safe paved surface for use by automotive vehicles, trucks, delivery vehicle, emergency service vehicles, pedestrians, and bicycles.
94. **“Plat”** means a map, drawing, or chart on which the subdivider’s plan of the subdivision is presented and which the subdivider submits for approval and intends to be in final form to record..
- a. **“Plat, Acquisition”** means a plat that is prepared for or as the result of a conveyance or condemnation of a parcel of land or other corporal real property by the Village; other governmental entity; or other persons having the power of eminent domain.
 - b. **“Plat, Auditor’s”** means a plat that is prepared by order of a County Auditor or Assessor to clarify boundaries and descriptions of existing real property interests for the purposes of assessment and taxation, and that does not create any new parcels of land or other divisions of real property, except for conveyance to the Village or other public jurisdiction.
 - c. **“Plat-of-Survey”** means a graphical representation of a survey of not more than two parcels of land, together with a complete and accurate description, that is prepared and sealed by an Missouri licensed professional land surveyor.
 - d. **“Preliminary Plat”** means a plat that delineates a developer’s proposed designs for a proposed subdivision and development improvements that are required for or related to the subdivision.
 - e. **“Final Plat”** means a complete and exact plat prepared in accordance with the accuracy required by the Chapter 445, RSMo., and this ordinance for a

- subdivision, for the purpose of obtaining Village approval of the proposed subdivision and subsequently recording it as an official plat.
- f. **“Plat, Subdivision”** means a division of a lot, tract, or parcel of land into two (2) or more lots, building plots or sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, transfer for building development, right-of-way dedication, or other use, that is prepared and sealed by an Missouri licensed professional land surveyor, provided, however, this definition of a subdivision shall not include divisions of land into forty (40) acres or more in size parcels of land for agricultural purposes..
- g. **“Plat, Vacation”** means a plat this is prepared for or as the result of a conveyance of public street right-of-way that has been vacated by the City or County.
95. **“Porch”** means a covered entrance to a building consisting of a platform area with open sides, projecting from the wall of a building.
96. **“Private Street”** means a street constructed, owned, and maintained by a private entity such as a homeowners' association.
97. **“Recreation Facility”** means a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.
98. **“Religious Institution”** means an organization, including any church, rectory, meeting hall or school, having a religious purpose, which has been granted an exemption from federal tax obligations. See “Church or place of religious worship.”
99. **“Residence”** means a home, abode or place where an individual is actually living at a specific point in time.
100. **“Residential”** means regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.
101. **“Residential Care Facility”** means any institution, place, or building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof, within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.
102. **“Resort”** means a facility for transient guests where the primary attraction is general recreational features or activities.
103. **“Rezone”** means a change in the regulations governing how property and structures may be used, by a comprehensive revision or modification of the zoning text and map;

a text change in zone requirements; or a change in the boundaries of zoning districts as shown on the zoning map.

104. **“Roadway”** means that portion of the street available for vehicular traffic, and where the curbs are laid, the portion from back-to-back of curbs.
105. **“Right-of-Way”** means (a) a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, trail or sidewalk, railroad, electric transmission lines, gas or oil pipeline, water line, sanitary storm sewer and other similar uses; or (b) generally, the right of one to pass over the property of another.
106. **“Right-of-Way Lines”** means the lines that form the boundaries of a right-of-way.
107. **“Roof”** means the top covering of a structure, including any canopy, constructed to shelter the area beneath such covering from the weather.
108. **“Roof Line”** means the highest point of the coping of a flat roof; the deck line of a mansard roof; and the midpoint between the eaves and ridge of a saddle, hip, gable, gambrel or ogee roof.
109. **“Row Houses”** – see “dwelling, townhouse.”
110. **“Satellite Receivers”** means a facility, including a concave dish or antenna, anchored to a foundation or portable which is designed and intended to transmit, receive or intercept microwave, television or radio signals which are transmitted above the atmosphere.
111. **“Screening”** to lessen the transmission from one lot to another of noise, dust and glare; to lessen visual pollution by providing an impression of separation of spaces or entirely shielding one land use from; and/or establishing a sense of privacy from visual or physical intrusion. Typical screening methods include fences, berms, and/or a living screen of deciduous or coniferous type vegetation.
112. **Self-Storage Facilities, Drive-Up**, means storage units available for rent or lease that are ground-level, exterior-facing, garage-style, allowing direct vehicle access for easy loading.
113. **Self-Storage Facilities, Indoor**, means storage units available for rent or lease that are located inside a secured, often climate-controlled building, requiring hallway, elevator, or stair access, offering superior protection from elements.
114. **“Setback”** means the minimum distance a building or structure must be from a property line (front, side and rear), a street, or other designated boundary.
115. **“Setback Lines”** means the line represented on a plat for a subdivision from which the area of any lot’s front, side and rear yards can be measured.

116. **“Short-Term Rental”** means any dwelling that is leased or rented for a period of less than 31-days. This definition includes any dwelling leased or rented through an online marketplace such as Airbnb. This definition does not include bed and breakfast inns, boarding or rooming houses, as defined herein, and extended stay hotels or apartment hotels.
117. **“Sidewalk”** means any throughway which is paved and designed for exclusive pedestrian use.
118. **“Solar Energy Conversion System (SECS)”** means any technology that captures sunlight and transforms it into other useful forms of energy, primarily electricity by photovoltaics (PV) or by concentrated solar power (CSP) or by heat (solar thermal), using components like panels, collectors, mirrors, and inverters to deliver usable power for onsite use or to supply the electrical power grid.
119. **“Story”** means that portion of a building included between the surface of any floor and the surface of the floor next above it or if there is no floor above it then the space between the floor and the ceiling next above it and including those basements used for the principal use.
120. **“Story half”** means a space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level, and in which space the possible floor area with head room of five feet or less occupies at least 40% of the total floor area of the story directly beneath.
121. **“Street”** means any vehicular way which (a) is an existing State, County or municipal roadway, or (b) is shown upon a plat approved pursuant to law, or (c) is approved by other official action, or (d) is shown on a plat duly filed and recorded in the office of the County Recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats and includes the land between the street lines, whether improved or unimproved.
122. **“Structural alterations”** means any change in either the supporting members of a building such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.
123. **“Structure”** means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. For the purposes of this UDO, fences are included in this definition. See also “building.”
124. **“Subdivision”** means the act or result of dividing a single interest in a parcel of land or other corporal real property into two or more lots, parcels, sites, units, condominiums, tracts or interests usually but not necessarily for individual use, lease or to transfer ownership, whether immediate or future, and regardless of whether the division is by deed, metes and bounds description, devise, lease, map, plat, declaration for the establishment of a horizontal property regime under Chapter 448, RSMo, other

recorded instrument, previous division or subdivision, or condominium or cooperative creation or conversion, except for the minimum division necessary under intestacy or a testator's division of real property amongst heirs; partners' division of firm real property amongst themselves upon dissolution by reason of insolvency; and other cases of similar nature.

125. **"Supervised group residence"** means a residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social, or substance-abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society. This definition includes supportive housing as defined herein this chapter. This definition does not include residential care facilities or group care facilities as defined herein this chapter.
126. **"Swimming pool"** (above and below ground) means a water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above, surface pool having a depth of more than twenty-four (24) inches designed, used and maintained for swimming and bathing.
127. **"Terrace"** means a level, landscaped and/or surfaced area directly adjacent to a building at or within three (3) feet of the finished grade and not covered by a permanent roof. See also "deck."
128. **"Townhouse"** – see "dwelling, townhouse."
129. **"Use"** means any purpose for which land, structures, or a part of any land or structure is designed, occupied and maintained.
130. **"Utilities"** means any above-ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are pertinent to development and/or use of land.
131. **"Vacation"** means the process by which the Village discontinues the use of a street, alley or easement as a public way.
132. **"Variance"** means the legal mechanism of granting a property owner relief by relaxing a certain requirement of this division to ensure substantial justice is done, provided that special conditions exist which may result in unnecessary hardship to such owner if the provision is enforced and the community interest is not jeopardized.
133. **"Vehicle"** means every device in, upon which or by which any person or property is or may be transported or drawn upon a roadway.

134. **"Wall"** means (a) the vertical exterior surface of a building; or (b) vertical interior surfaces which divide a building space into rooms.
135. **"Wind Energy Conversion System (WECS)"** means an aggregation of parts including the foundation, base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g., wind charger, windmill or wind turbine.
136. **"Yard"** means an open space that lies between the principal or accessory structure or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the UDO.
137. **"Yard depth"** means the shortest distance between a lot line and a yard line.
138. **"Yard, front"** means a space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the UDO.
139. **"Yard line"** means a line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.
140. **"Yard, rear"** means a space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the UDO.
141. **"Yard required"** means the open space between a lot line and the buildable area within which no structure shall be located except as provided in the UDO.
142. **"Yard, side"** means a space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. Such side yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the UDO.
143. **"Zero lot line"** means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.
144. **"Zoning"** means the dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.
145. **"Zoning Administrator"** means the administrative officer that is designated by the UDO to administer and enforce the provisions of the UDO.
146. **"Zoning district"** means a specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

147. **“Zoning map”** means the map or maps, which are a part of the UDO, and delineate the boundaries of zone districts.

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CHAPTER 2 – PROCEDURES

- Section 2.1 Site Plan and Building Permit Required.
- Section 2.2 Site Plan Application.
- Section 2.3 Conditional Use Permit Required.
- Section 2.4 Conditional Use Permit Procedures.
- Section 2.5 Certificate of Occupancy Required.
- Section 2.6 Variances and Appeals.
- Section 2.7 Amendment Procedures.
- Section 2.8 Notice Requirements.
- Section 2.9 Applications and Fees.

Section 2.1 Site Plan and Building Permit Required. A site plan, as provided herein this chapter, is required prior to approval of a building permit for the erection, relocation, expansion, or alteration of any structure or for the change in use of any structure or parcel. Approval and receipt of a building permit is required prior to the erection, relocation, expansion, or alteration of any structure.

Section 2.2 Site Plan Application. Site plan applications are required for all uses as follows:

A. **Single-Family Dwellings.** New single-family dwellings and related additions and accessory structures shall require review and approval of a Sketch Plan.

1. Sketch Plan:

- a. *Sketch Plan Application.* Each application to the Zoning Administrator for a building permit to construct or erect a new building, building addition, fence, accessory structure, or other permitted structure or improvement shall be accompanied by a sketch plan (including required sketch plan details or engineered plans), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements including building setbacks, building design standards, landscaping, and off-street parking requirements.
- b. *Sketch Plan Procedure.* The Sketch Plan Application shall be reviewed by the Zoning Administrator, or their designee, for compliance with all applicable codes as part of the review of the corresponding building permit application and building permit fee as established by resolution of the Board of Trustees. Once the Sketch Plan is approved, the Zoning Administrator, or their designee, may proceed with the review of the building permit.

B. **All Other New Uses, Buildings, and Structures.** All other new uses of land, buildings, structures, conversions or changes in use of land or buildings, changes or modifications to building facades, and related additions and accessory structures that are not included in Section A herein above shall require review and approval of either a Major Site Plan or a Minor Site Plan as provided herein this section:

1. Major Site Plan: A Major Site Plan Application is required for the development of a property, the construction of a new building or improvement, the redevelopment of an existing property (including a significant change in use as determined by the Zoning Administrator), or an amendment or change to a previously approved site plan that does not otherwise qualify as a Minor Site Plan as provided herein.
 - a. *Major Site Plan Application.* A site plan (including required site plan details and number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Major Site Plan Application fee as established by resolution of the Board of Trustees.
 - b. *Major Site Plan Review Procedure.* The Major Site Plan Application shall be reviewed by the Zoning Administrator, or their designee, for completeness. Incomplete applications shall be returned to the applicant with a list of the missing items or details. Applications deemed completed shall be distributed to other agencies as necessary for review and comment as to its compliance with all UDO and other pertinent Village codes, regulations, and policies.
 - c. *Major Site Plan Review by Planning and Zoning Commission.* Subsequent to review by the Zoning Administrator and other agencies, the Zoning Administrator, or their designee, shall submit to all members of the Planning and Zoning Commission a copy of the Major Site Plan Application along with a written recommendation as to the plan's conformity with the rules and regulations of the Village.
 - d. *Planning and Zoning Commission Meeting.* Within 45 days of the receipt of a Major Site Plan Applicant deemed complete by the Zoning Administrator, the Commission shall subsequently hold a meeting as prescribed by their rules of procedures and review the Major Site Plan Application for conformity with the UDO and may confer with the applicant on changes deemed advisable in such Site Plan. The Commission shall either approve, approve with conditions, or disapprove the Major Site Plan. If the Commission does not act within the 45 days as prescribed above, the Major Site Plan Application shall be deemed to be approved by the Commission unless the applicant agrees to an extension of time.
 - e. *Findings for Approval.* In order for the Commission to approve a Major Site Plan, the Commission shall make the following findings:
 - (1) The proposed use, site improvements, and site plan comply with the minimum requirements of the UDO in which it is proposed to be located;

- (2) The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;
 - (3) The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;
 - (4) The proposed use and site improvements shall not unduly increase traffic congestion;
 - (5) The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;
 - (6) The proposed use and site improvements are compatible with the surrounding neighborhood ~~and shall not diminish or impair established property values in adjoining or surrounding property;~~ and,
 - (7) The proposed use and site improvements will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.
- f. *Appeal to the Board of Trustees.* The applicant of any Major Modification Application that is denied by the Planning Commission may appeal that decision to the Board of Trustees. Said appeal shall be submitted in writing to the Zoning Administrator within 10-day of the Commission's action. The Board of Trustees shall then place the appeal on their next available meeting agenda for review and consideration. The Board shall either confirm the Commission's denial or make alternate findings and approve the Major Modification with or without conditions as determined by the Board.
2. Minor Site Plan: A Minor Site Plan Application may be submitted to the Zoning Administrator for minor changes to an existing developed site or to an approved site plan, including changes or modifications to the building facades and landscape plan or minor changes in use, provided that all code requirements are met and the following limitations. Any application which exceeds the prescribed limitations outlined in this section shall require a Major Site Plan Application and review as prescribed in Subsection a hereinabove.
- a. *Limitations for a Minor Site Plan.*
- (1) The application does not include a new building, building expansion, or building addition of more than 2,000 sq. ft., and does not increase the total building gross floor area of the site by more than twenty percent (20%) of the existing building gross floor area. Both the 2,000 sq. ft. and the twenty percent (20%) expansion limits

for a Minor Site Plan cannot be exceeded by sequential Minor Site Plans.

- (2) The application does not include the expansion or addition of more than 2,000 sq. ft. of paving or impervious area including cumulatively by multiple Minor Site Plans.
- b. *Minor Site Plan Application.* A site plan (including required site plan details and number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Site Plan Application fee as established by resolution of the Board of Trustees.
- c. *Minor Site Plan Procedure.* The Minor Site Plan Application shall be reviewed by the Zoning Administrator, or their designee, for compliance with all applicable codes. In order for the Zoning Administrator to approve a Minor Site Plan, the Zoning Administrator shall make the following findings:
- (1) The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located;
 - (2) The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;
 - (3) The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;
 - (4) The proposed use and site improvements shall not unduly increase traffic congestion;
 - (5) The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;
 - (6) The proposed use and site improvements are compatible with the surrounding neighborhood ~~and shall not diminish or impair established property values in adjoining or surrounding property;~~ and,
 - (7) The proposed use and site improvements will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.
- d. *General Provisions.*

- (1) Nothing contained herein shall be construed to allow the Zoning Administrator to vary the provisions of any statute, ordinance, policy, or previous directives of the Board of Trustees.
 - (2) The Zoning Administrator shall have the discretion to refer any Minor Site Plan Application to the Planning and Zoning Commission for its review and action. Any denial of a Minor Site Plan Application by the Zoning Administrator is appealable to the Planning and Zoning Commission, and any denial by the Commission is then appealable to the Board of Trustees, if requested in writing by the applicant within 10 days of any such denial.
 - (3) Whenever any Major or Minor Site Plan application has been denied by the applicable review authority, no new Major or Minor Site Plan application covering the same property for a similar use or site improvements shall be submitted or considered by the applicable review authority until one year shall have elapsed from the date of filing of the first application, unless the new application is substantially different from the first application, as determined at the sole discretion of the Zoning Administrator.
 - (4) If a proposed development requires approval of a Conditional Use Permit by the Board of Adjustment, and such approval is granted, any required site plan shall thereafter be subject to review and approval by the Planning and Zoning Commission and the Board of Trustees in accordance with the procedures and standards set forth in this Chapter and other applicable ordinances. The Planning and Zoning Commission and Board of Trustees, in conducting their site plan review pursuant to this section, shall be limited to determining compliance with applicable ordinances, regulations, and standards that do not relate to the use of the property or zoning restrictions determined by the Board of Adjustment. The site plan shall not be denied or conditioned on grounds that conflict with, reconsider, or effectively negate the approval of the Conditional Use Permit by the Board of Adjustment.
3. Expiration of Site Plans. All site plan approvals shall expire and terminate 24-months after the date of approval unless a building permit has been issued for the construction provided for in the related site plan. In the event the building permit for the construction provided for in the related site plan expires or is canceled, then such site plan approval shall thereupon terminate.

Section 2.3 Conditional Use Permits When Required. Review and approval of a Conditional Use Permit, as provided herein this chapter, is required for any use identified as a Conditional Use in Chapter 3 of the UDO. Said review and approval is required prior to approval of a site plan and a building permit for the erection, relocation, expansion, or alteration of any structure or for the change in use of any structure or parcel that is part or connected with the Conditional Use.

Section 2.4 Conditional Use Permit Procedures. The following is required for the review and consideration of approval of a Conditional Use Permit:

- A. **Conditional Use Permit Application.** A site plan (including number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Conditional Use Permit Application fee as established by resolution of the Board of Trustees.
- B. **Conditional Use Permit Procedure.** The Conditional Use Permit Application shall be reviewed by the Zoning Administrator, or their designee, for completeness. Incomplete applications shall be returned to the applicant with a list of the missing items or details. Applications deemed completed shall be distributed to other agencies as necessary for review and comment as to its compliance with all regulations and other pertinent codes, regulations, and policies.
- C. **Hearing and Review by the Planning and Zoning Commission.** Subsequent to review by the Zoning Administrator and other agencies, the Zoning Administrator, or their designee, shall submit to all members of the Planning and Zoning Commission a copy of the Conditional Use Permit Application along with a written recommendation as to the application's conformity with the rules and regulations of the Village. The Planning and Zoning Commission, after meeting the public hearing notice requirements specified herein, shall hold a public hearing on the application and, following such public hearing, shall make a recommend of action to the Board of Trustees.
- D. **Hearing and Review by Board of Trustees.** The Board shall subsequently hold a duly noticed public hearing as prescribed by their rules of procedures, and the noticing requirements contained herein, and review the Application for conformity with the UDO and consider the recommendation of the Planning and Zoning Commission. The Board may approve, approve with conditions, or deny the Conditional Use Permit Application.
- E. **Findings for Approval.** In order to approve a Conditional Use Permit, the Board shall make the following findings:
 - 1. The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located;
 - 2. The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;
 - 3. The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;
 - 4. The proposed use and site improvements shall not unduly increase traffic congestion;

5. The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;
 6. The proposed use and site improvements are compatible with the surrounding neighborhood ~~and shall not diminish or impair established property values in adjoining or surrounding property;~~ and,
 7. The issuance of the Conditional Use Permit will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.
- F. **Expiration of Conditional Use Permit Approval.** All Conditional Use Permit approvals shall expire and terminate 24 months after the date of the Board approval unless a building permit has been issued for the construction provided for in the related site plan. In the event the building permit for the construction provided for in the related site plan expires or is canceled, then such site plan approval shall thereupon terminate. Prior to the expiration date, the applicant may file a written request to the Board for review and consideration of a 12 month extension of the expiration date.
- G. **Public Hearing Notice.** Notice of the Planning and Zoning Commission public hearing and the Board of Trustees public hearing on the Conditional Use Permit application shall be as established in Section 2.8 of this Chapter.
- H. **Decisions of the Board.**
1. Whenever Conditional Use Permit application has been denied by the Board, no new application covering the same property for a similar use or site improvements shall be submitted or considered by the applicable review authority until one year shall have elapsed from the date of filing of the first application, unless the new application is substantially different from the first application, as determined at the sole discretion of the Zoning Administrator.
 2. In accordance with Chapter 89, RSMo., any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, may present to the circuit court of the county or city in which the property affected is located 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 days after the filing of the decision in the office of the board.

Section 2.5 Certificate of Occupancy Required.

- A. No land shall be occupied or used, and no building here-after erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Official stating that the building and use comply with the provisions of this ordinance and other relevant codes.
- B. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the administrative official. No

permit shall be issued to make a change unless the changes are in conformity with provisions of this ordinance and other relevant codes.

- C. Applications for certificates of occupancy shall be applied for coincidentally with the application for a building permit and shall be issued within fourteen (14) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
- D. No permit for excavation for or the erection or alteration of any building shall be issued before the application has been made for a certificate of occupancy, and no building or premises shall be occupied until that certificate is issued.
- E. **Temporary Certificate of Occupancy.** The Zoning Administrator, at their sole discretion, may issue a temporary certificate of occupancy for a period of no more than six (6) months to permit the occupancy and use of a given site and/or building provided all life and safety related improvements have been completed and inspected for compliance with all relevant building, fire, and UDO regulations. The intent of such temporary certificate of occupancy is to legally permit the use and occupancy of given site and/or building prior to the completion of minor improvements such as landscaping, that do not physically impact the use and operation of the site and/or building. The Zoning Administrator may require the posting of a financial surety to ensure completion of remaining site and/or building improvements.

Section 2.6 Variances and Appeals.

- A. **Variances.** The Board of Adjustment may authorize, in specific cases, a variance from the specific terms of the regulations contained with this UDO where, due to a special condition, a literal enforcement of the provisions of the UDO will result in unnecessary hardship. Such variance shall not permit any use not permitted by the UDO in such zoning district.
 - 1. Burden on the Applicant to Show Cause. The applicant must show that his or her property was acquired in good faith and where, by reason of exceptional narrowness, shallowness, or shape of this specific piece of property at the time of the effective date of the district zoning regulations, or where, by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances, the strict application of the terms of the UDO actually prohibit the use of this property in the manner similar to that other property in the zoning district where it is located.
 - 2. Findings Required. A request for a variance may be granted upon a finding by the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
 - a. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or applicant.

- b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
 - c. The strict application of the provisions of the UDO of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
 - d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
 - e. The granting of the variance desired will not be opposed to the general spirit and intent of the regulations contained within the UDO.
 3. Conditions. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of any such conditions and safeguards shall be deemed a violation of this ordinance.
 4. Time Limit. If relevant and applicable, the Board may prescribe a time limit within which the action for which the variance is required shall begin or be completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the variance. If no time limit is set by the Board and if relevant to the variance, then the granted variances shall become void eighteen months after the date of the Board approval unless a building permit has been issued for the construction provided for by the variance. In the event the building permit for the construction provided for by the variance expires or is canceled, then the variance approval shall become void.
- B. **Appeals**. In accordance with the provisions of Chapter 89, RSMo., the Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by Zoning Administrator in the enforcement of UDO.
- C. **Procedures for Variances and Appeals**. The following shall be the procedures required in order for the Board of Adjustment to hear and consider approval of any variance or appeal.
 1. Application Required. The property owner, in the case of a variance, or the aggrieved party, in the case of an appeal, shall submit an application on a form as provided by the Zoning Administrator along with the application fee as established by resolution of the Board of Trustees.
 2. Public Hearing Required. Upon receipt of any application for a variance or appeal, the Zoning Administrator, or their designee, shall submit to all members of the Board of Adjustment a copy of the application along with a written statement of the Zoning Administrator's position or opinion on the requested variance or appeal. The Board shall subsequently hold a duly noticed public hearing as prescribed by their rules of procedures, and the noticing requirements contained herein, and review the application for conformity with the UDO. The Board may approve, approve with conditions, or deny the variance or appeal.

3. Public Hearing Notice. Notice of the Board of Adjustment public hearing on the Conditional Use Permit application shall be as established in Section 2.8 of this Chapter.
4. Findings of Fact Required. In granting or denying any variance or appeal, the Board of Adjustment shall adopt findings of fact providing the grounds for said decision.
5. Decisions of the Board. In exercising the above powers, the concurring vote of four (4) of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter on which it is required to pass under this chapter.
6. Filing Decision with the Board of Trustees. No act of the Board shall become effective until after the decision of the Board has been filed with the Board of Trustees. Such decision may be contained within the minutes of the Board. Each variance granted by the Board shall contain a date upon which it shall be effective. Every appeal or variance granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.
7. Appeal of Decision by the Board. In accordance with Chapter 89, RSMo., any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, may present to the circuit court of the county or city in which the property affected is located 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 days after the filing of the decision in the office of the board.

Section 2.7 Amendment Procedures. The amendment procedures describe the methods by which changes may be made in the text of the UDO (text amendment) and/or the official boundaries of zoning districts (rezoning).

- A. **Initiation of Amendments.** Text amendments may be initiated by the Planning and Zoning Commission or Board of Trustees. Rezoning may be initiated by a property owner or authorized agent of the property owner, by the Planning and Zoning Commission, or by the Board of Trustees.
- B. **Rezoning Application Requirements.** An application for a rezoning may be filed with the Zoning Administrator on the application form as provided by the Zoning Administrator, along with the Rezoning Application fee as established by resolution of the Board of Trustees.
- C. **Amendment Process.**
 1. If the amendment was initiated by the Board of Trustees or by a property owner (or authorized agent of the property owner), the Planning and Zoning Commission shall consider the request and return its recommendation in writing to the Board within sixty days.
 2. Hearing by Planning and Zoning Commission. The Planning and Zoning Commission, after meeting the public hearing notice requirements specified herein, shall hold a

public hearing on each proposed text or rezoning and, following such public hearing, shall recommend action to the Board of Trustees.

3. Hearing by Board of Trustees. The Board of Trustees, after meeting the required public hearing notice requirements specified herein, shall act on the proposed amendment in accordance with the procedures and requirements as provided Chapter 89, RSMo.
4. Public Hearing Notice. Notice of the Board of Adjustment public hearing on the Conditional Use Permit application shall be as established in Section 2.8 of this Chapter.
5. Refiling of Application. Whenever any petition for an amendment, supplement, or change of the zoning regulations herein contained or subsequently established shall have been denied by the Board of Trustees until one (1) year shall have elapsed from the date of the filing of the first petition.
6. Denial by Planning and Zoning Commission. Should the Planning and Zoning Commission adopt a resolution recommending denial any proposed zoning text amendment or rezoning, then approval of said zoning text amendment or rezoning shall require an approval vote of at least three-fourths of all the members of the Board of Trustees.
7. Protest Petition. In accordance with the provisions of Section 89.060, RSMo., should a protest against a proposed amendment be received 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 of all the members of the Board of Trustees. The protest, if filed, must be filed before or at the public hearing.”

Section 2.8 Notice Requirements. Notice of all pending actions and hearings of the Board of Trustees, Planning and Zoning Commission, and Board of Adjustment shall be as provided herein, but in no event shall be less than the notice as may be required by state law including the provisions of Section 89.50, RSMo.

A. **Summary of Notice Required by Development Application.** The following table identifies the type of notice required for hearings and meetings concerning the given development application.

Development Application	Type of Notice Required		
	Mail	Newspaper	Posted Sign
Conditional Use Permit	required	required	
Variance or Appeal	required	required	
Rezoning	required	required	
Text Amendment to UDO		required	
Preliminary Plat	required		required

- B. **Notice Provisions.** Notice when and as required herein this section shall be provided as follows:
1. **Notice by Mail.** Where notice by mail is required by this ordinance, such notice shall be sent at the applicant's cost, by regular US mail to the record fee owners of all real property located within one hundred eight-five feet (185') from the exterior boundaries of the property which is the subject of the development application. Said notices shall be placed in the mail at least eighteen (18) days prior to the hearing.
 2. **Notice by Publication in Newspaper.** Where notice by publication is required by this ordinance or by state law, such notice shall be published in a weekly newspaper of general circulation in Cass County. Said notice shall be published the number of days prior to the hearing or meeting as required by state law, or 15 days prior to the meeting, if not prescribed by state law.
 3. **Notice by Posted Sign.** Where notice by posting is required by this ordinance, such notice shall be posted on a sign along every street frontage on the property which is the subject of the application. Such signs shall be posted at least fifteen (15) days prior to the meeting.

Section 2.9 Applications and Fees. The Zoning Administrator shall establish and provide the application form and information required for all applications as may be necessary and as required by this ordinance. The fees for all applications shall be as established by resolution of the Board of Trustees.

CHAPTER 3 – DISTRICT REGULATIONS

- Section 3.1 R-1 - Single Family Residential District.
- Section 3.2 R-1a - Single Family Residential District.
- Section 3.3 R-1aa - Single Family Residential District.
- Section 3.4 R-1b - Single Family Residential District.
- Section 3.5 ROS - Recreation & Open Space District.
- Section 3.6 R-A - Single Family Attached Residential District.
- Section 3.7 C – Commercial Zoning District.
- Section 3.8 PD - Planned Residential Development District.

Section 3.1 R-1 - Single Family Residential District.

- A. **Purpose.** The R-1 District is composed of areas developed for single-family detached residences, their accessory structures, and areas of open land that might reasonably be developed similarly.
- B. **Bulk Regulations.** The following minimum lot size, building setbacks, building size, and building height limitations shall apply.
 - 1. Front Yard Setback: 35 feet
 - 2. Side Yard Setback: 15 feet
 - 3. Rear Yard Setback: 30 feet
 - 4. Maximum Building Height: 2.5 stories and 35 feet
 - 5. Minimum Lot Width: 60 feet
 - 6. Minimum Lot Size: 10,000 square feet
 - 7. Minimum Residential Dwelling Total Enclosed Floor Area:
 - a. One-Story Dwelling: 2,100 square feet
 - b. Two-Story Dwelling: 2,400 square feet (1,800 square feet on first floor)
 - 8. Minimum Residential Dwelling Total Enclosed Floor Area for Lots Abutting the Lake Shore:
 - a. One-Story Dwelling: 2,800 square feet
 - b. Two-Story Dwelling: 3,400 square feet (2,000 square feet on first floor)
 - 9. Each residential dwelling shall include an attached garage large enough to accommodate two cars (minimum 20-feet in width and 20-feet in depth).

- C. **Permitted Uses.** The following uses are permitted subject to the provision of this ordinance.
1. One single family detached residential dwelling per lot or parcel. May include one accessory dwelling unit that is attached to or located within the confines of the structure of the principal dwelling unit.
 2. Accessory uses and structures located on the same lot as the principal dwelling that are incidental and customary for the single family detached residential dwelling including detached garages, pools and pool houses, and play equipment.
- D. **Conditional Uses.** The following uses are permitted subject to review and approval of a Conditional Use Permitted as provided herein this ordinance.
1. One accessory dwelling unit, guest house, or similar second dwelling that is separate from and detached from the principal dwelling. No lot shall have more than one accessory dwelling unit whether attached or detached from the principal dwelling.
 2. Temporary model home. A single-family residential dwelling constructed for sale within a new subdivision plat may temporarily be used as a model home and sales office exclusively for homes within that subdivision.
 3. Religious or educational uses or similar institution uses.
 4. Public or private parks, playgrounds, recreational buildings, park shelters and structures, ball fields, and related facilities and parking areas for said uses.
 5. Boat docks, boat slips, boat ramps and launches, and related parking areas.
 6. Offices of the Village or a homeowner's association.
 7. Maintenance or storage buildings, storage structures, and storage yards owned by the Village or a homeowner's association.
 8. Public and private utility infrastructure including electrical substations and switch gear, water and wastewater treatment and pumping facilities, and elevated water storage.
 9. Commercial towers, antennas, and satellite dishes and wireless communications facilities.
 10. Such other uses as the Board of Trustees, in their sole discretion, determined are consistent with the intent or impact of the uses identified in Section 3.1.D hereinabove.
- E. **Other Standards and Regulations.** The provisions, standards, and regulations of Chapter 4 – General Provisions, and Chapter 5 – Design Standards, herein this ordinance, and as provided elsewhere within the Villages adopted UDO and other codes and regulations, shall apply.

Section 3.2 R-1a - Single Family Residential District.

- A. **Purpose.** The R-1a District is composed of areas developed for single-family detached residences, their accessory structures, and areas of open land that might reasonably be developed similarly.
- B. **Bulk Regulations.** The following minimum lot size, building setbacks, building size, and building height limitations shall apply.
1. Front Yard Setback: 20 feet
 2. Side Yard Setback: 5 feet
 3. Rear Yard Setback: 30 feet
 4. Maximum Building Height: 2.5 stories and 35 feet
 5. Minimum Lot Width: 60 feet
 6. Minimum Lot Size: 10,000 square feet
 7. Minimum Residential Dwelling Total Enclosed Floor Area:
 - a. One-Story Dwelling: 2,100 square feet
 - b. Two-Story Dwelling: 2,400 square feet (1,800 square feet on first floor)
 8. Minimum Residential Dwelling Total Enclosed Floor Area for Lots Abutting the Lake Shore:
 - a. One-Story Dwelling: 2,800 square feet
 - b. Two-Story Dwelling: 3,400 square feet (2,000 square feet on first floor)
 9. Each residential dwelling shall include an attached garage large enough to accommodate two cars (minimum 20-feet in width and 20-feet in depth).
- C. **Permitted Uses.** The following uses are permitted subject to the provision of this ordinance.
1. One single family detached residential dwelling per lot or parcel. May include one accessory dwelling unit that is attached to or located within the confines of the structure of the principal dwelling unit.
 2. Accessory uses and structures located on the same lot as the principal dwelling that are incidental and customary for the single family detached residential dwelling including detached garages, pools and pool houses, and play equipment.
- D. **Conditional Uses.** The following uses are permitted subject to review and approval of a Conditional Use Permitted as provided herein this ordinance.

1. One accessory dwelling unit, guest house, or similar second dwelling that is separate from and detached from the principal dwelling. No lot shall have more than one accessory dwelling unit whether attached or detached from the principal dwelling.
2. Temporary model home. A single-family residential dwelling constructed for sale within a new subdivision plat may temporarily be used as a model home and sales office exclusively for homes within that subdivision.
3. Religious or educational uses or similar institution uses.
4. Public or private parks, playgrounds, recreational buildings, park shelters and structures, ball fields, and related facilities and parking areas for said uses.
5. Boat docks, boat slips, boat ramps and launches, and related parking areas.
6. Offices of the Village or a homeowner’s association.
7. Maintenance or storage buildings, storage structures, and storage yards owned by the Village or a homeowner’s association.
8. Public and private utility infrastructure including electrical substations and switch gear, water and wastewater treatment and pumping facilities, and elevated water storage.
9. Commercial towers, antennas, and satellite dishes and wireless communications facilities.
10. Such other uses as the Board of Trustees, in their sole discretion, determined are consistent with the intent or impact of the uses identified in Section 3.2.D hereinabove.

E. **Other Standards and Regulations.** The provisions, standards, and regulations of Chapter 4 – General Provisions, and Chapter 5 – Design Standards, herein this ordinance, and as provided elsewhere within the Villages adopted UDO and other codes and regulations, shall apply.

Section 3.3 R-1aa - Single Family Residential District.

- A. **Purpose.** The R-1aa District is composed of areas developed for single-family detached residences, their accessory structures, and areas of open land that might reasonably be developed similarly.
- B. **Bulk Regulations.** The following minimum lot size, building setbacks, building size, and building height limitations shall apply.
 1. Front Yard Setback: 25 feet
 2. Side Yard Setback: 10 feet
 3. Rear Yard Setback: 50 feet

4. Maximum Building Height: 2.5 stories and 35 feet
 5. Minimum Lot Width: 60 feet
 6. Minimum Lot Size: 10,000 square feet
 7. Minimum Residential Dwelling Total Enclosed Floor Area:
 - a. One-Story Dwelling: 2,100 square feet
 - b. Two-Story Dwelling: 2,400 square feet (1,800 square feet on first floor)
 8. Minimum Residential Dwelling Total Enclosed Floor Area for Lots Abutting the Lake Shore:
 - a. One-Story Dwelling: 2,800 square feet
 - b. Two-Story Dwelling: 3,400 square feet (2,000 square feet on first floor)
 9. Each residential dwelling shall include an attached garage large enough to accommodate two cars (minimum 20-feet in width and 20-feet in depth).
- C. **Permitted Uses.** The following uses are permitted subject to the provision of this ordinance.
1. One single family detached residential dwelling per lot or parcel. May include one accessory dwelling unit that is attached to or located within the confines of the structure of the principal dwelling unit.
 2. Accessory uses and structures located on the same lot as the principal dwelling that are incidental and customary for the single family detached residential dwelling including detached garages, pools and pool houses, and play equipment.
- D. **Conditional Uses.** The following uses are permitted subject to review and approval of a Conditional Use Permitted as provided herein this ordinance.
1. One accessory dwelling unit, guest house, or similar second dwelling that is separate from and detached from the principal dwelling. No lot shall have more than one accessory dwelling unit whether attached or detached from the principal dwelling.
 2. Temporary model home. A single-family residential dwelling constructed for sale within a new subdivision plat may temporarily be used as a model home and sales office exclusively for homes within that subdivision.
 3. Religious or educational uses or similar institution uses.
 4. Public or private parks, playgrounds, recreational buildings, park shelters and structures, ball fields, and related facilities and parking areas for said uses.
 5. Boat docks, boat slips, boat ramps and launches, and related parking areas.

6. Offices of the Village or a homeowner's association.
 7. Maintenance or storage buildings, storage structures, and storage yards owned by the Village or a homeowner's association.
 8. Public and private utility infrastructure including electrical substations and switch gear, water and wastewater treatment and pumping facilities, and elevated water storage.
 9. Commercial towers, antennas, and satellite dishes and wireless communications facilities.
 10. Such other uses as the Board of Trustees, in their sole discretion, determined are consistent with the intent or impact of the uses identified in Section 3.3.D hereinabove.
- E. **Other Standards and Regulations.** The provisions, standards, and regulations of Chapter 4 – General Provisions, and Chapter 5 – Design Standards, herein this ordinance, and as provided elsewhere within the Villages adopted UDO and other codes and regulations, shall apply.

Section 3.4 R-1b - Single Family Residential District.

- A. **Purpose.** The R-1b District is composed of areas developed for single-family detached residences, their accessory structures, and areas of open land that might reasonably be developed similarly.
- B. **Bulk Regulations.** The following minimum lot size, building setbacks, building size, and building height limitations shall apply.
1. Front Yard Setback: 50 feet
 2. Side Yard Setback: 15 feet
 3. Rear Yard Setback: 100 feet
 4. Maximum Building Height: 2.5 stories and 35 feet
 5. Minimum Lot Width: 60 feet
 6. Minimum Lot Size: 3 acres
 7. Minimum Residential Dwelling Total Enclosed Floor Area: 3,000 square feet
- C. **Permitted Uses.** The following uses are permitted subject to the provision of this ordinance.
1. One single family detached residential dwelling per lot or parcel. **May include one accessory dwelling unit that is attached to or located within the confines of the structure of the principal dwelling unit.**

2. Accessory uses and structures located on the same lot as the principal dwelling that are incidental and customary for the single family detached residential dwelling including detached garages, pools and pool houses, and play equipment. A barn for horses is permitted with a maximum of one horse allowed per 2.5 acres of land.
- D. **Conditional Uses.** The following uses are permitted subject to review and approval of a Conditional Use Permitted as provided herein this ordinance.
1. One accessory dwelling unit, guest house, or similar second dwelling that is separate from and detached from the principal dwelling. No lot shall have more than one accessory dwelling unit whether attached or detached from the principal dwelling.
 2. Temporary model home. A single-family residential dwelling constructed for sale within a new subdivision plat may temporarily be used as a model home and sales office exclusively for homes within that subdivision.
 3. Public or private parks, playgrounds, recreational buildings, park shelters and structures, ball fields, and related facilities and parking areas for said uses.
 4. Boat docks, boat slips, boat ramps and launches, and related parking areas.
 5. Offices of the Village or a homeowner's association.
 6. Maintenance or storage buildings, storage structures, and storage yards owned by the Village or a homeowner's association.
 7. Public and private utility infrastructure including electrical substations and switch gear, water and wastewater treatment and pumping facilities, and elevated water storage.
 8. Commercial towers, antennas, and satellite dishes and wireless communications facilities.
 9. Such other uses as the Board of Trustees, in their sole discretion, determined are consistent with the intent or impact of the uses identified in Section 3.4.D hereinabove.
- E. **Other Standards and Regulations.** The provisions, standards, and regulations of Chapter 4 – General Provisions, and Chapter 5 – Design Standards, herein this ordinance, and as provided elsewhere within the Villages adopted UDO and other codes and regulations, shall apply.

Section 3.5 ROS - Recreation & Open Space District.

- A. **Purpose.** The ROS District is intended to preserve public and/or private open space, green spaces, and greenbelts, and for active and passive recreation uses including trails, golf courses and clubhouses, indoor and outdoor recreation facilities, pools, sports courts and sports fields. Land zoned as ROS as of the effective date of this UDO may be held for future development regardless of its current use and may be considered for a rezoning for future development, subject to the adopted Land Use Master Plan.

- B. **Bulk Regulations.** The following minimum lot size, building setbacks, building size, and building height limitations shall apply.
1. Front Yard Setback: 20 feet
 2. Side Yard Setback: 10 feet
 3. Rear Yard Setback: 25 feet
 4. Maximum Building Height: 3.5 stories and 45 feet
- C. **Permitted Uses.** The following uses are permitted subject to the provision of this ordinance.
1. Public and private open space, greenspace, and greenbelts.
 2. Recreation trails, parks, picnic and seating areas, park structures and gazebos, and playgrounds.
 3. Public or private parks, playgrounds, recreational buildings, park shelters and structures, ball fields, and related facilities and parking areas for said uses.
 4. Indoor and outdoor recreation facilities, pools, splash pads, sports courts, and sports fields.
 5. Boat docks, boat slips, boat ramps and launches, and related parking areas.
 6. Golf courses and related clubhouses. A permitted golf course clubhouse may include restaurants, bars, and event spaces.
 7. Golf course maintenance and storage facilities.
 8. Sales and management offices (temporary or permanent).
 9. Accessory uses and structures located on the same lot as the principal use that are incidental and customary for the given principal use including storage and maintenance facilities.
- D. **Conditional Uses.** The following uses are permitted subject to review and approval of a Conditional Use Permitted as provided herein this ordinance.
1. Religious or educational uses or similar institution uses.
 2. Maintenance or storage buildings, storage structures, and storage yards owned by the Village or a homeowner's association.
 3. Guest cottages as part of a golf course clubhouse or golf club.
 4. Indoor and drive-up self-storage facilities.

5. Public and private utility infrastructure including electrical substations and switch gear, water and waste water treatment and pumping facilities, and elevated water storage.
 6. Commercial towers, antennas, and satellite dishes and wireless communications facilities.
 7. Such other uses as the Board of Trustees, in their sole discretion, determined are consistent with the intent or impact of the uses identified in Section 3.5.D hereinabove.
- E. **Other Standards and Regulations.** The provisions, standards, and regulations of Chapter 4 – General Provisions, and Chapter 5 – Design Standards, herein this ordinance, and as provided elsewhere within the Villages adopted UDO and other codes and regulations, shall apply.

Section 3.6 R-A – Single Family Attached Residential District.

- A. **Purpose.** The R-A District is intended for development with single-family detached and single-family attached residences dwellings and their accessory structures.
- B. **Bulk Regulations.** The following minimum lot size, building setbacks, building size, and building height limitations shall apply.
1. Front Yard Setback: 30 feet
 2. Side Yard Setback: ~~45~~ 10 feet (0 feet along shared wall for attached units)
 3. Rear Yard Setback: 30 feet
 4. Minimum separation between buildings: ~~30~~ 20 feet
 5. Maximum Building Height: 2.5 stories and 35 feet
 6. Minimum Lot Width: 60 feet for detached and 40 feet for attached dwellings
 7. Minimum Lot Size: 10,000 square feet for detached and 7,500 square feet for attached dwellings
 8. Minimum Residential Dwelling Total Enclosed Floor Area: ~~2,400~~ 1,800 square feet
- C. **Permitted Uses.** The following uses are permitted subject to the provision of this ordinance.
1. One single family detached or attached residential dwelling per lot or parcel. May include one accessory dwelling unit that is attached to or located within the confines of the structure of the principal dwelling unit.
 2. Accessory uses and structures located on the same lot as the principal dwelling that are incidental and customary for the single family residential dwelling including detached garages, pools and pool houses, and play equipment.

- D. **Conditional Uses.** The following uses are permitted subject to review and approval of a Conditional Use Permitted as provided herein this ordinance.
1. Religious or educational uses or similar institution uses.
 2. Temporary model home. A single-family residential dwelling constructed for sale within a new development may temporarily be used as a model home and sales office exclusively for homes within that development.
 3. Public or private parks, playgrounds, recreational buildings, park shelters and structures, ball fields, and related facilities and parking areas for said uses.
 4. Boat docks, boat slips, boat ramps and launches, and related parking areas.
 5. Offices of the Village or a homeowner's association.
 6. Maintenance or storage buildings, storage structures, and storage yards owned by the Village or a homeowner's association.
 7. Public and private utility infrastructure including electrical substations and switch gear, water and wastewater treatment and pumping facilities, and elevated water storage.
 8. Commercial towers, antennas, and satellite dishes and wireless communications facilities.
 9. Such other uses as the Board of Trustees, in their sole discretion, determined are consistent with the intent or impact of the uses identified in Section 3.6.D hereinabove.
- E. **Other Standards and Regulations.** The provisions, standards, and regulations of Chapter 4 – General Provisions, and Chapter 5 – Design Standards, herein this ordinance, and as provided elsewhere within the Villages adopted UDO and other codes and regulations, shall apply.

Section 3.7 C – Commercial Zoning District.

- A. **Purpose.** The C District is intended for development with retail and commercial uses appropriate within a residential setting.
- B. **Bulk Regulations.** The following minimum lot size, building setbacks, building size, and building height limitations shall apply.
1. Front Yard Setback: 50 feet
 2. Side Yard Setback: 50 feet
 3. Rear Yard Setback: 50 feet
 4. Minimum separation between buildings: 50 feet

5. Maximum Building Height: 2 stories and 40 feet
 6. Maximum Building Size: 35,000 square feet gross floor area
 7. Minimum Lot Size: 1 acre
- C. **Permitted Uses.** The following uses are permitted, subject to the provision of this ordinance.
1. Retail stores.
 2. Restaurants.
 3. Consumer service businesses.
 4. Professional offices.
 5. Religious or educational uses or similar institution uses.
- D. **Prohibited Uses.** The following uses are prohibited.
1. Any use not specifically permitted in Section 3.7.C hereinabove.
 2. All fuel sales, vehicle or truck sales, services, and repair and any auto-oriented services of any kind.
 3. Cannabis sales.
 4. Bars, including any business with 50% or more of its total sales in alcohol.
 5. Liquor stores, including any business with 50% or more of its total sales in alcohol, tobacco, or nicotine containing products.
 6. Tobacco and/or vape shops, including any business with 50% or more of its total sales in tobacco, nicotine containing products, or alcohol.
 7. All manufacturing, shipping or distribution, storage or warehousing, and industrial uses of any kind.
 8. Outdoor display and sales.
 9. Outdoor ~~and indoor~~ storage.
- E. **Conditional Uses.** The following uses are permitted subject to review and approval of a Conditional Use Permitted as provided herein this ordinance.
1. Drive-through service of any kind.
 2. Indoor and drive-up self-storage facilities.

3. Public and private utility infrastructure including electrical substations and switch gear, water and wastewater treatment and pumping facilities, and elevated water storage.
4. Commercial towers, antennas, and satellite dishes and wireless communications facilities.
5. Such other uses as the Board of Trustees, in their sole discretion, determined are consistent with the intent or impact of the uses identified in Section 3.7.E hereinabove.

Section 3.8 PD – Planned Development District.

- A. **Purpose and Intent.** The intent of the PD District is to permit greater flexibility and consequently more creative and imaginative design than generally is possible under conventional zoning regulations contained within the UDO. The PD District also may provide for a mixture of housing types, including single family detached and attached residential dwellings, and for mixed-use use development with a combination of residential, commercial, or office uses according to a master plan that details the location of all proposed buildings, building setbacks, streets, driveways, parking lots, trails and sidewalks, site amenities and features, exterior lighting, signage, buffers, landscaped areas, open spaces, areas for stormwater management, and proposed platting and lots. The proposed development shall make maximum use of natural features, and, through proper site planning measures, it shall be compatible with the existing character and development pattern of the surrounding area. In a PD District, the regulations which are adopted are intended to accomplish the same purposes as do zoning and other applicable regulations in districts which are developed on a lot by lot rather than a unified basis.
- B. **Application Required.** The owner or owners of a parcel of land within the zoning jurisdiction of the Village may submit to the Zoning Administrator an application accompanied by a PD Master Plan requesting a rezoning to the PD District. The application form, Master Plan (including number of copies), proposed development rules and regulations, design guidelines, building elevations, phasing plans, and other submittal details and requirements shall be as determined by the Zoning Administrator as necessary to review the request. The required application fee shall be as determined by resolution of the Board of Trustees.
- C. **Review Process.** The PD Application shall be reviewed by the Zoning Administrator for completeness. Applications deemed incomplete shall be returned to the applicant with a list of the missing or incomplete items. Applications deemed complete shall be distributed by the Zoning Administrator to other agencies as necessary for review and comment as to its compliance with all UDO regulations and other pertinent codes, regulations, standards, and policies.
 1. Subsequent to review by the Zoning Administrator and other agencies, the Zoning Administrator shall submit to all members of the Planning and Zoning Commission a copy of the PD Application along with a written recommendation as to the request's conformity with the rules and regulations of the Village and may include a recommendation for approval, approval with conditions, or denial of the application.

2. Public Hearing Required. The Planning and Zoning Commission shall subsequently hold a public hearing for a rezoning as prescribed by their rules of procedures and the UDO and review the PD Application for conformity with the UDO regulations and standards and may confer with the applicant on changes to their requested as may be deemed advisable. The Planning and Zoning Commission shall consider the following as part of their deliberation:
 - a. Compatibility with the Village's adopted Land Use Master Plan and policies.
 - b. Land uses, building sizes and densities, and number of dwelling units.
 - c. Building types, functions, architecture, and building placement and setbacks.
 - d. Provisions for open space, landscaping, buffers, pedestrian circulation, and storm water management.
 - e. Preservation and protection of natural features, drainageways, steep slopes, and existing tree cover.
 - f. Provisions for adequate public infrastructure including sanitary sewer and water service, storm water run-off, public parks, and public safety services.
 - g. Traffic circulation and congestions including access to and from the site.
 - h. General relationship to and impact on the surrounding area and neighboring properties.
3. After completion of its deliberation, the Planning and Zoning Commission may adopt a recommendation for approval or denial of the PD Master Plan and associated development rules, regulations, and guidelines as submitted. The Planning and Zoning Commission may also request the developer agree to certain conditions or agree to make certain modifications, alterations, adjustments, or amendments to the proposed Master Plan and associated rules, regulations, and guidelines in order to secure a recommendation of approval from the Planning and Zoning Commission.
4. The Planning and Zoning Commission shall forward its recommendation to the Board of Trustees within 60 days of the receipt of a PD Application deemed complete by the Zoning Administrator. If the Planning and Zoning Commission does not act within the 60 days as prescribed above, the PD Application shall be deemed to have received a recommendation of approval by the Planning and Zoning Commission unless the applicant agrees to an extension of time.
5. Hearing by Board of Trustees. Within 60 days of receiving a recommendation from the Planning and Zoning Commission, the Board of Trustees shall hold a public hearing for a rezoning as prescribed by their rules of procedures and the UDO and review the PD Application for conformity with the UDO regulations and standards. During this hearing, the Board of Trustees may confer with the applicant on changes to their request as may be deemed advisable in order to secure the approval by the Board of

Trustees. The Board of Trustees may approve, approve with conditions or modifications as agreed to by the applicant, or deny the application. If the Board of Trustees fails to act within the herein prescribed 60-day period, the PD Application shall be deemed to have been denied, unless both the applicant and the Board of Trustees agree to an extension of time.

- D. **Denial by Board of Trustees.** Whenever any PD Application has been denied by the Board of Trustees, no new application covering the same property, or the same property and additional property, shall be filed with or considered by the Board of Trustees until one year has elapsed from the date of the filing of the first application, unless, as determined by the Zoning Administrator, a substantial and material change has been made to the application.
- E. **Recording of the Master Plan.** The ordinance, master plan, development rules and regulations, design guidelines, and other submittal details, plans, and documentation for the rezoning of the property to the PD District, as approved by the Board of Trustees, shall be recorded at the Office of the County Recorder and shall be binding on the property owners, their heirs, successors, or assigns. No phase of the PD shall be started, and no building permits shall be issued until all documents have been recorded.
- F. **Modifications.** Any application by the property owner or owners for modification to an approved PD shall first be reviewed by the Planning and Zoning Commission. Said proposed modification along with a report from the Planning and Zoning Commission shall then be forwarded to the Board of Trustees with appropriate recommendations. The Board of Trustees shall then take such appropriate action on the proposed modification and their decision shall be final.
- G. No modification may be considered that is more than a ten percent (10%) increase in density or change of uses of the site without a public hearing by the Planning and Zoning Commission and Board of Trustees as required for a rezoning. A public hearing may be held by the Planning and Zoning Commission or Board of Trustees on any requested modification. All modifications and adjustments shall be recorded at the Office of the County Recorder.
- H. **Platting and Development.** Prior to development within the PD, applications for Preliminary and Final Plats, Site Plans, and Building Permits that are in conformance with the provisions of the PD shall be submit for review in accordance with the UDO. At the applicant's own risk, Preliminary Plats, Final Plats, and Sites Plans may be submitted and reviewed concurrently with the PD Application process.

CHAPTER 4 - GENERAL PROVISIONS

Section 4.1	Street Frontage Required.
Section 4.2	Lot and Yard Regulations.
Section 4.3	Exceptions to Height Regulations.
Section 4.4	Visibility at Street Intersections.
Section 4.5	Use of Public Rights-Of-Way.
Section 4.6	Fences and Walls.
Section 4.7	Accessory Structures.
Section 4.8	Accessory Dwelling Units.
Section 4.9	Manufactured Homes.
Section 4.10	Towers, Antennas, Satellite Dishes, and Wireless Communications Facilities.
Section 4.11	Renewable Energy Equipment.
Section 4.12	Home-Based Businesses.
Section 4.13	Floodplain Management.

Section 4.1 Street Frontage Required. All lots shall have no less than twenty (20) feet of frontage along at least one public or private street, except as otherwise required herein this ordinance. The Board of Trustees may also allow, at its own discretion, the construction of a building or the use of a lot that has a shared access or other shared common access to a public or private street when part of a planned development managed under an owners' association.

Section 4.2 Lot and Yard Regulations.

- A. **Yards Required.** In all zoning districts, there shall be a minimum front, side, and rear yard required as stated in the building and parking setback requirements of that particular district.
- B. **Corner Lots.** For corner lots, the front yard regulation shall apply to each street side of the corner lot. The Zoning Administrator shall designate the rear yard of a lot which shall generally be that portion of yard opposite the narrow street side.
- C. **Through Lots.** The Zoning Administrator shall designate the front yard of a through lot (also known as a double frontage lot) which shall generally be the yard adjacent to the local street or lower street hierarchy classification designation. The front yard regulations shall apply to this frontage designated as the front yard. The Zoning Administrator shall further designate which street frontage serves as the rear yard, which shall generally be the street frontage adjacent to the street with the higher street hierarchy classification and for which no driveway access is provided. The rear yard regulations shall apply to this frontage designated as the rear yard.
- D. **Postage-Stamp Lot.** Structures built within a platted postage-stamp lot, as defined herein this ordinance, shall be setback no less five (5) feet from all lot lines, excluding shared walls located along a common lot line, and shall otherwise meet all other building setback requirements for the zoning district in which it is located. Postage-stamp lots may or may not have public street frontage but shall at a minimum have access to public streets and public utilities via an adjoining outlot or association held parcel.

- E. **Projecting Overhang or Structure.** The ordinary horizontal projection from buildings including eaves, sills, fascia, parapets, cornices, bay windows, or other similar architectural features, except for gutters and downspouts, may not project or extend more than three (3) feet into a required yard, provided no part of a building is closer than five (5) feet to a lot line.
- F. **Other Yard Encroachments.**
1. Cantilevered projections and accessory structures may not project into any required yard, except as may be permitted for accessory structures as provided herein this ordinance.
 2. Air conditioning units, heat pumps, pool pumps, back-up power generators, and other similar devices may encroach into the required side or rear yard setback but no closer than two (2) feet to the property line.
 3. Steps providing access to the ground level of a dwelling may encroach no more than three (3) feet into any required side yard setback.
 4. Front stoops, stairs, open decks and unenclosed porches may encroach up to six (6) feet into the required front yard setback.
 5. Stoops, stairs, and open decks, not enclosed or covered by a roof, may encroach up to twenty (20) feet into the required rear yard setback.
 6. Uncovered patios, brick or stone pavers, concrete slab structures, or other paved surfaces constructed on the ground, or less than twelve (12) inches above the average grade of the ground, may be constructed into the building setbacks subject to the following:
 - a. Front yard restriction. No closer than 20 feet of the front property line.
 - b. Side yard restriction. No closer than 10 feet to a side property line and no closer than 5 feet if located within the R-1a zoning district.
 - c. Rear yard restriction. No closer than 15 feet to a rear property line.

Section 4.3 Exceptions to Height Regulations. No permit will be issued for any structure above height limits, except as may be specifically approved by the Board of Adjustment. These height limitation shall not apply to communications antennas when permitted by the Village. Additionally, the height limitations contained herein this ordinance do not apply to minor projections above the roof line for typical building features including rooftop mechanical equipment and equipment enclosures, ventilation pipes and fans, chimneys.

Section 4.4 Visibility at Street Intersections. On a corner lot in any district no fence, wall, sign, hedge, or other planting or structure that will obstruct vision between a height of two and one-half (2.5) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed, allowed to grow, or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.

Section 4.5 Use of Public Rights-Of-Way. No portion of the public road or street right-of-way shall be used or occupied by an abutting use of land and no structures, signs, or landscaping shall be constructed, placed, or planted within any right-of-way without the approval of the Board of Trustees.

Section 4.6 Fences and Walls.

- A. **Standards for Fences and Walls.** In all districts, no fence or wall shall be located closer than five (5) feet to a front yard property line.
- B. **Height for Fences and Walls.** No taller than six feet (6') in height.
- C. **Stormwater Overland Flowage Easements.** Fences may encroach into a stormwater overland flowage easement provided the fence is designed and constructed in a manner that does not cause siltation buildup or restrict the flow of stormwater.
- D. **Visibility at Street Intersections.** No fence or wall shall be erected in violation of the Visibility at Street Intersections provisions of this Chapter.
- E. **Retaining Walls.** Retaining walls shall be no closer than two (2) feet to a property line and shall otherwise be set back from the property line one foot for every one (1) foot of height. Retaining walls which are six (6) or more feet in height shall be structurally engineered. No single wall face shall be greater than six (6) feet in height without terraces to break up the wall expanse. A minimum two (2) foot width of terrace shall be used for each six (6) feet of wall height. Each terrace shall contain vegetation. The design specifications, elevations and site plan showing the exact location of the wall shall be provided along with the required building permit application to the Zoning Administrator.
- F. **Materials.**
1. Permitted Materials.
 - a. *Fences.* Fences are to be constructed of high-quality materials such as wrought iron, aluminum, and other similar materials, unless specified otherwise herein.
 - (1) The use of materials such as chainlink, corrugated or sheet metal, chicken wire, woven wire, temporary construction fencing, snow fencing, or similar materials shall not be permitted for permanent fencing. A fence shall not be constructed or covered with: paper sheets or strips; cloth or fabric tarps, sheets, or strips; plastic or vinyl tarps, sheets, mesh, or strips; metal siding or panels not originally designed or intended as fencing material; bamboo; reed; or plywood sheeting. Chain-link or woven wire type fences shall not include plastic or wood slats or strips, bamboo, or reed.
 - (2) Sun and/or wind screen material applied to fences directly associated with a sports or recreation facility such as tennis court fences, baseball field fences, or basketball courts, is permitted subject to the other

- J. **Fence Permit Required.** Subject to the provisions of this section, a fence permit shall be obtained prior to the construction, repair, or replacement of any fence. Each application to the Building Official for a fence permit shall be accompanied by a sketch plan, application form, and any additional information and details as specified and required by the Building Official as necessary to determine compliance with all applicable codes and requirements.

Section 4.7 Accessory Structures.

- A. **Intent.** All uses specified as permitted within a given zoning district herein this ordinance shall be deemed to include accessory structures that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such use, hereinafter referred to as the “principal” use or “principal” building or structure. These accessory structures include: free standing garages for vehicles, trash enclosures, sheds, play structures, gazebos, free-standing patios, pergolas, trellises, underground shelters, above-ground and in-ground pools and hot-tubs, and similar structures and buildings. It is the intent of these standards herein this section to establish the basic regulations for accessory structures.
- B. **General Provisions.** No accessory structure shall be constructed upon a lot until the construction of the main or principal building has been commenced, and no accessory structure shall be used if the main or principal building has been unused for a period of six (6) months or longer. Accessory structures shall not be used for dwelling purposes, except as provided herein this code.
- C. **Applicability.** The following regulations shall apply to all accessory structures for residential uses. Accessory structures for all other uses shall comply with the regulations and standards as established elsewhere in this code for principal structures and buildings.
- D. **Location and Setbacks.** The following location and setback requirements shall apply to all accessory structures:
1. Accessory structures shall be erected only in the rear yard of a lot. No accessory structure shall be located within any front yard or between a principal building and any abutting street, except that a detached, private garage shall be the only accessory structure permitted to be constructed along the side of a principal building, provided that such garage is no closer than ten (10) feet from the principal building and does not extend forward of the front face of the principal building.
 2. Accessory structures shall comply with the front yard building setback standards but may be constructed within five (5) feet from any side or rear lot lines, but in no case shall be closer than 10 feet to an alley line or street right-of-way line. When any vehicle entrance to an accessory structure faces an alley or street right-of-way, said accessory structure shall be setback at least twenty (20) feet from that alley line or street right-of-way line.
 3. Accessory structures shall maintain a minimum distance of ten (10) feet from any principal structure. Otherwise, said accessory structure must meet the setback standards required of the principal structure.

4. All setbacks and building separations shall be measured from the closest building wall face. Horizontal projection including roof-overhangs may not extend into any required setback.
5. Accessory structures shall not be erected within any required buffer or easement.
6. When located upon a corner lot, the front yard regulation shall apply to each street frontage and no accessory structure shall be located within either of these front yards, with the exception for pools and play structures as provided for in Section 7 hereinbelow.
7. When located on a through lot or double frontage lot, the Zoning Administrator shall determine which street frontage serves as the front yard, which shall generally be the yard adjacent to the local street or lower street hierarchy classification designation, and which street frontage serves as the rear yard, which shall generally be the street frontage adjacent to the street with the higher street hierarchy classification and for which no driveway access is provided. Subject to all other provisions of this chapter, accessory structures on through lots may be permitted between the principal building and the street frontage that has been determined by the Zoning Administrator as the rear yard.

E. Area and Height Limit.

1. Accessory structures, not including pools and play structures, shall be limited to a maximum of two (2) total buildings, including a detached garage, of which all total accessory structures shall not occupy more than fifteen percent (15%) of the total lot area nor exceed a total square footage of 1,800 square feet.
2. Accessory structures shall not be taller nor encompass more floor area than the principal structure that is located on the same and shall in no case more than one and one-half (1.5) stories in height and shall not exceed a height of twenty-four (24) feet.
3. All garages and accessory structures that include an overhead door with a clear opening height of eight (8) feet or greater, or that are otherwise designed and constructed to house a motor vehicle, trailer, camper, boat, or other wheeled equipment, shall have a paved driveway that connects to a street. Said driveway shall comply with the standards as provided herein this ordinance.

Section 4.8 Accessory Dwelling Units (ADUs).

- A. **Attached ADUs.** One accessory dwelling unit, guest house, or similar second dwelling that is attached and located within the confines of the principal dwelling is permitted on a residentially zoned lot that has a legally permitted, single-family dwelling.
- B. **Detached ADUs.** One accessory dwelling unit that is separate from and not attached nor located within the confines of the principal dwelling may be permitted on a residentially zoned lot that has a legally permitted, single-family detached dwelling on lots 1 acre or larger in size,

subject to obtaining approval of a Conditional Use Permit from the Board of Adjustment in accordance with the provisions of this UDO.

- C. All accessory dwelling units shall comply with the provisions of this ordinance, and the following:
1. No more than one (1) accessory dwelling unit, whether attached or detached from the principal dwelling shall be permitted on any lot.
 2. The accessory dwelling unit shall not exceed 1,000 sq. ft. gross floor area nor exceed fifty percent (50%) of the gross floor area of the principal dwelling on the lot on which it is located.
 3. The accessory dwelling unit, if constructed within the principal dwelling, shall have not have a separate entrance that fronts along the street.
 4. The accessory dwelling unit, whether attached or separate from the principal dwelling, shall meet the building setback, height, and other bulk and density standards that are required for a principal structure on the lot or parcel on which it is located.
 5. An additional two (2) off-street parking spaces shall be provided for the accessory dwelling that are separate from the parking delineated for the principal dwelling.
 6. Both the principal dwelling and the accessory dwelling shall remain under the same ownership. Either the principal dwelling and or the accessory dwelling shall be occupied by the owner of the property. Both units may not be occupied by a renter (nonowner) at the same time.

Section 4.9 Manufactured Homes. Manufactured homes, modular homes, mobiles homes, and similar factory-built homes are prohibited.

Section 4.10 Non-Commercial Towers, Antennas, and Satellite Dishes. The following standards shall apply to all non-commercial antennas, satellite dish antennas, and towers that are not part of a commercial wireless telecommunications facility.

- A. Freestanding antennas, satellite dish antennas, and towers uses shall comply with the height restrictions and setback requirements for accessory structures.
- B. Antennas, satellite dish antennas, and towers attached to a principal building or structure shall comply with the height restrictions and setback required of that principal building or structure for the zoning district in which it is located.
- C. No satellite dish antenna, radio or TV antenna, or related tower use shall be permitted within any front or side yard or attached to the front wall or face of any building or structure, unless the property owner can adequately demonstrate to the satisfaction of the Zoning Administrator that it is not physically possible to locate the antenna or satellite dish antenna within the confines of the rear yard and obtain a signal.

- D. No satellite dish antenna with a dish diameter greater than three (3) feet or height greater than fifteen (15) feet shall be permitted in any residential zoning district. Satellite dish antennas shall be located and screened as practical from view of all adjoining residential uses and public or private streets.
- E. These provisions shall not apply to licensed amateur radio (HAM radio) operators that are in compliance with all relevant Federal Communications Commission (FCC) rules and regulations.
- F. Commercial towers, antennas, and satellite dishes and Wireless Communications Facilities are regulated as a Conditional Use requiring review and approval of a Conditional Use Permit from the Board of Adjustment as provided herein this ordinance.

Section 4.11 Renewable Energy Equipment.

- A. **Wind energy conversion systems (WECS)** are prohibited in all zoning districts.
- B. **Battery energy storage systems (BESS)** are prohibited in all zoning districts.
- C. **Accessory solar energy conversion system (ASECS)** designed and intended to provide electrical power for use on the lot or parcel in which the system is located, may be permitted on the roof of a permitted building within any zoning district, provided said system is not visible from any public or private street or golf course and subject to application for a building permit and compliance with all relevant code requirements.

Section 4.12 Home-Based Businesses.

- A. **Purpose and Intent.** The purpose of this section is to permit home-based businesses (home occupations) which will not change the character of adjacent residential areas. The intent of these regulations is to conserve property values, as well as protect residential neighborhoods from excessive noise, excessive traffic, nuisances, health and safety hazards which may result from a home occupation conducted in the residential zones.
- B. **Standards.** All home-based businesses must be low-intensity in traffic generation, land use and noise, and shall comply with the following:
 - 1. The use of the dwelling unit as a home occupation must be deemed to be incidental and subordinate to its use for residential purposes and the home occupation cannot occupy more than twenty-five percent (25%) of the square footage floor area of the residence.
 - 2. No more than one person, other than those residing on the premises, shall be engaged in the activities of the home occupation.
 - 3. A home occupation may attract patrons, students, or any business-related individuals only between the hours of 7:00 a.m. and 9:00 p.m.

4. No more than two (2) home occupations shall be permitted within any single dwelling unit, provided however, that no more than four (4) home occupations shall be permitted in the R-1b District.
 5. There shall be no exterior displays, no exterior storage of equipment, including unlicensed equipment, and materials, and no open lot storage.
 6. Home occupations shall not produce offensive noise, vibration, smoke electrical interference, dust, odors or heat beyond the property line.
 7. Home occupations shall not require internal or external structural alterations of the principal residence which may change the outside appearance of the principal residence or change the residential character of the property.
 8. Home occupations shall not require the installation of equipment or machinery creating utility demand, noise, fumes or other impacts in excess of equipment or machinery that is customary in a residential area.
 9. No electric devices may be used in any home occupation which may cause electrical interference or create visual and audible interference in any radio or TV receivers in violation of FCC standards, or cause fluctuations in off-site line voltages.
 10. No on-premise advertising for the home occupation shall be allowed. Window areas must not purposely or intentionally be used as display areas or to offer merchandise for sale. No home occupation sign shall be located within a street right-of-way.
 11. All related activities shall take place entirely within the residential dwelling.
 12. No delivery truck shall operate out of a residential district as a function of a home occupation.
 13. **An in-home daycare, including a Family Child Care Home licensed by the state, may be permitted in any residential zoning district subject to review and approval of a Conditional Use Permit in accordance with the procedures as provided herein Chapter 2 of this ordinance. Any in-home daycare shall comply with all state regulations and licensing requirements.**
- C. **Prohibited Home-Based Businesses.** The following home occupations and business activities, and those of a similar nature, are specifically prohibited as home-based businesses:
1. Ambulance services.
 2. Animal/veterinary clinics.
 3. Beauty salons and barber shops.
 4. Clinics, hospitals.
 5. Medical, dental or related health care services.

6. Mortuary.
7. Restaurants.
8. Taxi services.
9. Wholesale or retail selling from inventory located or exhibited at the premises, but not including on-site antiques or wedding cakes.
10. Rental of equipment or personal property stored or exhibited at the premises, but not including vending machines.
11. Automobile or other vehicle repair services.

Section 4.13 Floodplain Management. The Village does not have floodplain management provisions and does not participate in the National Flood Insurance Program.

Chapter 5 - DESIGN STANDARDS

Section 5.1	Building Design Standards.
Section 5.2	Exterior Lighting.
Section 5.3	Open Space, Landscaping, and Buffering.
Section 5.4	Trash and Recycling Collection.
Section 5.5	Equipment Screening.
Section 5.6	Off-Street Parking and Driveways.
Section 5.7	Sign Regulations.

Section 5.1 Building Design Standards.

- A. **Purpose and Intent.** The purpose of this Chapter is to establish a uniform set of design standards for new development and redevelopment within the Village of Loch Lloyd. The intent of these standards is to protect property values, enhance the appearance of the community, and preserve neighborhood character.
- B. **Applicability and Exceptions.** The standards and regulations contained herein this Chapter shall apply to new development, the renovation and redevelopment of existing sites and buildings, all building additions and expansions, and modifications and changes to existing building facades for all uses and districts within the Village.
1. The regulations of this Chapter do apply to changes in building facades but do not apply to building facade maintenance and repair including repainting of existing painted surfaces, window, door, siding and roof replacement with identical or similar materials.
 2. Building expansions or additions, including successive additions, totaling less than twenty percent (20%) of the gross floor area of the existing building may use the same or superior exterior building materials and building design that matches that of the existing building.
 3. At the full discretion of the Board of Trustees, deviations from these standards may be granted in order to ensure the building or building addition is aesthetically compatible with the context of the site, the surrounding area, or the existing building design and appearance or to address the special circumstances for historic or iconic buildings and structures.
- C. **General Provisions.**
1. Four-Sided Architectural Design Required. Buildings shall incorporate four (4) sided architecture. Architectural elements (horizontal or vertical) shall extend around the building and utilize the same, compatible, or complementary materials on all building facades.
 2. Base, Body, and Top Required. Buildings shall clearly express a base, a body, and a top. Transitions from between the base, body, and top shall be accomplished by a change in wall plane, roof overhang, and/or a change in building materials or color.

The Board of Trustees may waive this requirement based upon the building's architectural style, use, or other factors deemed relevant.

3. Wall and Roof Articulation Required. Buildings shall have regular variations and changes (articulations) in the wall planes, roof lines, and roof slopes.
4. Building Monotony Prohibited. Buildings within the same development or within adjoining lots should look substantially different in appearance. Buildings may match in architectural style, use of exterior materials, and colors but must be different in building footprint, layout, and orientation to prevent a monotonous appearance.

D. Standards for the Application of Exterior Building Materials

1. Durable Building Materials Required. All buildings shall be clad in high-quality, durable, and low-maintenance exterior building materials.
2. Multiple Facade Materials. The use of multiple facade materials is encouraged. All buildings should include a combination of brick, stone, siding, windows, and doors.
3. Application of Brick and Stone Masonry. Heavy exterior materials, such as any type of brick or stone masonry, shall be applied so as to acknowledge its historic use as a building foundation and structural material. Brick or stone masonry that appears to be unsupported or 'float' within a facade shall not be permitted, e.g., stone applied to a roof dormer or stone placed directly above doors/windows without a supporting lintel above the door/window.
4. Exterior Insulation and Finish Systems (EIFS). The use of Exterior Insulation and Finish System (EIFS) on none-residential building facade is only permitted above the first ten (10) feet of the building finished floor elevation for a single-story building and is permitted on those floors above the first-floor elevation for a multi-story building.
5. Thin Brick and Stone Masonry Veneer. Thin brick or stone masonry veneer, including brick and stone paneling, shall comply with the following:
 - a. Thin brick and stone masonry veneer systems shall be of high architectural quality and installed in accordance with industry-recognized best practices and manufacturer specifications by a qualified contractor experienced in masonry veneer installation.
 - b. Thin brick and stone masonry veneer or paneling shall only be used in applications where the apparent thickness of the bricks or stones will not be distinguishable or is otherwise addressed by adjustments in the wall plane to simulate the appearance of full depth brick or stone.
 - c. 'L' shaped brick/stone corner pieces and full-depth brick/stone caps shall be utilized at all corners and edges to maintain the appearance of full-depth brick/stone.

- d. Thin brick and stone masonry veneer or paneling shall be continued (returned) a minimum of twelve (12) inches around all wall corners to further maintain the appearance of full-depth brick or real stone and shall be terminated at a ninety-degree (90°) angle inside corner along the given facade.
- E. **Use of Trim on Primary Facades.** Appropriately scaled trim shall be included around all window and door openings, building corners, roof lines, and facade material transitions located on primary facades, unless the use of trim is considered inappropriate based on the building's architectural style.
- F. **Awnings and Canopies.** Awnings and canopies are encouraged but must be functional, provide shade and shelter to the building entry, be designed in scale and proportion to the mass of the building, and constructed of high-quality and durable building materials.
- G. **Building Mounted Equipment Screening Required (Roof-Top and Exterior-Mounted Mechanical Equipment).** All exterior-mounted and all roof-top building HVAC and mechanical equipment shall be located out of view or otherwise screened from view from all adjacent public or private streets and residential developed or zoned properties. Screening shall be accomplished via landscaping, walls, and building elements or screen walls, or a combination of these methods. For roof-top equipment not adequately screened by the parapet, a supplementary screen shall be provided by the use of prefinished architectural metal panels, stucco panels, masonry walls, or similar building materials. The height of the screen shall be no lower than the height of the equipment. The above provisions shall not apply to photovoltaic solar energy panels.
- H. **Submittal Requirements.** Prior to the approval of any building permit or site plan application for a new building, building addition, or building renovation that is subject to the provisions of this Chapter, the application shall provide to the Zoning Administrator the following:
 1. Elevations and dimensions of all sides of existing and proposed buildings, including roof mechanical equipment, vents, chimneys, or other projecting items above the roof line.
 2. Elevations and dimensions of all existing or proposed solid waste and recycling containment areas.
 3. Detailed exterior descriptions, including type and color of all exterior building materials, awnings, exterior lighting, mechanical screening material, fencing, metal flashing and the like.
 4. Detailed cut sheets of all proposed exterior light fixtures and an exterior lighting photometric plan, if required by the Zoning Administrator.
 5. In order to aid in evaluating the exterior design, the applicant shall submit plan views showing, if applicable, the locations of windows and doors, major entrances, recessions and projections from the principal planes of facades, loading docks, outdoor storage areas, and solid waste and recycling containment areas.

6. Heating, air conditioning and ventilating and electrical equipment heights, locations and screening materials.
7. Exterior building and finish material samples and color pallets, if required by the Zoning Administrator.
8. Other information as may be required by the Zoning Administrator. The Zoning Administrator shall further have the discretion to waive any of the above submittal requirements.

Section 5.2 Exterior Lighting. The following exterior lighting standards shall apply to all sites excluding agricultural uses and single-family dwellings:

- A. All site and building lighting shall be LED type (light produced via light emitting diodes) of a soft-white or bright-white light color and quality.
- B. All light fixtures shall be downcast in nature and must possess sharp, cut-off qualities to limit off-site glare.
- C. All parking lot, building exterior, and site lighting shall be designed, angled, or shielded so as not to glare or shine onto abutting properties or to cause glare upon the adjoining public rights-of-way.
- D. Buildings and signage may be up-cast or downcast illuminated provided said lighting does not shine or glare off or past the sign or building wall.
- E. Upon the request of the Zoning Administrator, a photometric plan and cut-sheets of all light fixtures shall be provided to the Village during the site plan and/or building permit review process to ensure compliance with the regulations of this section.
- F. Athletic field and court lighting associated with parks, schools, or recreational facilities may be exempt from the downcast and cut-off fixture requirements of this section, provided such lighting is designed to minimize off-site glare, complies with approved photometric plans, and is subject to any conditions imposed by the Village regarding fixture aiming, shielding, and hours of operation.

Section 5.3 Open Space, Landscaping, and Buffering.

- A. **Purpose and Intent.** The purpose and intent of this section is to establish the minimum regulations necessary to maintain and improve the appearance and natural character of the community with landscaping, preserve existing vegetation, reduce heat gain from large expanses of paved surfaces, reduce the impact from heavy rains and stormwater run-off, and screen and mitigate the visual, noise or other impacts of high-intensity areas of sites, buildings and land uses.
- B. **Applicability.** The standards of this Chapter shall apply to all new development and the redevelopment of existing sites, all site modifications including building additions and expansions, new parking lots and paved area expansions, and the subdivision of land within all zoning districts, except for minor improvements or repairs to existing buildings and sites

that do not result in an increase in building footprint by more than ten percent (10%), an increase in the total impervious surface area by more than ten percent (10%), or changes in use that do not result in an increase in intensity. These expansion limits cannot be exceeded by sequential improvements.

C. **Definitions.** The following terms are defined for this section:

1. "Deciduous Ornamental Tree" means a deciduous tree (often an ornamental type tree) that reaches a mature height of less than 30 feet.
2. "Deciduous Shade Tree" means a deciduous tree with one vertical stem or trunk which begins branching at a height of six (6) feet or more and has a distinct crown that reaches a mature height of at least 30 feet.
3. "Evergreen / Coniferous Tree" means a tree that has needle-shaped or scale like leaves that remain green throughout the year; commonly referred to as pine, fir, and spruce trees. These trees generally reach a mature height of over 15 feet.
4. "Invasive Plant Species" means a plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition, natural processes or habitat quality.
5. "Open Space" means any area not covered by a building, structure, parking lot, loading area, driveway, or other similarly paved area, and may include sidewalks, trails, pedestrian plazas and patios, and landscaped parking lot islands.
6. "Ornamental Grasses" means tall perennial grasses, generally over 24-inches at mature height, that are specifically grown and cultivated for their decorative properties.
7. "Turf Grass" means a continuous plant coverage consisting of a grass species that is mowed or maintained at an established height of 6 inches or less and can include native and non-native vegetation, e.g., Kentucky Blue Grass, Perennial Ryegrass, Tall Fescue, Fine Fescue.

D. **Landscaping Required.** All area unencumbered by buildings, paving or hard-surfaced, shall be landscaped with turf grass, ornamental grasses, plant beds, shrubs, and trees or existing natural vegetation.

E. **Off-Street Parking, Driveways and Loading Areas within the Commercial Zoning District.** The following standards shall apply to all off-street parking and loading areas within the Commercial Zoning District.

1. Parking Lot Design.
 - a. All rows of parking shall be terminated with a curbed landscaped island that is a minimum nine (9) feet wide and no less than 16 feet in length (32 feet in length for head-to-head parking stalls).

- b. No off-street parking or loading area shall be more than 100 feet from a deciduous shade tree located within a landscaped open space area.
 - c. Sidewalks that abut the front edge of any parking stall shall be no less than seven (7) feet wide to accommodate a two (2) feet vehicle overhang.
 2. Parking Lot Landscaping Required.
 - a. All parking lot islands shall be landscaped with a combination of turf grass, ornamental grasses, plant beds, shrubs, and trees.
 - b. Rock, chip brick, pavers, pavement, and similar hard surfacing shall not be used as the primary surface within a parking lot island; however, limited areas of hard surfacing may be permitted where necessary to accommodate pedestrian circulation, drainage features, tree protection, or other functional site design elements, as approved by the Zoning Administrator. Sidewalks may be constructed within a parking lot island as necessary to accommodate pedestrian circulation.
 - c. No less than one (1) deciduous shade tree shall be planted within each required landscaped island.
 3. Parking Lot Screening. Whenever an off-street parking area fronts a public or private street, one (1) deciduous shade tree or two (2) deciduous ornamental trees shall be planted for every forty (40) feet of frontage within the required parking lot setback area. A cluster of at least five (5) ornamental grasses and/or shrubs shall be planted for every 20 feet of frontage.
- F. **Buffer Required for Double Frontage Lots.** Any proposed single-family residential lot that has both its front and rear lines abutting a street shall have a minimum fifteen foot (15') wide buffer from the street along its rear yard.
 1. Required buffers shall be established by easement or restricted outlot.
 2. No fences or structures shall be permitted within this buffer and the rear yard building setback shall be measured from the buffer yard line.
 3. For every 25 linear feet of required buffer a minimum of 1-deciduous shade tree, 2-evergreen trees, and 6-shrubs shall be planted. Buffer plantings should be in small groupings to appear more natural versus evenly spaced in a line.
 4. Earth berming required within a buffer may vary and undulate to accommodate drainage and to provide a more natural appearance and should generally be two (2) to three (3) feet in height.
 5. Buffer Reduction. Should the burden of a buffer requirement cause a property to become practically undevelopable, at the sole discretion of the approval authority, the width of a required buffer may be reduced in lieu of the installation of additional

landscaping, a minimum six (6) foot tall privacy fence or masonry screen wall, and other measures necessary to mitigate the impact on the property to be buffered.

G. Plant Materials Standards.

1. Plant Materials. All plants shall be of the type and species appropriate for the climate and location being planted. All plant material shall be commercially produced and meet the minimum standards recognized by landscape professionals.
 - a. To reduce the threat and impact of plant disease, multiple plant types and species shall be utilized on each site.
 - b. Ornamental grass plantings must be appropriate in size, scale, quantity, and type for the location they are being placed so not to appear unkept or encroach walkways and driveways.
2. Minimum Plant Sizes. All plant sizes shall meet the following size and design requirements:
 - a. *Deciduous Shade Trees*: Minimum 2.0-inch caliper, measured six (6) inches above the immediate ground level.
 - b. *Deciduous Ornament Trees*: Minimum 1.5-inch caliper, measured six (6) inches above the immediate ground level.
 - c. *Evergreen / Coniferous Trees*: Minimum 5-feet in height.
 - d. *Shrubs*: Minimum three (3) gallon container.
 - e. *Ornamental Grasses*: Minimum one (1) gallon container.
3. Plant Locations. All plantings shall comply with the following:
 - a. In general, all plants shall be sited and spaced in a manner to allow for appropriate growth to mature size.
 - b. Trees shall be located no closer than six (6) feet to the back of curb along any street or driveway and no closer than four (4) feet to the edge of any parking lot, sidewalk or walkway.
 - c. Landscaping must meet minimum clearances from all fire hydrants and building sprinkler systems as required by the fire department.
 - d. Deciduous shade trees shall not be placed within any public sanitary sewer, storm sewer or watermain utility easement.
 - e. No landscaping shall be planted in violation of the street intersection vision clearance requirements.

- f. A permit must be obtained prior to planting any street tree or landscape material in a public street right-of-way and shall comply with all Village clearance and setback requirements.

H. **Plant Substitutions.** Substitution of required plant materials may be made as follows:

1. One (1) deciduous shade tree may be substituted in place of 10 required shrubs.
2. One (1) deciduous ornamental tree may be substituted in place of five (5) required shrubs.
3. One (1) evergreen/coniferous tree may be substituted in place of one (1) required deciduous shade tree.
4. One (1) deciduous shade tree may be substituted in place of two (2) required deciduous ornamental trees. Deciduous ornamental trees may not be substituted for required deciduous shade trees.
5. Three (3) ornamental grasses may be substituted for one (1) required shrub.

I. **Existing Trees and Tree Preservation Credit.** The preservation of existing trees on a site is encouraged when they are in good condition and at least 2-inch caliper in size. Such trees may be counted as part of the required number of trees on a site. A credit of two (2) trees toward the number trees shall be given for each existing tree on a site that is of the type of tree listed in the above sections which is over ten (10) inch caliper in size measured six (6) inches above the immediate ground level. However, this credit may not be applied in reducing the number of required interior parking lot trees, unless the tree is located within the parking lot area.

J. **Plan Submittal Requirements.**

1. Plan Approval Required. A landscape plan that follows the provisions of this Chapter shall be submitted as part of any application for approval of a Site Plan and as part of any application for approval of a Preliminary Plat that is for a single-family residential subdivision. No building permit shall be issued without an approved landscape plan in accordance with this Chapter.
2. Plan Submittal Requirements. The landscape plan shall be prepared and signed by a licensed landscape architect or other licensed professional with competency in preparing landscape plans. The plan set shall include the following:
 - a. Property boundary and general location of all existing and proposed structures, fences, walls, paved areas, parking lots, utilities, easements, and storm water management facilities.
 - b. Identification of all required Stream Buffers.
 - c. Existing and proposed grades.

- d. Identification of all existing landscaping including whether it is to be preserved or removed.
 - e. Details for the methods by which existing landscaping planned to be preserved will be protected during site construction.
 - f. Identification of all proposed landscaping include plant species and size.
 - g. Identification of all proposed ground cover.
 - h. Width and details for all required buffers including buffer type and plant quantities.
 - i. Details of all required screening.
 - j. Specifications for soil conditioning and plant installation.
 - k. Calculation of the require landscaping and summary of landscape provided.
 - l. Other information as required by the Zoning Administrator.
 - m. The Zoning Administrator may waive any of these required elements if determined unnecessary to ensure compliance with this Chapter.
- K. **Final Approval.** Prior to approval of a Final Plat for any single-family residential subdivision and prior to issuance of a Certificate of Occupancy for any building, all landscaping must be installed in accordance with the approved landscape plan. Should any of the required landscaping not be installed prior to a request for Final Plat approval or Certificate of Occupancy, due to weather conditions or time of the year, the Zoning Administrator, at their sole discretion, may accept a cash surety or performance bond as a guarantee of installation and approve the Final Plat or issue a temporary Certificate of Occupancy. The surety amount shall be no less than one and one-half (1½) times the cost of installation.
- L. **Modifications.** The Zoning Administrator may administratively review and approve requests for minor changes to any approved landscape plan, such as changes in plant materials or plant locations, provided those changes comply with the requirements of this Chapter and do not materially alter the appearance of the site.
- M. **Nonconformities.** Existing developed sites seeking approval of a building permit or site plan approval for any site modifications including building additions and paving expansions shall attempt to bring the entire property into full compliance with the requirements of this Chapter. At a minimum, all new parking lots, and new paved areas shall comply with the regulations of this Chapter. No site plan or building permit shall be approved that causes or increases a site's nonconformity with this chapter.
- N. **Maintenance And Replacement.**
- 1. Maintenance. All property owners shall maintain all landscaping including regular mowing, trimming, and pruning and removal of dead, dying, or diseased plant material

and keep the property clear from weeds, debris, and litter. Plant material shall be regularly trimmed and pruned to keep from encroaching sidewalks, walkways, driveway, and parking areas.

2. **Replacement.** The owner of any lot or parcel for which a landscape plan has been approved under this section shall further be responsible for the replacement of any dead, dying, or diseased plant material to remain in compliance with the approved landscape plan. Should a tree for which a landscape credit was given, die, become diseased, or is otherwise removed, the owner of the property on which the tree is located shall replace the tree at the same ratio at which the credit was originally given. Failure to maintain the landscaping in accordance with this provision shall constitute a violation of the site's site plan and/or building permit approval and certificate of occupancy.

Section 5.4 Trash and Recycling Collection. The following trash and recycling collection standards shall apply to all sites excluding agricultural uses and single-family dwellings:

1. **Provisions Required.** All occupied sites shall have adequate provisions for the collection of trash, grease, and recyclable materials with sufficient numbers and locations of collection containers as determined by the Zoning Administrator, at their sole discretion.
2. **Screening of Collection Containers.** All outdoor trash and recycling receptacles, dumpsters, and grease collection containers shall be screened on all sides by the use of a permanent enclosure, with gates or openings provided for disposal truck access. The enclosure shall be constructed of durable, opaque materials, including opaque fencing, masonry, or other similar materials approved by the Zoning Administrator.

Section 5.5 Equipment Screening. The following equipment screening standards shall apply to all sites excluding agricultural uses and single-family dwellings:

3. All ground mounted and all roof-top building HVAC and mechanical equipment shall be screened from view from adjacent public streets and residential developed or zoned properties.
4. Required screening shall be accomplished by one or more of the following: landscaping, screen walls, and building structure.

Section 5.6 Off-Street Parking and Driveways.

- A. **Purpose and Intent.** It is the purpose and intent of this section to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. In all districts there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements herein. The requirements of this section are minimum standards, and in certain uses these requirements may be inadequate. Where review of the site plans and intended land use indicate through the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use

adaptation, a greater requirement for off-street parking may be required to preserve the intent of this ordinance.

B. Off-Street Parking Required.

1. Off-Street Parking Spaces. All parking and storage of vehicles, trailers, recreational vehicles, campers, boats and similar recreation equipment shall occur only upon paved surfaces designed and constructed per the regulations contained herein this section. Unlicensed or inoperable vehicles and equipment shall not be stored outside. In all zoning districts space for parking and storage of vehicles and trailers shall be provided in accordance with the Off-Street Parking Required Table and the standards contained herein this section. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons, or employees of the principal use served.
2. Calculation of Off-Street Parking Required. The following identifies the minimum number of parking spaces required for the specified use. The intent of these standards is to provide the appropriate number of parking spaces on site for the given use and to accommodate changes in uses over time. At the discretion of the Zoning Administrator, the Village may require the amount of parking required for a site be based on a parking study and analysis.
 - a. Residential dwellings: 2 spaces per unit
 - b. Clubhouses, restaurants, bars, indoor recreation facilities, religious organizations, and other places of assembly: 1 space for every 4 seats at maximum building occupancy or 4 spaces per 1,000 square feet of gross floor area if no seating capacity has been established.
3. Accessibility Parking. Accessibility parking (handicapped parking) shall be provided in accordance with State and Federal law.
4. Garages and Structured Parking. Each parking space within a residential garage that is directly connected to an individual dwelling unit may count towards the fulfillment of the parking space requirement.

C. Design Standards. Every lot or parcel of land hereafter used as a public or private parking area, including parking lots, shall be developed and maintained in accordance with the following requirements.

1. Access Drive and Driveways. An access drive (or driveway) is required to provide access to all off-site parking areas and to any garage.
2. Driveways for Single-Family Dwellings. All driveways shall be no less than eight (8) feet in width and no greater than twenty-four (24) feet in width measured at the street right-of-way line.

3. Driveways for All Other Uses. All other access drives and driveways shall be a minimum 24-feet wide for two-way drives and 16-feet wide for one-way drives.
4. Paving: All driveways, access drives, and off-street parking and loading areas shall be paved with hot mix asphalt (HMA), Portland cement concrete (PCC), or pavers (including permeable pavement and paver systems). The design and construction of said pavement or pavers shall be of sufficient thickness, reinforcement, and sub-base necessary to provide a durable, dustless surface designed and rated for the traffic it is anticipated to carry. All paved areas shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. No vehicles or trailers shall be parked or stored upon an unpaved surface except as may be permitted within a designated and approved outdoor storage area.
5. Curb and Gutter: Except for individual driveways serving single-family dwellings, an integral, six (6) inch tall curb of Portland cement concrete (PCC) shall be provided along the edges of all parking lots, drive aisles, loading areas, access drives, and driveways, unless an alternative design is approved by the Zoning Administrator due to site conditions, drainage design, or operational needs. Openings within the required curbing may be permitted for stormwater conveyance and for ramps serving sidewalks and trails. Prefabricated curbs or wheel stops are prohibited unless specifically approved.
6. Sidewalks and Trails: Except for single-family dwellings, sidewalks or trails shall be required as necessary to connect parking areas to the building entrances. All sidewalks shall be a minimum five (5) feet in width. Sidewalk adjoining parking stalls shall be widened a minimum two (2) feet in width as necessary to accommodate vehicle overhang.
7. Parking Lot Markings and Traffic Control Signage: Parking lots, drive aisles, and driveways shall be marked and signed per the standards within the Manual on Uniform Traffic Control Devices (MUTCD). The location of each parking space shall be identified by surface markings or other effective means and shall be maintained so as to be readily visible at all times.
8. Maintenance Required: All paved areas shall be properly maintained at all times, including pavement markings and traffic control signage, to permit the safe access of the site by customers, visitors, and emergency services.
9. Parking Lot Dimensional Standards: All parking spaces shall be a minimum nine feet (9') in width by nineteen feet (19') in depth. At the discretion of the Zoning Administrator, alternate parking stall dimensions may be approved for structured parking.

D. Parking Area Setbacks.

1. Single-Family Residential Driveway Setback. Driveways for single-family residential dwellings shall be setback a minimum of one foot (1') from any adjoining lot, unless it is a shared driveway.
2. Parking Lot Setbacks. The following identifies the setback requirements for all parking lots and loading areas. All setbacks are measured from edge of paving.
 - a. Front Yard Setback: 30 feet
 - b. Side Yard Setback: 30 feet
 - c. Rear Yard Setback: 30 feet
3. Parking is prohibited within the required parking lot setback areas. However, parking is permitted upon the individual driveway of a single-family dwelling, provided no vehicle or trailer overhangs, crosses, or encroaches upon a sidewalk or street right-of-way.
4. No parking or loading area shall be constructed within a required buffer.

Section 5.7 Sign Regulations.

- A. **Purpose and Intent.** The purpose of this section is to provide minimum standards to safeguard life, health, property, and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification, illumination, and maintenance of all signs and sign structures not located inside a building. The provisions of this section are intended to encourage opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of communications facilities. It is the further intent of this section to regulate signs by their physical characteristics and not by their message.
- B. **Definitions.** For the purposes of this section, the following terms are as defined herein.
 1. **"Animated sign"** means any sign with actual motion, the appearance or illusion of motion, or light or color changes by mechanical or electrical means.
 2. **"Air-Activated Graphics"** means a sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.
 3. **"Awning"** means any structure made of cloth type materials or metal with a metal frame attached to a building and projecting over a thoroughfare.
 4. **"Bag sign"** is a sign made out of fabric, canvas or other flexible substrate, and designed to temporarily cover an existing, permanent sign of any kind, as to convey a different message for a short period of time of no more than 30 days.
 5. **"Balloon sign"** is a sign that is an air-inflated or gas-inflated object, which may be of various shapes, made of flexible material meant to be inflated. Balloon signs can be resting on the ground or a structure and equipped with a portable blower, or inflated with a gas lighter than air and meant to float or hover at an altitude of no more than

25 feet while securely attached to the ground. See also the definition for air-activated graphics.

6. **"Banner sign"** is a sign composed of fabric or other flexible substrate that is fastened to the exterior of a building, exterior structure, wall, post, or similar upright structure and secured by all four corners so as to limit movement of the sign caused by movement of the atmosphere.
7. **"Billboard"** means a flat surface on which an off-premise, commercial message or messages are displayed with the intent to be visible from a public street or highway.
8. **"Blade sign"** means a rigid projecting or suspended sign that is perpendicular to the building facade, that is mounted below the awning, canopy, or other first floor overhangs and/or over the building or store entryway and for which the primary audience is pedestrians.
9. **"Building sign"** means a sign which is wholly supported by the building wall, parallel to the plane thereof, and which does not extend beyond the surface of said building wall more than twelve (12) inches. This definition includes walls signs, awning signs, canopy signs, fascia signs, parapet signs, painted signs, and window signs as may be defined herein.
10. **"Canopy"** means any structure, other than an awning, made of cloth type materials or metal with metal frames attached to a building, projecting over a thoroughfare, and carried by a frame supported by the ground or sidewalk.
11. **"Canopy sign"** is a building sign attached to or in any way incorporated with the face or underside of a canopy, marquee, or any other similar building projection, and which does not extend beyond the projection more than six inches.
12. **"Changeable message sign"** means a sign that has the capability of sign copy being changed manually or mechanically.
13. **"Clear Vision Zone"** means the clear vision zone required at street intersections as defined and required in this ordinance.
14. **"Commercial sign"** means any sign not defined herein as a "non-commercial sign."
15. **"Directory sign"** means a permanent diagrammed representation located near the entrance of a complex which shows the location and address of the unit designations within a complex.
16. **"Electronic message center"** means a sign that is electronically or electrically controlled that displays a message center or reader board composed of a series of lights that may be changed through electronic means including LED or LCD displays.
17. **"Feather sign"** is a temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material and supported by a single vertical pole mounted into the ground or on a portable structure.

18. **"Flag"** means any fabric, banner or bunting containing words, numbers, colors, patterns or symbols, or logos.
19. **"Free standing signs,"** means any sign which is self-supported by one or more uprights or braces in or upon the ground and not attached to any building or wall.
20. **"Facing or surface"** means the surface of the sign upon, against or through which the message is displayed or illustrated on the sign. The square footage of a sign, wherever the same is required to be computed for the purposes of this Chapter, shall be determined by computing the square footage of the facing or surface of such sign.
21. **"Government flag"** means any fabric, banner or bunting containing words, numbers, colors, patterns or symbols, used as a symbol of a government or political subdivision, including flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and other flags adopted or sanctioned by an elected legislative body of competent jurisdiction.
22. **"Government sign"** means any type of sign that is constructed, placed or maintained by or at the direction of the federal, state, county, or local government. Examples include traffic control and safety signs and devices, public notices and informational signs, all public parks and public facilities signs, and directional and identification signs such as tourist oriented directional signs approved and placed by the Missouri Department of Transportation, memorial plaques, signs of historical interest, signs designating hospitals, libraries, public parks, schools, colleges, airports, and other institutions or places of public interest or concern.
23. **"Ground sign,"** see "free-standing sign."
24. **"Illuminated sign"** means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.
25. **"Internal sign"** means any sign oriented internally intended to convey messages to internal users of a site and not design, located, or otherwise intended to convey messages to persons off-site. Examples include directional or wayfinding signs, traffic directions and signs that provide parking instructions, security warning signs, business directories, or similar communications that are accessory to the use of the site and any building located thereon.
26. **"Logo"** means a stylized group of letters, words, symbols, or combination thereof used to identify and represent a business, organization, group, team, or product and to differentiate it from others.
27. **"Marquee"** means any hood or awning of permanent construction projecting from the wall of a building above an entrance and extending over a thoroughfare.
28. **"Mobile sign"** means a sign affixed, painted, or in any other way embedded to an automobile, truck, trailer, other vehicle, or wheeled structure of any kind including casters.

29. **"Monument ground sign"** means a free-standing sign which is anchored to the ground by means of a solid structure (normally concrete or masonry) with a low profile, which has a monolithic or columnar line and which maintains essentially the same contour from grade to top with the base of the sign being a minimum of 80% of the width of the widest component of the sign. Said signs may be doubled-sided, perpendicular or parallel to the adjoining roadway but in no case shall consist of more than 2 sign faces. The sign face shall cover no more than 80% of the total surface of the structure.
30. **"Non-commercial sign"** means any sign containing an ideological, political issue, religious or other message not related to the promotion of a commercial or business activity. All signs not defined as a "non-commercial sign" shall be defined as a "commercial signs."
31. **"Off-premises sign"** means a commercial sign installed, erected, constructed, or hung on a site or property that is not appurtenant to the use of, products or services being sold on, work being performed on, or the sale, lease, or rental of the land or buildings on which the sign is located, sometimes referred to as a billboard. This definition does not include non-commercial signs.
32. **"On-premises sign"** means a sign installed, erected, constructed, or hung on a site or property that is appurtenant to the use of, products or services being sold on, work being performed on, or the sale, lease, or rental of the land or buildings on which the sign is located.
33. **"Panel sign"** means a sign consisting of a frame covered by a translucent material which may be internally illuminated. The entire sign structure is one unit and the copy is not intended to include three-dimensional individual letters.
34. **"Permanent sign"** means a sign constructed of durable materials and attached, painted, erected, or affixed to a wall or imbedded in or constructed on a foundation in the ground, that does not allow removal without special tools or equipment and which is intended to exist on more than a temporary basis for more than six (6) months.
35. **"Pole sign"** means a free-standing sign that is supported by one or more uprights not attached to, or braced by, any other structure.
36. **"Political issue sign"** means a sign announcing, promoting (for or against), or drawing attention to any personal or political issue or candidate(s) seeking public political office.
37. **"Portable sign"** means a free-standing sign not permanently anchored or secured to the ground or any building or wall, which may be moved from place to place, including, but not limited to, signs design to be transported by means of wheels, and is not expressly permitted under this Chapter as a temporary sign.

38. **"Projected-image sign"** means a sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface, from a distant electronic device, such that the image does not originate from the plane of the wall, structure, sidewalk, or other surface.
39. **"Projecting sign"** means any sign which is attached to a building or other structure and extends more than 12 inches beyond the building.
40. **"Public school district sign"** means any type of sign that is constructed or placed by a public school district on property owned or leased by that public school district.
41. **"Raceway"** means an enclosed channel designed expressly for holding wires, cables, or bus bars on which a sign is mounted.
42. **"Raceway, pan style"** is a sign raceway that is shaped and contoured to follow the outline of the sign to which is mounted to the raceway.
43. **"Real Estate Sign"** means a temporary sign advertising that the property on which sign is located is for sale, lease, or exchange by the owner or agent and may include the owner's or agent's names and contact information.
44. **"Roof sign"** means any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
45. **"Sign"** means any kind of surface, object, structure or lettering in which a message is conveyed, or attention is gained by any means, static or dynamic, permanent or temporary, by any length of time to advertise or promote the interests of any person when the same is placed out-of-doors in view of the general public.
46. **"Sign area"** means that area of a sign's exposed facing, determined by the Zoning Administrator using actual dimensions where practical, or approximate dimensions when irregularity of a sign shape warrants. Such area shall be measured using one of the area calculation formulas as provided herein this Chapter.
47. **"Sign copy"** means words, letters, logos figures, symbols, illustrations, or patterns that form a message or otherwise call attention to a business, product, service, or activity, or to the sign itself.
48. **"Temporary sign"** means any yard sign, bag or banner covering a permanent sign, or other sign, banner, pennant, valance or advertising display constructed of vinyl, cloth, canvas, light fabric, cardboard, plywood, wallboard, or other light materials, with or without frames, intended to be displayed for a short period of time only and in no case displayed for more than 6-months.
49. **"Wall sign"** means any flat sign of solid face construction which is placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure.

50. **“Window sign”** means a sign posted, painted, placed, adhered, or affixed on the outside surface a window or door.
51. **“Work of art”** means any mural painting or decoration, inscription, mosaic, painted glass, base-relief, or other similar art form of a permanent character that is intended for decoration, ornament, or commemoration and that is applied to, placed upon, or erected on any lot or parcel or wall of any building or structure. A work of art shall not incorporate logos, advertisements, or other commercial speech nor shall a work of art contain images, letters, symbols or other representations designed to identify or market any commercial activities contained upon the site on which it is located.
52. **“Yard sign”** means a temporary, free-standing sign made of rigid materials that is supported by a frame, one or more poles or posts, or other support structure placed directly in the ground without foundation or other anchor. These signs may be single or double-sided (back-to-back).

C. **General Provisions.**

1. No sign shall be allowed except as permitted by this section.
2. No person shall install, erect, construct, hang, or alter any sign within the Village without first obtaining from the Village a Sign Permit, unless such sign is otherwise exempt under this section.
3. No person shall replace the sign copy or sign face without first obtaining from the a Sign Permit, unless such sign is otherwise exempt under this section.
4. Any permanent or temporary commercial sign allowed in this section may be utilized as a non-commercial or political issue sign subject to the regulations contained herein.
5. Vision Clear Zone. No sign shall be located within the clear vision zone of a street intersection as defined herein this ordinance. No sign shall be located so that the safety of a moving vehicle or pedestrian will be impaired by obscuring a driver's or pedestrian's vision.
6. Adequate Design and Construction. All signs and other advertising structures shall be designed and constructed to withstand a wind load and deadload as required in the Building Code or other ordinances of the Village.
7. Sign Maintenance. All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the owner of the property upon which the sign is located, within thirty (30) days after written notice by the Village.
8. Interference. No sign or attachment thereto shall be erected, placed or maintained by any person in such a manner as to interfere with the effective use of firefighting

equipment or personnel, or any overhead electrical power, telephone, fiber optic, or cable wires or supports thereof.

9. Placement. No sign shall be erected, painted, attached or in any other way displayed on rocks, fences, trees, or any other public or private property not specifically meant to advertise.
10. Illumination. All externally illuminated signs shall be constructed to direct the source of light away from adjacent properties or public streets.

D. **Prohibited Signs**. The following signs shall not be permitted, erected or maintained on any property within the Village, unless located within the confines of a building, or not visible from outside the premises of the lot in which the sign is located.

1. Animated Signs, Air-Activated Graphics, and Signs with Moving Parts. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, or mechanical means, including intermediate electrical pulsations, the appearance or illusion of motion, or light or color changes by mechanical or electrical means, or by action of normal wind currents.
2. Balloon Signs.
3. Banner Signs. Banners, pennants, spinners, and streamers, except as specified in this Section as a permitted temporary sign.
4. Billboards.
5. Electronic Message Center (EMC) Signs.
6. Flashing or Glaring Lights. Flashing lights, strobe lights, or rotating beams shall be prohibited outside of a building or visible from the outside of a building in all zoning districts except when otherwise legally displayed as emergency lights or warning lights. Illumination of signs shall be designed in such a way as to reflect light away from residential properties and motorists' vision.
7. Interference with Traffic. No sign or other advertising structure as regulated by this section shall be erected at the intersection of any street or alley in such a manner as to obstruct free and clear vision, or at any location, where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device or which makes use of the words STOP, LOOK, DRIVE-IN, DANGER or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
8. Mobile Signs.
9. Pole Signs.

10. Off-Premises Signs. Except for non-commercial signs and temporary signs, where permitted by this section.
11. Moving Lights. Signs which incorporate in any manner any flashing, pulsating, rotating, beacons, or moving lights.
12. Obscene Matter. Signs that display obscene matters in violation of state law.
13. Hazardous Sign. Any sign or sign structure which is structurally unsafe, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, is not kept in good repair; or, is capable of causing electrical shocks to persons likely to come in contact with it.
14. Roof Signs.
15. Signs Projecting over Public Right-of-Way. It is unlawful to erect or maintain any sign on, over, or above any land or right-of-way belonging to the Village or other governmental entity unless specifically permitted by said entity.
12. Temporary Signs. All temporary signs except those that are specifically allowed by this section.

D. Exemptions to Sign Permit Requirement. The following signs shall not require a sign permit:

1. Village and government signs and government flags and signs for public school districts, as defined herein this section, are exempt from the Sign Regulations, the Sign Design Standards, and the Sign Permits and Fees requirement.
2. Signs located within the confines of a building that are not visible from the exterior of the building.
3. Building street addresses on buildings and signs as required by the Village are exempt from the Sign Regulations, the Sign Design Standards, and the Sign Permits and Fees requirement.
4. Works of art that meet the definition as provided herein this section.
5. Temporary signs, to the extent that they meet the standards herein this section, are exempt from the Sign Permits and Fees requirement.

E. Sign Types. For the purposes of this section, the following sign types as defined herein are placed into the following categories.

1. Permanent Signs. Permanent signs may be commercial or non-commercial signs as defined herein this section but shall not include off-premise signs with a commercial message. Permanent signs are limited to the following permanent sign types as defined and further regulated herein this section:
 - a. Building Signs.

- b. Ground Monument Signs.
 - c. Internal Signs.
2. Temporary Signs. Temporary signs may be commercial or non-commercial signs as defined herein this section and may include off-premise signs. No temporary sign shall be in place for a period greater than six (6) months unless removed and replaced with a new sign. Temporary signs are limited to the following temporary sign types as defined and further regulated herein this section:
- a. Free-standing signs.
 - b. Banner signs attached to a building wall or exterior window or covering and affixed to an existing building sign.
 - c. Bag signs covering and affixed to an existing free-standing sign.
- F. **Permitted Signs.**
1. Permanent Signs.
- a. Residential lots or parcels are not permitted any permanent signs.
 - b. Each residential subdivision or development shall be permitted the following:
 - (1) Two (1) ground monument signs per entrance into the development. Said sign shall be no taller than 10 feet, no wider than 12 feet, with a maximum sign area of 40 square feet as calculated by using sign area formula B. Signs shall be located on private property and not closer than 10 feet from any property line.
 - c. Non-residential uses located within any residential zoning district or within the ROS zoning district shall be permitted the following permanent signs:
 - (1) One (1) building wall sign per public or private street frontage. Said sign shall be no larger than 24 square feet in area as calculated by using sign area formula A. Allowed signs may be placed on any building wall provided the total number of signs is not exceeded for the building.
 - (2) One (1) ground monument sign per public or private street frontage. Said sign shall be no taller than 5 feet, no wider than 6 feet, with a maximum sign area of 24 square feet as calculated by using sign area formula B. Signs shall be located not closer than 10 feet from any property line.
 - (3) Five (5) internal signs no taller than 10 feet with a maximum sign area of 18 square feet as calculated by using sign area formula B. Signs shall be located not closer than 10 feet from any property line.

- d. Commercially zoned lots or parcels shall be permitted the following permanent signs:
 - (1) One (1) building wall sign per public or private street frontage. Said sign shall be no larger than 48 square feet in area as calculated by using sign area formula A. Allowed signs may be placed on any building wall provided the total number of signs is not exceeded for the building.
 - (2) One (1) ground monument sign per public or private street frontage. Said sign shall be no taller than 10 feet, no wider than 12 feet, with a maximum sign area of 40 square feet as calculated by using sign area formula B. Signs shall be located not closer than 10 feet from any property line.
 - (3) Five (5) internal signs no taller than 10 feet with a maximum sign area of 18 square feet as calculated by using sign area formula B. Signs shall be located not closer than 10 feet from any property line.

2. Temporary Signs.

- a. Residential uses shall be permitted the following temporary signs:
 - (1) One (1) temporary commercial sign no greater than fifteen (15) ~~eight~~ ~~(8)~~ square feet in size as calculated by using sign area formula B.
 - (2) One (1) real estate sign per public or private street frontage. Said sign shall be no greater than eight (8) square feet in size as calculated by using sign area formula B.
 - (3) An unlimited number of temporary non-commercial signs of any size.
- b. Non-residential uses shall be permitted the following temporary signs:
 - (1) One (1) temporary commercial sign no greater than thirty-two (32) square feet in size as calculated by using sign area formula B.
 - (2) One (1) real estate sign per public or private street frontage. Said sign shall be no greater than thirty-two (32) square feet in size as calculated by using sign area formula B.
 - (3) An unlimited number of temporary non-commercial signs of any size.
- c. No temporary sign shall be located within any street right-of-way. All temporary signs shall be located no closer than ten (10) feet from any property line.
- d. Nothing with in this ordinance shall conflict with the exemptions afforded for real estate signs by Section 67.317 RSMo.

G. Sign Design Standards.

1. Building Signs. The following design standards apply to all permanent building signs.
 - a. All building signs, but not including awning and window signs, shall consist of solid individual letters and symbols that have a three-dimensional appearance with a minimum dimensional depth of one (1) inch. The dimensional depth may be achieved by individual dimension letters or symbols, cut out, push through, engraved, embossed, pin mounted with stand-offs, or alternative acceptable to the Zoning Administrator. Said individual letters and symbols shall be made of anodized aluminum or similar materials or should consist of individual illuminated self-contained letters and symbols made of anodized aluminum or similar materials with translucent plastic faces.
 - b. Signs with exposed neon or exposed fluorescent tubes or light bulbs are prohibited.
 - c. Painted signs, including any lettering, graphics, images, and logos, are prohibited except as may be permitted on awnings and windows.
 - d. Panel signs are prohibited; however, a panel type sign of an individual logo or graphic may be permitted as part of a building sign provided the panel area does not exceed two (2) feet in height and two (2) feet in width and is designed as if it were an individual illuminated self-contained letter or symbol.
 - e. No individual letter or symbol shall exceed two (2) feet in height and two (2) feet in width. All letters and symbols should be individually attached to the building wall. Raceways are prohibited. In any situation where it is not physically practical to mount a wall sign without a raceway, a pan-style raceway may be authorized at the discretion of the Zoning Administrator.
 - f. Signs may be mounted on a uniform backing that is of no more than one (1) color and that projects no more than four (4) inches from the surface of the building wall.
2. Ground Monument Signs. The following design standards apply to all permanent ground monument signs where permitted by this section.
 - a. Ground signs shall be restricted to monument grounds signs. Pole signs are prohibited.
 - b. All sign structures shall be architecturally designed and incorporate design details, materials, and colors of the associated building. All sign bases shall designed and constructed of materials permanency and strength (i.e. brick, stone, masonry, etc.), and shall be compatible with other structures and signs in the development. Metal skirting around a supporting pole shall not be considered an acceptable sign base material.

- c. All ground signs shall consist of solid individual letters and symbols that have a three-dimensional appearance with a minimum dimensional depth of one (1) inch. The dimensional depth may be achieved by individual dimension letters or symbols, cut out, push through, engraved, embossed, pin mounted with stand-offs, or alternative acceptable to the Zoning Administrator. Said individual letters and symbols shall be made of anodized aluminum or similar materials or should consist of individual illuminated self-contained letters and symbols made of anodized aluminum or similar materials with translucent plastic faces.
- d. Signs with exposed neon or exposed fluorescent tubes or light bulbs are prohibited.
- e. Painted signs, including any lettering, graphics, images, and logos, are prohibited.
- f. Panel signs are prohibited; however, a panel type sign of an individual logo or graphic may be permitted as part of a building sign provided the panel area does not exceed two (2) feet in height and two (2) feet in width and is designed as if it were an individual illuminated self-contained letter or symbol.
- g. No individual letter or symbol shall exceed two (2) feet in height and two (2) feet in width. All letters and symbols should be individually attached to the ground sign. Raceways are prohibited. Signs may be mounted on a uniform backing that is of no more than one (1) color and that projects no more than four (4) inches from the surface of the ground sign.
- h. Permitted ground signs may include a manually changeable message sign that is double-sided (back-to-back) and no larger than forty-eight (48) square feet in size per sign face.

H. **Sign Area Calculation.** The area of a sign shall be as determined by the Zoning Administrator using actual dimensions where practical or approximate dimensions when irregularity of a sign shape warrants. The area of each sign type is to be measured with either Formula A or Formula B as noted below. The application of either Formula A or Formula B is established by sign type as defined elsewhere in this section.

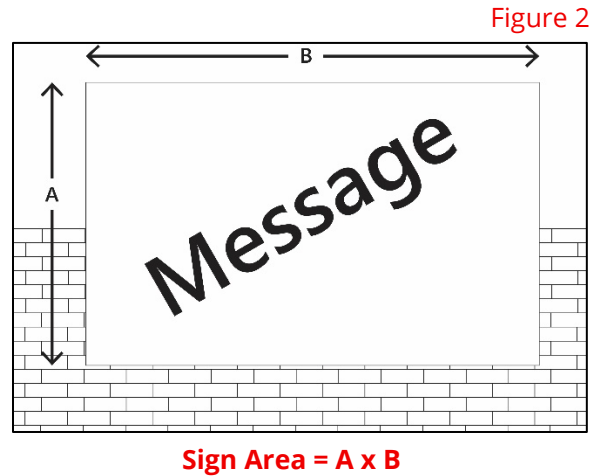
- 1. Formula A: The sign area is the sum of the area of two (2) contiguous rectangles, squares or circles that enclose the extreme points or edges of all copy, logos and symbols of said sign.

Figure 1



Sign Area = (A1 x A2) + (B1 x B2)

2. **Formula B:** The sign area is the area of one rectangle, square or circle that encloses the extreme points or edges of all areas where copy may be placed on a sign. This area does not include structural or architectural features of the sign where copy will not be located.



- I. **Enforcement Authority.** The Zoning Administrator is hereby authorized and directed to enforce all the provisions of this section.
- J. **Permit Required.** Except those signs as expressly exempted herein this Section, it is unlawful for any person to erect, alter, or relocate any sign or other advertising structure as defined in this Section, without first obtaining a sign permit from the Zoning Administrator, and making payment of the sign permit fee as established by resolution of the Board of Trustees. Application for sign permits shall be made upon forms as determined by the Zoning Administrator and shall contain or have attached thereto information deemed necessary by the Zoning Administrator to determine compliance with this Section. A permit is not required to maintain or repair an existing, legally permitted sign.
- K. **Nonconforming Signs.** Existing legal, nonconforming signs may continue to be maintained and used until they are removed under the terms of this section. Every sign or other advertising structure lawfully in existence on the date of the adoption of this ordinance, but which is prohibited by the terms and conditions of this section, shall not be altered or moved except in compliance with this section.
 1. **Modification.** A legal nonconforming sign or sign structure shall be brought into conformity with this Section if it is altered, reconstructed, replaced, expanded, or relocated. A change in sign copy, or the replacement of a sign face, is not an alteration or replacement for purposes of this Section, but conditions may be placed on the approval to bring the sign closer to compliance with the intent of the provisions of this Section.

2. **Maintenance.** Legal nonconforming signs must be maintained in good condition. Maintenance required by this subsection shall include replacing or repairing of worn or damaged parts of a sign or sign structure in order to return it to its original state, and it is not a change or modification for purposes of subsection 3 herein below.
 3. **Removal.** Removal of a nonconforming sign or replacement of a nonconforming sign with a conforming sign is required when:
 - a. Fifty percent (50%) or more of the entire sign structure of a legal nonconforming sign is damaged, destroyed, or for any reason or by any means taken down; or
 - b. The condition of the legal nonconforming sign or legal nonconforming sign structure has deteriorated without maintenance as required by this section; or the legal nonconforming sign structure or building it is mounted on is destroyed or damaged by a fire, flood, windstorm, or similar abnormal event; and the cost of restoration of the sign to its condition immediately prior to such deterioration or event exceeds fifty percent (50%) of the cost of reconstruction of the sign structure; or
 - c. The use of the legal nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a period of ninety (90) consecutive days or more. An intent to abandon is not required as the basis for removal under this subsection.
- L. **Variations And Appeals.** Any variance from these regulations may be approved only by the Board of Adjustment after an application for a permit has been denied for the proposed sign, by the Zoning Administrator as provided in this Section. Any person aggrieved by an order, requirement, decision or determination of the Zoning Administrator in the enforcement of this Section may file an appeal with the Board of Adjustment in accordance with UDO.

CHAPTER 6 - SUBDIVISION REGULATIONS

Section 6.1	Purpose
Section 6.2	Jurisdiction.
Section 6.3	Procedures.
Section 6.4	Preliminary Plat Requirements.
Section 6.5	Final Plat Requirements.
Section 6.6	Subdivision Design Standards.
Section 6.7	Inspection Of Public Improvements.
Section 6.8	Waivers.

Section 6.1 Purpose. The purpose of this Chapter is to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety, and general welfare.

Section 6.2 Jurisdiction. This Chapter is adopted by the Board of Trustees to govern the subdivision of all lands within the corporate limits of the Village of Loch Lloyd.

Section 6.3 Procedures.

A. Preliminary Plat Application Required.

1. **Pre-Application Meeting.** Prior to the submission of any preliminary plat application, the applicant shall request a pre-application meeting with the Zoning Administrator to review the plat proposal and confirm the appropriate process and application requirements.
2. **Application and Review.** Whenever the owner or their designee of any tract or parcel of land within the jurisdiction of this chapter wishes to subdivide or plat the same into two (2) or more lots, said owner shall cause to be prepared a preliminary plat of said subdivision, and shall submit to the Zoning Administrator a completed preliminary plat application form, required number of copies of the preliminary plat, preliminary plat application fee, and any other information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements. The preliminary plat shall contain such information and data as is outlined in herein this chapter.
 - a. The Zoning Administrator or their designee shall examine said preliminary plat application as to its completeness. If determined incomplete, the application shall be returned to the owner or their designee with a list of missing information and items. If determined complete by the Zoning Administrator or their designee, the application shall be distributed to applicable utility companies and other agencies for review and comment to its completeness. The Zoning Administrator or their designee shall compile all comments and complete a review of the plat as to its compliance with this Chapter and the UDO. If determined incomplete, the application shall be returned to the owner or their designee with a list of missing information and items.

- b. At the request of the owner or designee, the preliminary plat shall be forwarded to the Commission for its review, regardless of the Zoning Administrator's determination that the preliminary plat is complete.
3. Review by Planning Commission. Once the preliminary plat has been deemed complete by the Zoning Administrator or their designee, or if the owner or their designee has requested the preliminary plat be forwarded to the Commission, the Zoning Administrator or their designee shall provide a written report to the Commission within thirty (30) days. After receiving the Zoning Administrator's report, the Commission shall review the preliminary plat and other material for conformity to regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made.
4. Review by Board of Trustees. The Commission shall submit a report to the Board of Trustees with recommendations for approval, approval with conditions, or rejection of such preliminary plat within thirty (30) days after the date of review of said plat to the Commission. Upon receiving recommendations from the Commission, the Board shall consider the same and if the plat is found to conform to the provisions of this chapter, the Board may then approve or deny the preliminary plat.
 - a. If the preliminary plat is rejected, the Board will advise the owner or developer of any changes which are desired or should have consideration before approval will be given. Upon making such changes, the developer may resubmit the preliminary plat for approval by the Commission and the Board.
 - b. Approval of the preliminary plat by the Board of Trustees shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.
5. Meeting Notice Provided. Notice of the Planning Commission meeting and the Board of Trustees meeting shall be provided in accordance with Section 2.8 - Notice Requirements, of the UDO.
6. Preliminary Plat Expiration. The approval of the preliminary plat by the Board shall be null and void unless the final plat is presented to the Board within two (2) years after the date of said preliminary plat approval by the Board, unless an extension is approved by resolution of the Board of Trustees. In the case of a subdivision that is proposed to be platted and developed in multiple phases, final plat applications for all phases must be presented to the Board within four (4) years of the date of approval of the final plat for the first phase. The preliminary plat for phases not submitted within this time frame shall become null and void, unless an extension is approved by resolution of the Board of Trustees.
 - a. The preliminary plat application, if not presented to the Commission for review within one (1) year from the date of its initial submittal due to a lack of response by the applicant, shall be deemed withdrawn by the applicant and the application fees forfeited.

7. Modifications to an Approved Preliminary Plat. Any significant modifications to an approved preliminary plat as determined by the Zoning Administrator, including an increase in number of lots, shall require the application and approval of a revised preliminary plat following the preliminary plat application process as detailed herein above. Minor changes to the preliminary plat may be administratively approved by the Zoning Administrator at their sole discretion.

B. Final Plat Application Required.

1. Application and Review. Upon receipt of a final plat application form, required number of copies of the final plat, final plat application fee, and any other information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements.
 - a. The Zoning Administrator or their designee shall examine said final plat application as to its completeness. If determined incomplete, the application shall be returned to the owner or their designee with a list of missing information and items. If determined complete by the Zoning Administrator or their designee, the application shall be distributed to applicable Village departments and utility companies for review and comment to its completeness. The Zoning Administrator or their designee shall compile all Village and utility comments and complete a review of the plat as to its compliance with these Subdivision Regulations, the Zoning Ordinance, the Comprehensive Plan and Future Transportation Network map, and other local, state and federal requirements and shall provide the findings to the subdivider. If determined incomplete, the application shall be returned to the owner or their designee with a list of missing information and items.
 - b. At the request of the owner or designee, the final plat shall be forwarded to the Board for its review, regardless of the Zoning Administrator determination that the final plat is complete.
2. Review by Planning Commission. Once the final plat has been deemed complete by the Zoning Administrator or their designee, or if the owner or their designee has requested the preliminary plat be forwarded to the Commission, the Zoning Administrator or their designee shall provide a written report to the Commission within thirty (30) days. After receiving the Zoning Administrator's report, the Commission shall review the final plat and other material for conformity to regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made.
3. Review by Board of Trustees. The Commission shall submit a report to the Board of Trustees with recommendations for approval, approval with conditions, or rejection of such final plat within thirty (30) days after the date of review of said plat to the Commission. Upon receiving recommendations from the Commission, the Board shall consider the same. Approval of the final plat and final acceptance of improvements shall be given by resolution of the Board which shall be affixed to the plat. Procedure for approval of the final plat shall be as outlined herein this chapter.

- C. **Recordation of Final Plat.** Within fourteen (14) days of approval of the final plat by the Board, the Zoning Administrator shall schedule a time with the owner or designee to record the original copies of the final plat, attachments, deeds, easements and covenants county recorder. An approved final plat shall be recorded with the county within 30-days of the date of its approval by the Board of Trustees or it shall become null and void.
- D. **Plats Not Recognized.** The Village shall not recognize any plat recorded after the effective date of this chapter that is within the jurisdiction of Village but for which Village approval as required herein this chapter has not been obtained. No permits shall be issued or approved for any property within said plat.
- E. **Acceptance of Public Improvements.**
1. Construction of Improvements or Posting of Bond. Before the Board of Trustees approves the final plat, all of the foregoing improvements shall be constructed and deemed complete. Any of those improvements intended to be dedicated to the Village as public improvements, to be owned and maintained by the Village, said improvements shall be accepted by formal resolution of the Board. Before passage of said resolution of acceptance, the Zoning Administrator, or their designee, shall report that said improvements meet all specifications and ordinances or other requirements. The requirement for the construction of all improvements may be waived if the subdivider posts a performance bond or certified check guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the Village of any improvements to be constructed. Improvements will be accepted only after their construction has been completed all in accordance with the rules above outlined. No maintenance work will be done by the Village and no public funds will be expended within that subdivision until such improvements have been completed and accepted by the Village.
 2. Performance Bonds. Performance bond or certified check shall be for an amount equal to one and one-half times the cost estimated to complete the improvements as certified by the subdivider's engineer or as otherwise may be estimated by the Zoning Administrator or their designee.
 3. Maintenance Bonds. The developer shall warrant the design, material, workmanship, installation and construction of all of the public improvements for a minimum of four (4) years from and after satisfactory completion and Board of Trustees acceptance of roadway pavement, streetlights, sidewalks, sanitary sewers, storm sewers, and other improvements that are related to public streets, drainage, trails, and park infrastructure (if any), and shall cause the warranty to be ensured by independent bond or by other collateral that is found to be acceptable by Village. The bond shall specifically ensure the expedient repair or replacement of any and all improvements that the Village finds to be defective following completion and acceptance and shall indemnify and hold the Village harmless from any and all costs or losses resulting from, attributed to or otherwise arising from the defective improvements.

- F. **Exceptions.** The following exceptions to the Preliminary Plat and Final Plat procedures shall apply.
1. Acquisition and vacation plats required by the Village or County for the acquisition or disposal of land or right-of-way.
 2. Auditor's plats required by the County Auditor.
 3. Replats, the replatting of an existing subdivision plat, may be approved provided there are no new lots being created, no public improvements are required, and all other zoning and subdivision requirements are met. The review and approval process shall be the same as for a Final Plat.
 4. The division of a single lot, parcel, or tract into no more than two (2) lots or the minor adjustment of lot lines between adjoining parcels may be done by a plat-of-survey, and may be administratively approved by the Zoning Administrator, provided there are no public improvements required and all other zoning and subdivision requirements are met. The Zoning Administrator, at their discretion, may forward any plat-of-survey to the Planning and Zoning Commission and Board of Trustees for review and approval.
 5. Merging or combining existing parcels or lots may be approved, subject to execution of a recorded lot tie agreement with the Village. The Zoning Administrator shall forward any such request to the Board of Trustees for review and approval.
 6. A Preliminary Plat application can be waived by the Zoning Administrator for a subdivision plat containing five (5) or fewer lots provided there are no required public improvements and all other subdivision requirements are met.
 7. The subdivider may appeal the determination or decision of the Zoning Administrator related to any of the aforementioned exceptions and related administrative approvals to the Board of Trustees.

Section 6.4 Preliminary Plat Requirements. A preliminary plat is not intended to serve as a record plat and shall be submitted for review separately and prior to the submission of the final plat. Its purpose is to show on a map all facts needed to enable the Planning and Zoning Commission and the Board of Trustees to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The preliminary plat shall comply with the requirements of state law and the following:

- A. **Scale and Map Size.** The preliminary plat of the subdivision shall be drawn to the scale of 50-feet to 1-inch. The page sizes shall be 11-inch by 17-inch, if legible, or 24-inches by 36-inches. Multiple pages shall be used, with match lines clearly shown, as necessary to maintain legibility.
- B. **Contents of the Plat.**
1. Name of subdivision.

2. Date.
3. Point of compass.
4. Legal description of the property being platted.
5. Name and address of recorded owner and of developer.
6. Name and address of Engineer and/or Land Surveyor.
7. Existing buildings, railroads, underground utilities, and other right-of-way.
8. Location, names and widths of all existing and proposed roads, alleys, streets, highways, and rights-of-way in or adjoining the area being subdivided.
9. Location and names of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
10. Building setback lines.
11. Areas dedicated for public use, such as schools, parks and playgrounds.
12. Contour lines at intervals of not more than two (2) feet.
13. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.
14. Boundaries of the proposed subdivision shall be indicated by a heavy line.
15. Zoning classification of the area.
16. A preliminary phasing plan identifying anticipated phase boundaries and sequencing, if development is proposed to be completed in phases.
17. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
18. Lot numbers.
19. Proposed street widths.
20. Delineation of floodplain and floodway limits, if present.
21. Show all existing site features and proposed water courses.
22. Name, certification and seal of registered land surveyor who prepared the plat.
23. Provide benchmark information indicating datum is being used.

24. Stormwater Management Plan. Detailed report setting forth the design parameters for any water detention facility required to reduce the release rate. The report must include the initial analysis of the storm sewer system and overland flow has to ensure the stormwater drainage plan is adequate to accommodate the runoff from in storm sewers with overland flow paths to accommodate the runoff without adverse ponding.
25. Stormwater Pollution Prevention Plan.
26. NPDES Permit. NPDES Permit application, if required.
27. Proposed utility service.
 - a. Source of water supply.
 - b. Provision for storm water drainage, including calculations of storm water runoff from the site.
28. Provision for sewage disposal. The preliminary plat shall identify the proposed method of sanitary sewer service for the subdivision in accordance with the standards as provided in this Chapter.
29. Location, character, and dimension of all existing and proposed easements to be used for utility purposes.
30. Master Plan. A master plan of any undeveloped areas surrounding a proposed plat may be required to plan future street, sewer, watermain, trail, stormwater drainage extensions and corridors.
31. Consent Letter. Letter of consent from all persons having an interest in the land to be subdivided, that they consent to the subdivision of the land.
32. Any other pertinent information as specified by the Zoning Administrator as necessary to review the proposed plat application for compliance with all relevant code regulations and standards.

Section 6.5 Final Plat Requirements. Following approval of a preliminary plat, and prior to its expiration, a final plat shall be submitted that includes all or a portion of the preliminary plat area. The final plat shall comply with state code and the following:

- A. **Scale and Map Size.** The final plat of the subdivision shall be drawn to the scale of 50-feet to 1-inch for small subdivisions and 100-feet to 1-inch for large subdivisions. The page sizes shall be 11-inch by 17-inch, if legible, or 24-inches by 36-inches. Multiple pages shall be used as necessary to maintain legibility.
- B. **Contents of the Plat.**
 1. Name of subdivision.
 2. Scale.

3. Compass point.
4. Curve data including delta angle, length of arc, degree of curve, tangent.
5. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles; and a table showing mathematical closure of the subdivision boundaries, and also coordinate points of all interior lot corners with reference to one corner of the subdivision if the subdivision contains curve linear lot lines.
6. Exact name, location, width, right-of-way boundaries, and centerline of all existing and proposed streets and alleys within or adjoining the subdivision.
7. Easements for public utilities showing width and use intended.
8. Delineation of floodplain and floodway limits, if present.
9. Building setback lines with dimensions.
10. Official legal description of the property being subdivided.
11. Lot numbers and addresses.
12. Certification of Registered Engineer and/or Land Surveyor.
13. Description and location of all permanent monuments set in the subdivision, including ties to original Government corners.
14. Area for stormwater detention and stormwater conveyance.
15. The final plat shall be an exact duplicate of that plat proposed to be filed for record in the County Recorder's office.
16. Accompanying Material.
 - a. Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of East and West streets shall be drawn so that the West end of the profile shall be at the left side of the drawing. Profiles of North and South streets shall be drawn so that the South end of the profile shall be at the left side of the drawing.
 - b. Minimum Protection Elevation (MPE) information, where applicable, consistent with floodplain and grading requirements.
 - c. Erosion and Sediment Control Plan.

- d. Opinion of estimated costs of construction of public improvements, if determined applicable by the Zoning Administrator, for the purpose of establishing required bonds in accordance with this Chapter.
 - e. A warranty deed to the Village, properly executed, for all streets intended as public streets, and for any other property intended for public use shall be submitted with the final plat.
 - f. Any certificates or other documentation as required by state law, or as may be required by the County Auditor or Recorder.
 - g. Maintenance bonds, if required.
17. Record Drawings (As-Builts). Upon completion of all public improvements and prior to requesting final inspection or final plat approval, the developer shall provide the Village, at no cost, with record drawings in both PDF and CAD format. Record drawings shall depict the as-built locations and elevations of all public infrastructure improvements and grading, and shall demonstrate compliance with the approved construction and grading plans.
- a. At a minimum, record drawings shall include verification of elevations at critical locations on the site, including all spot elevations shown on the approved public improvement construction drawings. Such verification shall include, but not be limited to, rear lot corners, mid-points of side yard lines, front lot corners where stormwater flows from rear yards to front yards, overflow locations, and locations along drainageways and drainage easements. Record drawings shall also include as-built locations and elevations of sanitary sewer manholes and all stormwater management facilities, including but not limited to detention or retention areas, intakes, structures, sub-drain cleanouts, and flared end sections.
 - b. Record drawings shall be certified by a licensed professional engineer and/or licensed land surveyor registered in the State of Missouri, who shall stamp and sign the drawings. A certification letter from the owner's engineer stating that all public improvements have been constructed or installed in accordance with Village specifications and the approved plans, as reflected on the record drawings, shall also be submitted.
18. Stormwater Management Plan. A final report confirming compliance with the approved stormwater management plan, including as-built grades, signed by an engineer licensed to complete such a plan within the State of Missouri.
19. Covenants. A signed original of any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
20. Easements. Executed easement(s), including, but not limited to, public utility easements for storm sewer, sanitary sewer, and water infrastructure intended for Village ownership or maintenance, and private easements for overland drainage,

surface water flowage, access, utilities, stormwater management, or other purposes not intended for Village ownership or maintenance, as applicable.

21. Fees. Payment of any platting fees and utility connection fees.
22. Any other submittal requirements as defined by the Zoning Administrator as pertinent.

Section 6.6 Subdivision Design Standards. The design of the subdivision shall comply with the minimum standards outlined below as well as provide for the orderly growth and development of the Village and take into consideration the natural features of the site and patterns of adjacent development.

A. **Streets.** The subdivider shall be responsible for the design and construction of all streets within and necessary to serve the proposed development. The Village may further require the subdivider upgrade or reconstruct any existing streets connecting to and/or adjoining the proposed development as may be deemed necessary as a result of the proposed development and for which the Village determines there is a rational nexus to require such. All streets shall be designed, platted, and constructed to the standards contained herein this Chapter.

1. Paved Access Required. All subdivisions shall be connected to a paved street. The Board of Trustees may require a subdivider to pave or reconstruct all or part of any unimproved or gravel streets adjoining the proposed subdivision.
2. Street Access and Frontage Required. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
3. Continuation of Existing or Planned Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets which are a part of an approved preliminary subdivision plat, in adjoining property, at equal or greater width, and in similar alignment, unless variations are recommended by the Planning and Zoning Commission and approved by the Board of Trustees.
4. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, trailways, thoroughfares, or unsubdivided land as may be required by the Board of Trustees. New subdivisions shall make provisions for continuation and extension of streets as may be required.
5. Cul-de-sacs. Cul-de-sacs should not exceed 1,000 feet in length.
6. Temporary Dead-Ends. In a case where a street will eventually be extended beyond the plat but is temporarily dead-ended for no more than a 24-month time period, a temporary turnaround with a 45-ft radius and designed and constructed to support 75,000 lbs. gross vehicle weight may be permitted. If the length of the dead-end segment of street is less than 150-ft and contains no driveways, this temporary turnaround requirement may be waived by the Board of Trustees. Temporary dead-end lengths shall not exceed 500 feet.

- 7. Street Intersections. Street intersections shall intersect at ninety degrees or as closely thereto as possible, and in no case shall streets intersect at less than seventy-five degrees. Intersection of more than two streets at a point shall not be permitted. Street jogs of less than 300 feet shall be avoided.
- 8. Paving. Street pavement design and construction shall comply with good engineering practices for safety and long-life including grades, intersection radius, minimum pavement thickness, subbase design, drainage, pavement width, reinforcement, and control joints. Integral curbing shall further be required and constructed for all streets. A certified geotechnical soils report, furnished by a Village approved geotechnical engineering firm, may be submitted during the preliminary plat process but it must be completed prior to submitting the construction drawings. All costs for said soils report shall be paid by the developer, including, but not limited to, the cost of employee salaries and benefits, administrative costs and laboratory testing fees or charges.

B. Minimum Street Rights-of-Way and Pavement Widths. The minimum standards for street rights-of-way and pavement widths are provided in the following table. This table is intended to provide guidance for the design of the street network within a subdivision. When designing a subdivision, street types should be chosen based on the intended function of the street and anticipated level of traffic. The Village will review the proposed streets and determine the appropriate street type based on the factors set forth in this section. The right-of-way and paving widths of state or county owned and maintained highways shall be determined by the State of Missouri or Cass County. The subdivider shall dedicate to the Village all public street rights-of-way as herein required and as determined by the Village as necessary as a result of the propped development and for which the Village determines there is a rational nexus to require such dedication.

Street Functional Classification	Minimum Street Right-of-Way Width	Minimum Pavement Width	Minimum Number of Travel Lanes	On Street Parking	5 ft Wide Sidewalks Required
Collector	70 ft	31 ft	2	One side	One Both side
Local	60 ft	26 ft	2	One side	One Both side
Alley	20 ft	16 ft	2	No	No

- 1. Street Definitions.
 - a. "Collector Street" means a street which provides traffic circulation within residential areas.
 - b. "Local Street" means a street which provides direct traffic access to the adjacent properties.
- 2. Private Streets. Private streets may be permitted subject and shall meet the same design standards as required of a public street and the following:
 - a. Minimum street width shall be the same as required for a public street.

- a. Easements shall be provided as needed for all public sanitary sewers, water mains, storm sewers, and stormwater overland flowage in accordance with good engineering design.
 - b. Public Utility Easements (PUE's) shall be provided along each side of the front yard lot lines of all lots, and in the case of corner lots, the side street yard, and along such other lot liens as may be required by public and private utility companies.
 - c. The minimum width for storm and sanitary sewer easements shall not be less than 30 feet and shall be wide enough to allow for the safe excavation of the underground improvement.
 - d. Easements shall convey to the Village and utility providers, and their successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of four feet from the wires or poles, together with the right to extend to any telephone, telegraph, electric or power company, the right to use separately or jointly with the Village, the areas included in the easement for the purposes above enumerated.
7. Streetlights. The proposed development shall provide a streetlight plan for review and approval by the electrical utility with jurisdiction. The subdivider shall coordinate with and pay said utility for the cost of the installation of public streetlights.
 8. Sidewalks. Public sidewalks are required along at least one side ~~both sides~~ of new public and private streets. The Board of Trustees may, at its sole discretion, waive or defer the construction of sidewalks ~~on one side or both sides of a new street~~ when determined as unnecessary to provide safe pedestrian circulation and access. Public sidewalks, where required, shall be constructed 1 ft inside the street right-of-way or parcel line and a minimum 5 ft from the street curb. All sidewalks and there ramp intersections for street crossings shall be designed and constructed in accordance with ADA standards. Sidewalks shall be a minimum 5 ft in width and constructed with PCC a minimum 4 inches thick with subbase as appropriate for the soil conditions.
 9. Exception for Trails. The Board of Trustees may, at its sole discretion, waive or defer the construction of a required sidewalk in lieu of the construction of a trail that, in the determination of the Board, fulfills the need for a sidewalk.
 10. Underground Utilities. Improvements such as cable TV, telephone and electric lines, streetlights, gas mains, and similar facilities in any subdivision shall be installed underground outside the street pavement limits. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in accordance with best design practices and in such a manner so as not to interfere with other underground utilities

and in no case shall be buried less than 18-inches below the surface. Underground utility lines which cross underneath the right-of-way of any street, alley or way shall be installed prior to the improvement of any such street, alley or way in the subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall not be located within any street or driveway clear vision area.

11. Erosion Control. The subdivider shall be responsible for controlling soil erosion and surface water runoff within the subdivision during its construction and development and shall provide erosion and runoff control measures as work progresses on site grading, the installation of sewers or other improvements or phases of work. Insofar as practical, erosion control measures shall be undertaken prior to any other development within the subdivision which will contribute to runoff or erosion.
12. Sanitary Sewer Service. The subdivider shall at the subdivider's expense provide the subdivision with a complete sanitary sewer system including all necessary pumping stations, force mains, pumping equipment and other appurtenances, which shall connect with a sanitary sewer outlet or treatment facility approved by the Board of Trustees. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property.
13. Water Service. The subdivider shall at the subdivider's expense provide the subdivision with a complete water main supply system including hydrants, valves and other appurtenances which shall be extended into and through the subdivision to the boundary lines, and which shall provide a water connection for each lot, and shall be connected to the public water system. Fire hydrants shall be uniform throughout the subdivision and shall meet the Village standards. Water mains shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.
14. Stormwater Management Facilities. The subdivider shall, at the subdivider's expense, provide the subdivision with a storm sewer system, designed by a licensed engineer registered to practice in the State of Missouri, to adequately manage and handle stormwater based on the appropriate design standards. The system shall include basins, culverts, ditches, intakes, manholes, or any structure deemed necessary.
15. Natural Drainage Courses. Whenever a stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course.
16. Traffic Control Signs and Street Name Signs. The proposed development shall be responsible for the installation and cost of traffic control signs and street name signs as required by the Village.
17. US Postal Service Cluster Mailboxes. The proposed development shall install ~~cluster~~ mailboxes as ~~may be~~ required by the US Postal Service.

18. Construction Plans. Detailed construction plans showing the grading plan and all required public and private improvements including streets, stormwater detention facilities, stormwater detention buffer strips, storm sewers, water main, sanitary sewer, and other applicable improvements. The construction plans must show all areas designated as overland flow swales or drainage courses. The construction plan shall include spot design elevations along the flow line of all drainage swales at each property line and mid-lot location exceed 50 feet. The Village may require spot elevations to be added at additional locations deems critical to the proper performance of drainage path. Construction of improvements within a subdivision shall not commence prior to the approval of the construction plans unless the Village authorizes the start of construction prior to the approval of the construction plans.
19. Approval of Plans and Specifications. The approval of plans and specifications relative to improvements required by this Chapter shall be effective for a period of one year after the approval. This time period may be extended by the Zoning Administrator, at their sole discretion. If the required improvements are not in place and accepted by the Village within the times specified, the approval shall lapse and construction shall not be started and construction under way shall cease until resubmitted plans and specifications have been approved. The Village shall have the right, at the time of the new request for approval, to require the subdivider to use the type of construction, the materials, the methods and standard of subdivision improvements equal to the specifications of the Village for like work which are in effect at that time. The Village may also require that the subdivider comply with any amended ordinance or ordinances relative to improvements under this chapter or any successor chapter relative to subdivision improvements which have been adopted between the time of initial approval and the renewed approval as herein required. The reapproval as required by this section specifically applies only to the plans and specifications relative to subdivision improvements and has no application as to lot sizes, set backs, lot boundaries, street location or other platting requirements which shall be final on Board of Trustee approval unless changed by some other method permitted by law.

Section 6.7 Inspection of Public Improvements.

- A. All public improvements proposed to be dedicated to or accepted by the Village, including but not limited to streets, alleys, sanitary sewers, storm sewers, and water facilities, shall be subject to inspection and verification prior to acceptance by the Village. Inspection and verification shall be performed by an engineering firm furnished by the Village to confirm compliance with approved subdivision plans and specifications and all other applicable Village and State requirements. All costs associated with inspection and verification shall be borne by the developer and paid prior to final plat approval. Such costs include, but are not limited to, Village contractors and subconsultants, laboratory and field testing, administrative costs, and Village employee salaries and benefits incurred in connection with inspection, review, and verification of the improvements. The engineer furnished by the Village shall certify to the Village that the public improvements were constructed in accordance with the plans and specifications approved by the Village. As a condition of acceptance, the developer shall provide all required inspection reports, certifications, and record drawings in accordance with this Chapter, including the record drawing requirements set forth in Section 184.7.

- B. An improvement shall not be accepted or approved for public use if improvement has not been properly inspected and verified, or is otherwise determined by the engineer to potentially not be fully compliant with the approved subdivisions improvement plans and specifications or other required standards and specifications. It shall be the developer's duty to document and demonstrate, by whatever means may be necessary that the improvement in question does in fact fully comply with this Code and all other applicable codes and regulations.
- C. Should improvements be found deficient or defective, Owner of development, prior to acceptance, will correct all said deficiencies or defects in order to be in compliance with approved subdivision plans and specifications and all other applicable Village and state regulations. The subdivider will be notified in writing by Village staff of the specific deficiencies or defects. Within 30 calendar days of the Village's notice, the subdivider must submit a written plan and schedule outlining steps to correct said deficiencies or defects.

Section 6.8 Waivers. Where the strict application of standards or requirements established by this Chapter would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Planning and Zoning Commission may recommend and the Board of Trustees may grant such waivers from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this Chapter.