**Title IV: Land Use**

**Chapter 415 Zoning**

**CITY OF TRUESDALE, MISSOURI**



**Embracing the Past, Shaping the Future**

**Adopted October 23, 2024**

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ARTICLE I - GENERAL PROVISIONS

SECTION 415.010 CITATION OF CHAPTER.

This Chapter shall be known as the "Zoning Code for the City of Truesdale, Missouri."

SECTION 415.020 POLICY.

For the purpose of promoting health, safety, morals and the general welfare of the community, the Board of Aldermen of Truesdale hereby places regulations and restrictions upon the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the preservation of features of historical significance, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes.

SECTION 415.030 PURPOSES.

[**A.**](https://ecode360.com/31044560#31044560) These regulations are adopted for the following purposes:

[**1.**](https://ecode360.com/31044561#31044561)To guide the growth of the City of Truesdale in accordance with the Comprehensive Plan.

[**2.**](https://ecode360.com/31044562#31044562)To provide for adequate light, air, and privacy, to secure safety from fire, and other danger, and to prevent overcrowding of the land and undue congestion of population.

To protect the character and the social and economic stability of all parts of the City of Truesdale and to encourage the orderly and beneficial development of all parts of the City.

**3.** To protect the character and the social and economic stability of all parts of the City of Truesdale and to encourage the orderly and beneficial development of all parts of the City.

[**4.**](https://ecode360.com/31044564#31044564) To protect and conserve the value of land, buildings, and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

SECTION 415.040 RULES OF CONSTRUCTION AND INTERPRETATION.

[**A.**](https://ecode360.com/31044566#31044566) The following general rules of construction shall apply to the regulations of this Chapter:

1. The particular controls the general.
2. Text controls caption and illustration.
3. Present tense includes future tense, singular includes plural and plural singular, and masculine includes feminine, except where context requires otherwise.

**4.** The whole includes the part unless context requires otherwise.

**5.** "Used for" includes "intended for" or "designed for."

**6.** "Person" includes individual, or any corporate or unincorporated entity.

**7.** The provisions of this Chapter shall be interpreted to carry out purposes, and in particular to promote public health, safety, and welfare, and to eliminate nonconforming uses.

[**8.**](https://ecode360.com/31044569#31044569) The word "shall" is always mandatory. The word "may" is permissive.

[**9.**](https://ecode360.com/31044570#31044570) The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure."

**10.** In the case of contradictions or overlap between the provisions of this Chapter and any other ordinance or statute, the most restrictive or highest standard shall control.

[**11.**](https://ecode360.com/31044571#31044571)Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

SECTION 415.050 DEFINITIONS.

For the purpose of this Chapter, the following terms and words are hereby defined:

[**ACCESSORY BUILDINGS OR STRUCTURE**](https://ecode360.com/31044573#31044573)

A subordinate building or structure having a use customarily incident to and located on the lot occupied by the main building. A building housing an accessory use is considered to be structurally attached to the principal building when it has any part of a wall in common with the main building or is under an extension of the main roof and designed as an integral part of the principal building.

[**ACCESSORY USE**](https://ecode360.com/31044574#31044574)

Use of land or of a building or a part thereof which is customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use, including a "home occupation”.

**ADULT BUSINESSES**

Any of the establishments, businesses, buildings, structures, or facilities which fit within the definition of adult book or novelty store, adult entertainment facility, bathhouse, massage parlor, modeling studio, and production and distribution of adult films, or digital streaming of sexual activity from local premises, as such uses are defined and regulated in **Title VI, Chapters 615** of the Truesdale **Municipal Code**.

**ANCILLARY USE**

Those uses of property for purposes other than the location of the principal buildings or structures and may include uses for surface parking, driveways, stormwater detention, landscaped areas, fencing or uses of similar characteristics which do not involve through traffic, odoriferous activities, or any other use or activity which may reasonably be anticipated to interfere with the peaceful enjoyment of the property of adjoining landowners.

[**BASEMENT**](https://ecode360.com/31044575#31044575)

A story having part but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulation if internally subdivided and used for dwelling purposes other than by a janitor employed on the premises.

[**BUILDING**](https://ecode360.com/31044576#31044576)

Any structure having a roof supported by columns or walls which is permanently affixed to the land built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels), nor any movable device, such as machinery, equipment, storage pods, or shipping containers. In addition, a building does not include such structures as billboards, fences, radio towers or structures with interior surfaces which are not normally used for other than storage.

**BUILDING LINE (SETBACK)**

The required minimum distance from a road right-of-way or lot line that establishes the area within which a structure can be erected or placed, except as may be permitted elsewhere in this Chapter.

[**BUILDING, HEIGHT OF**](https://ecode360.com/31044577#31044577)

The vertical distance from the grade to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

[**CELLAR**](https://ecode360.com/31044578#31044578)

A story having more than one-half (1/2) of its height below grade with access from within the structure or with access from the building exterior.

**CODE**

The code of ordinances (**Municipal Code**) of the City of Truesdale

**CONDITIONAL USE**

A use which may be suitable within a particular zoning district wherein the determination of suitability is subject to review by the Planning and Zoning Commission and approval by the Board of Aldermen.

**COMPREHENSIVE PLAN**

The plan for future growth and development of the City adopted by the Planning and Zoning Commission in compliance with the provisions of Chapter 89, R.S. MO, and as may be amended, updated, or replaced from time to time.

**DRIVE-IN OR DRIVE-THROUGH ESTABLISHMENTS**

Any business that provides food or other goods and/or services to persons remaining in their vehicles and/or where the vehicles are temporarily stopped in a driveway or lane adjacent to a service window or to a dispensing kiosk. Such uses include, but are not necessarily limited to, restaurants, coffee shops, liquor stores, convenience stores, and banks.

[**DWELLING**](https://ecode360.com/31044579#31044579)

Any building or portion thereof which is designed and used exclusively for residential purposes.

[**DWELLING UNIT**](https://ecode360.com/31044580#31044580)

A dwelling unit is a room or group of rooms intended for use as living quarters by a single family or groups of persons as a common household or by a single person.

[**DWELLING, MULTIPLE**](https://ecode360.com/31044581#31044581)

A building having accommodations for and occupied by more than two (2) families, independently, in separate dwelling units.

[**DWELLING, SINGLE-FAMILY**](https://ecode360.com/31044582#31044582)

A building having accommodations for and occupied exclusively by one (1) family.

[**DWELLING, TWO-FAMILY**](https://ecode360.com/31044583#31044583)

A building having accommodations for and occupied by two (2) families, independently, in separate dwelling units.

**ENLARGE**

To enlarge is to increase the floor area or size of an existing building or other structure, or to increase the area to be taken up by an existing use.

**EXTEND**

To extend is to enlarge.

[**FAMILY**](https://ecode360.com/31044584#31044584)

One (1) or more persons who are related by blood, marriage, or adoption, living together, and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than three (3) persons living together by joint agreement occupying a single housekeeping unit with single kitchen facilities, on a non-profit, cost-sharing basis.

[**FOSTER HOME**](https://ecode360.com/31044585#31044585)

Any private residence listed by the Missouri Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption. Foster homes, as defined herein, shall be permitted whenever a single-family dwelling would otherwise be permitted.

[**FRONTAGE**](https://ecode360.com/31044586#31044586)

All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street but not including property more than four hundred (400) feet distant on either side of a proposed building or structure.

[**GRADE**](https://ecode360.com/31044587#31044587)

The average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be the grade.

[**GROUP CARE HOME**](https://ecode360.com/31044588#31044588)

A residence or building in which eight (8) or fewer unrelated mentally or physically handicapped persons reside and may include two (2) additional persons acting as house parents or guardians, who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. Group care homes, as herein defined, shall be permitted wherever a single-family dwelling would otherwise be permitted in accordance with the provisions of **Section 415.155** of this Chapter.

[**HOME OCCUPATION**](https://ecode360.com/31044589#31044589)

Any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

[**HOTEL**](https://ecode360.com/31044590#31044590)

(See "lodging establishment").

[**INSTITUTION**](https://ecode360.com/31044591#31044591)

A building occupied by a non-profit corporation or a non-profit establishment providing services to the public.

[**LODGING ESTABLISHMENT**](https://ecode360.com/31044592#31044592)

Any building, group of buildings, structure, facility, place, or places of business, licensed by the Missouri Department of Health, as provided for in Chapter 315, R.S. MO., where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person or corporation and which is kept, used, maintained, advertised, or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, resort, cabins, bed and breakfast establishment (multi-room facility or single-family home), or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for transient guests. Such lodging establishments shall meet or exceed any or all standards relating to fire safety, sanitation, electrical wiring, fuel-burning appliances, plumbing, swimming pools and spas, sewage and waste treatment and disposal as the Missouri Department of Health may have adopted or may have authority to adopt, all pursuant to Chapter 315, RSMo. With respect to lodging establishments, the following additional definitions shall also apply:

[**1.**](https://ecode360.com/31044593#31044593)Guest room. Any room or unit where sleeping accommodations are regularly furnished to the public.

[**2.**](https://ecode360.com/31044595#31044595)Transient guest. Any person who rents and occupies a guest room in a lodging establishment for a period of less than thirty-one (31) days.

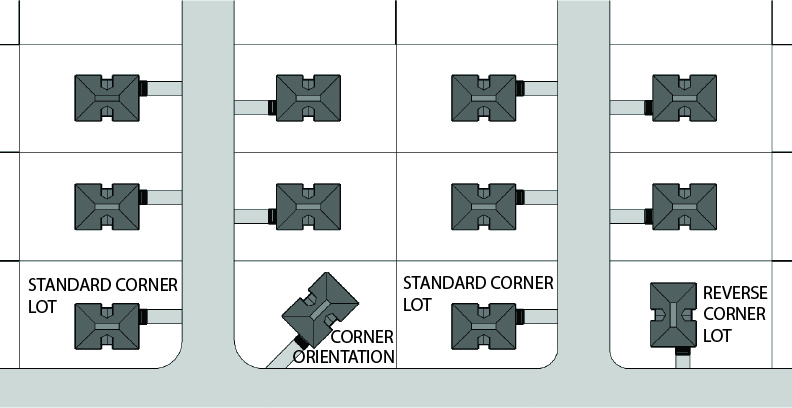
**3.** Extended-Stay Lodging Establishment. Facilities that are built for the specific purpose of providing extended lodging periods (longer than 30 days but not more than 6 months) and whose accommodations are built according to building codes that allow for the installation of cooking appliances and which are designed for longer lodging periods.

**4.** Short-term rentals. Overnight accommodations offered by the property owner for 30 days or less for transient guests within a single-family, two-family, or multi-family housing unit (such as an Airbnb or bed and breakfast facility). Use of any such residential unit for such purposes shall be subject to any applicable lodging or sales taxes and requires a business license to be issued by the City subject to the regulations of **Title VI, Chapter 605** of the Truesdale **Municipal Code**.

[**LOT**](https://ecode360.com/31044596#31044596)

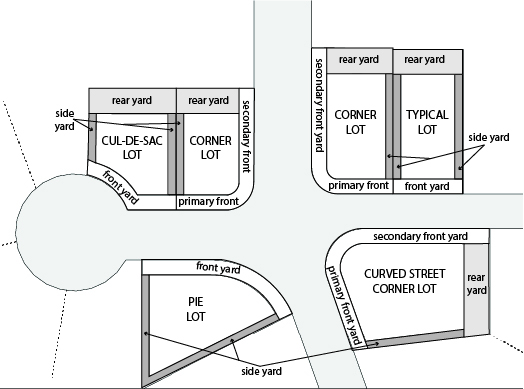
A parcel of land occupied or intended for occupancy by a use permitted in this Chapter, including one (1) main building together with its accessory buildings, open spaces and parking spaces required by this Chapter, and having its principal frontage upon a street.

1. Lot Area. The minimum required area of a horizontal plane bounded by the vertical planes through front, rear, and side lot lines, or when expressed as a range shall be interpreted as a minimum and a maximum.
2. Lot depth. The horizontal distance between the front and rear lot lines measured at right angles to the front right-of-way lines. Where the front and rear lines are not approximately parallel, the lot depth shall be the average when measured from at least three different points along the front lot line, including the two corners at the front lot line.
3. Lot frontage. The portion of the lot that establishes the relationship between the building, other site elements, and the public realm or street upon which the lot fronts. When expressed as a linear dimension: the horizontal distance between side lot lines, measured at the front lot line. When expressed as a percentage: the maximum percentage of that frontage width applied to the entire depth of the frontage area. Where the front lot line abuts a curved right-of-way, the lot frontage requirement may be applied at the front building line for purposes of regulating the dimensions of lots.
4. The horizontal distance between the side lot lines, typically measured at the front lot line, but for irregular lots may be measured at the front building line.
5. Corner lots. When applying building, lot, and frontage standards to corner lots, lots can be arranged in one of three patterns based on the context of the block and abutting lots (See Figure 415.050-1 on the next page):
6. Standard Corner*.* The building orients to the front of all other buildings fronting on the same street, and an expanded street-side setback may apply. Side and rear setbacks apply to the remaining sides.
7. Reverse Corner. The building orients to the end-grain of the block, and the front setback and frontage design applies to that side, and the street-side setback can be the greater of (a) the stated street-side setback for that building type or (b) ten (10) feet in front of the forward most point of the front building line of the abutting lot. Side and rear setbacks apply to the remaining sides.



**Figure 415.050-1**

1. Corner orientation*.* The building orients to both streets, with the front setback and frontage design applying on both street sides. The two remaining sides are treated as side setbacks and there is no rear setback (See Figure 415.050 – 2 below).



**Figure 415.050-2**

[**LOT OF RECORD**](https://ecode360.com/31044597#31044597)

A lot or parcel of land, the deed of which has been recorded in the office of the County Recorder of Montgomery County, Missouri.

[**MANUFACTURED HOME**](https://ecode360.com/31044601#31044601)

A factory-built structure that is manufactured or constructed under the authority of the Code of Federal Regulations, 24 CFR 3280 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 to be moved other than for the purpose of moving to a permanent site, which does not have permanently attached to its body or frame any wheels or axles and which meets or exceeds the requirements set forth in Section [**415.100**](https://ecode360.com/31044648#31044648) of this Chapter for manufactured homes. For purposes of this Chapter, a mobile home is not a manufactured home.

**MARAJUANA SALES, PRODUCTION, AND RELATED FACILITIES**

See Section 415.150 for definition.

[**MOBILE HOME**](https://ecode360.com/31044602#31044602)

A transportable, factory-built home, transportable in one (1) or more sections, which when erected on site measures fourteen (14) feet or more in width and containing at least seven hundred seventy (770) square feet of living space and designed to be used as a single-family dwelling, with a permanent foundation, as required in this Chapter, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

[**MOTEL**](https://ecode360.com/31044604#31044604)

(See "lodging establishment").

**MUNICIPAL CODE**

The **Municipal Code** of the City of Truesdale and as may be amended from time to time.

[**NON-CONFORMING USE**](https://ecode360.com/31044605#31044605)

The lawful use of land or a building, or a portion thereof, which use does not conform with the use regulations of the district in which it is located.

[**NURSING HOME**](https://ecode360.com/31044606#31044606)

Any institution or facility, whether proprietary or non-profit, defined as a residential care facility I, residential care facility II, or skilled nursing facility in Section 198.006, RSMo., including amendment in 1984, except such institution or facility at which more than ten percent (10%) of the total persons who can be accommodated there are suffering from and are regularly treated for mental illness, alcohol, or other substance abuse.

**PERMITTED USE**

A use permitted “by right” within a particular zoning district but in some cases are subject to additional regulations regarding location in proximity to other uses, site plan requirements, or State or Federal regulations that may apply.

**PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission as established by Ordinance 1004 of the City of Truesdale.

**PREMISES**

A lot, together with all buildings and structures thereon.

**RECREATIONAL VEHICLE**

A vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes; and the term as used herein shall also include motorcycles, all-terrain vehicles, and trailers to include, but not be limited to, boat trailers, motorcycle trailers and sidecars, and utility trailers, and such other vehicles as may be registered as a recreational vehicles by the state.

**RELATED PERSON OR ENTITY**

A firm, partnership, joint venture, association, organization or entity of any kind in which the applicant holds any stock, title, or other ownership interest of at least twenty (20) percent, **or** an individual, firm, partnership, joint venture, association, organization or entity of any kind, whose affairs the applicant has the legal or practical ability to direct, either directly or indirectly, whether by contractual agreement, majority ownership interest, any lessor ownership interest, familial relationship or in any other manner.

[**RESIDENTIAL CARE FACILITY FOR THE ELDERLY**](https://ecode360.com/31044608#31044608)

A building where, for compensation, meals, lodging and care are provided for individuals who are at least sixty (60) years of age. At least one (1) care provider shall be on duty at all times, but this individual need not be a registered nurse.

**SETBACK** (Building Line)

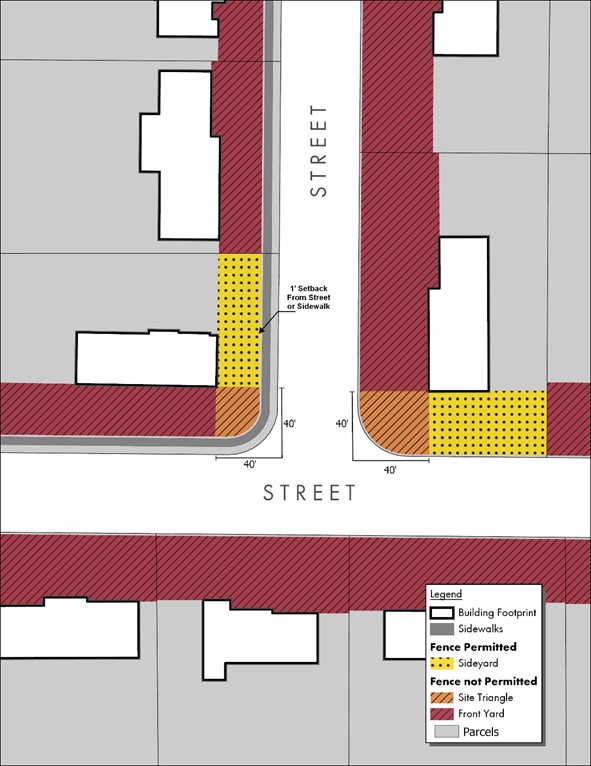
The required minimum distance from a road right-of-way or lot line that establishes the area within which a structure can be erected or placed, except as may be permitted elsewhere in this Chapter.

[**"SHOUSE"**](https://ecode360.com/37933478#37933478)

A residence which is integrated with or connected to a personal workshop or storage space that is constructed in accord with the provisions of **Section 415.100, B, 6** of this Chapter.

**SIGHT DISTANCE TRIANGLE**

The triangle area of a corner lot bound by the property lines and a line connecting the two (2) points on the property lines forty (40) feet from the intersection of the property lines. (See Figure 415.050-3 below).



**Figure 415.050-3**

[**STORY**](https://ecode360.com/31044609#31044609)

The part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of a floor and the ceiling next above. Story heights shall be at least:

1. Eight (8) feet.
2. The first story for residential buildings should be nine (9) feet.
3. The first story in non-residential buildings should be twelve (12) feet.

**4.** Any story that has less than four feet of its height exposed above finished grade on the front elevation, or which has more than fifty (50) percent of its perimeter wall area measured from the finished floor elevation surrounded by finished grade shall not count as a story for the purpose of measuring building height.

**STORY, HALF**

The space under a sloping roof that has a line of intersection of the roof and wall face not more than two (2) feet above the floor level and in which the possible floor area with head room of five (5) feet or more is greater than forty (40) percent of the total floor area of the story directly beneath.

[**STREET**](https://ecode360.com/31044610#31044610)

A public right-of-way or private street which affords the principal means of access to more than one abutting property.

[**STRUCTURAL ALTERATION**](https://ecode360.com/31044611#31044611)

Any change except those required by law or ordinance, that would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, not including openings in bearing walls as permitted by other ordinances.

[**STRUCTURE**](https://ecode360.com/31044612#31044612)

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground and including, but not limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.

[**SUBSTANCE ABUSE TREATMENT FACILITY — INPATIENT RESIDENTIAL**](https://ecode360.com/31044613#31044613)

Structures and land used for the treatment of alcohol or other drug abuse where one (1) or more patients are provided with care, meals, and lodging. (See R.S. MO. Chapter 89.143)

[**SUBSTANCE ABUSE TREATMENT FACILITY OUT-PATIENT**](https://ecode360.com/31044614#31044614)

Structures and land used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided. (See R.S. MO. Chapter 89.143)

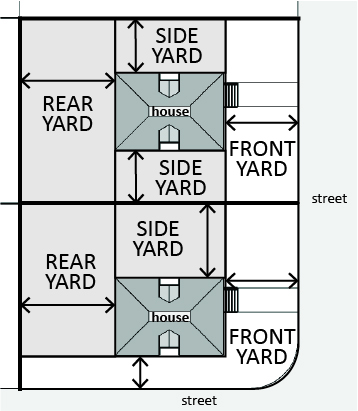
**WIRELESS COMMUNICATION TOWERS AND FACILITIES**

Towers, antennas, monopoles, and related appurtenances and support equipment or structures used for radio, television, and or cellular communication purposes as further defined in **Section 415.180** of this Chapter.

**YARD**

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street, all yards abutting the street shall be measured from the street right-of-way **(See Figure 415.050-4 on the right)**.

**Figure 415.050-4**



**YARD, FRONT**

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

**YARD, REAR**

A yard between the rear lot line and the rear line of the main building and the side lot lines.

**YARD, SIDE**

A yard between the main building and the adjacent side lot line and extending entirely from a front yard to the rear yard.

**ZONING ENFORCEMENT OFFICER**

The person designated by the Board of Aldermen to administer and enforce the provisions of this Chapter. The Board of Aldermen or the Zoning Enforcement Officer may also designate other professional individuals, firms, or organizations to review and render opinions on zoning or permit requests, site plans, or data submitted by developers and/or property owners related to the requirements or provisions of this Chapter.

**ZONING MAP**

The official map of the City depicting the boundaries of each zoning district currently in effect as posted in the office of the City Clerk and on the City’s website and as may be modified from time to time upon recommendation of the Planning and Zoning Commission followed by action of the Board of Aldermen in accord with the provision of **Section 415.280** of this Chapter.

ARTICLE II - DISTRICT BOUNDARIES AND GENERAL REGULATIONS

**SECTION 415.060 DISTRICTS DECLARED.**

In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and limit the intensity of use and the lot areas; and to regulate and determine the areas of yards, courts and other open spaces surrounding such buildings, the City is hereby divided into districts of which there shall be those known as:

"A" Agricultural District

"R-1" Single-Family Residential District

“R-2” Single-Family Residential District

"R-3" Mobile Home Park District

"C-1" Local Commercial District

“C-2” General Commercial

"I" Industrial District

“PD-R” Planned Residential Development

“PD-C” Planned Commercial Development

“PD-MX” Planned Mixed Use Development

“PD-I” Planned Industrial Development

SECTION 415.070 BOUNDARIES.

The boundaries of these districts are shown upon the Zoning Map which is made a part of this Chapter. Said map and all the information shown thereon shall have the same force and effect as if all were fully set forth or described herein. The original of this is properly attested and is on file with the City Clerk.

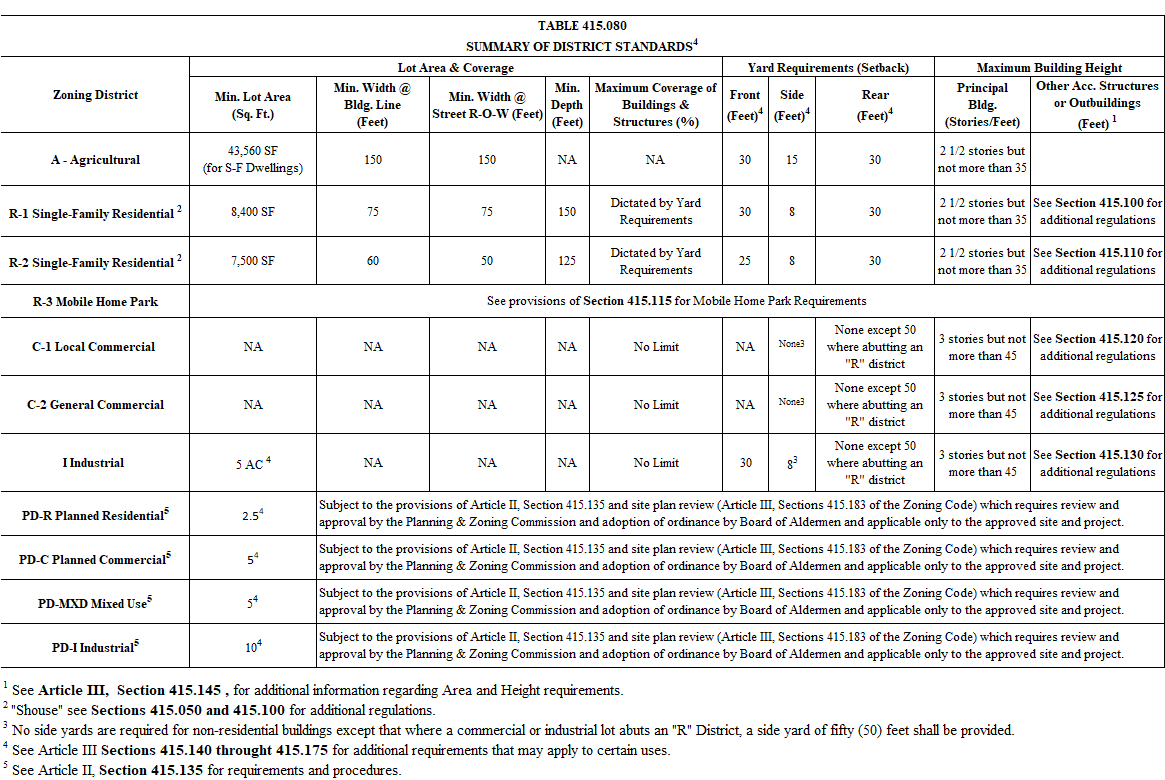
SECTION 415.080 REGULATIONS.

[**A.**](https://ecode360.com/31044623#31044623)Except as hereinafter provided:

[**1.**](https://ecode360.com/31044624#31044624)No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered nor shall any building or land be used for any purpose other than is specifically permitted in the district in which the building or land is located.

[**2.**](https://ecode360.com/31044625#31044625)No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, except in conformity with the height, yard, area per family, parking and other regulations prescribed herein for the district in which the building is located.

[**3.**](https://ecode360.com/31044626#31044626)The minimum lot area, setbacks, yard requirements and other open spaces, including lot areas per family required by this Chapter, shall be provided for each and every building or structure hereafter erected, and such minimum yards, open spaces, and lot areas for each and every building or structure **Table 415.080, Summary of District Standards** on the next page provides a summary of these regulations but is not all inclusive.



Reference to other sections of the code with additional requirements are noted both in the table and within the regulations for each district. The provisions of **Article III, Supplementary Regulations, Sections 415.140** through **415.170** also apply.

[**4.**](https://ecode360.com/31044627#31044627)Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Chapter.

[**5.**](https://ecode360.com/31044628#31044628)All territory which may hereafter be annexed to the City of Truesdale shall be classified in the "R-1" Residential District until, within a reasonable time after annexation, the annexed territory shall be appropriately classified by ordinance in accordance with Section [**415.280**](https://ecode360.com/31044832#31044832) of this Chapter.

SECTION 415.090"A" AGRICULTURAL DISTRICT REGULATIONS.

[**A.**](https://ecode360.com/31044630#31044630)The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "A" Agricultural District.

[**B.**](https://ecode360.com/31044631#31044631)Use Regulations. A building or premises shall be used only for the following purposes:

1. Permitted and conditional uses as provided for in **Section 415.137**.

[**2.**](https://ecode360.com/31044645#31044645)Accessory building or use customarily incidental to any of the above uses.

[**3.**](https://ecode360.com/31044646#31044646)Church bulletin board or a temporary sign not exceeding twenty (20) square feet in area, appertaining only to the lease, hire or sale of a building or premises, or the sale of products grown and sold on the premises; provided, however, that not more than one (1) sign of the above character shall be permitted on any lot or tract.

**C.** Off-street parking requirements. See **Article III, Section 415.170**.

**D.** Building Standards. See **Article II, Section 415.080 and Table 415.080** for development standards related to lot area and dimensions, yard area, setback requirements, and building height related. Additional regulations may also apply.

SECTION 415.100 "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS.

[**A.**](https://ecode360.com/31044649#31044649)The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "R-1" Single-Family Residential District.

[**B.**](https://ecode360.com/31044650#31044650)Use Regulations. A building or premises shall be used only for the following purposes.

[**1.**](https://ecode360.com/31044651#31044651)Permitted and conditional uses as provided for in **Section 415.137**.

[**2**](https://ecode360.com/31044657#31044657)**.** Temporary signs pertaining to the lease, hire, or sale of a building or premises on which such sign is located.

[**3.**](https://ecode360.com/31044658#31044658)Accessory buildings and uses, including, but not limited to, accessory private garages, servants' quarters, guest houses, swimming pools, home barbecue grills, customary church bulletin boards or identification signs not exceeding thirty (30) square feet in area for permitted public and semipublic uses, accessory storage, and accessory off-street parking and loading spaces.

[**4**](https://ecode360.com/31044659#31044659)**.** Manufactured homes, meeting the design standards of Subsection [**(C)**](https://ecode360.com/31044660#31044660) of this Section.

**5.** Floor area of the dwelling, exclusive of garage, carports, porches, or decks must be at least one thousand (1,000) square feet on all new construction.

[**6.**](https://ecode360.com/37933481#37933481)"Shouse" as per definition in Section [**415.050**](https://ecode360.com/31044572#31044572), only provided the following conditions are met:

[**a.**](https://ecode360.com/37933485#37933485)The subject property has an area of three (3) acres or greater; and

[**b.**](https://ecode360.com/37933484#37933484)The subject property is not located within a platted subdivision; and

[**c.**](https://ecode360.com/37933483#37933483)The following architectural features are provided:

[**(1)**](https://ecode360.com/37933487#37933487)Residential style windows and doors shall be provided upon the primary elevation. If an overhead door is proposed on the primary elevation, it shall not be required to provide windows.

[**(2)**](https://ecode360.com/37933486#37933486)A pitched roof shall be provided on the entire structure; and

[**d.**](https://ecode360.com/37933482#37933482)The dwelling portion shall be completed at the same time as the storage/workshop portion and shall meet all applicable standards for single-family dwellings in Section [**415.140**](https://ecode360.com/31044739#31044739) and Section [**415.150**](https://ecode360.com/31044745#31044745).

**7.** Short term rental of single-family homes or two-family dwelling units as defined in **Section 415.050** under “Lodging Establishments” are subject to issuance of a conditional permit in accord with the provisions of **Article VI, Section 415.275.**

[**C.**](https://ecode360.com/31044660#31044660)Design Standards for Manufactured Homes. Single-family dwellings which are of the type which meet the definition of manufactured homes, as provided for in this Chapter, shall meet the minimum requirements set forth below:

[**1.**](https://ecode360.com/31044661#31044661)At least forty percent (40%) of the roof must be double-pitched at least three (3) in twelve (12) or greater and covered with material that is residential in appearance, including, but not limited to, approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass, or metal roofs. Except for permitted deck areas, all roof structures shall provide an eave projection of no less than six (6) inches and no greater than thirty (30) inches.

[**2.**](https://ecode360.com/31044662#31044662)Exterior siding shall be made of non-reflective materials, cannot have a high-gloss finish and must be residential in appearance, including, but not limited to, wood or Masonite lap or vertical groove siding, simulated lap siding, such as conventional vinyl or metal siding, wood shingles, shakes, brick, stone or similar materials, or any combination of these materials, but excluding smooth, ribbed, or corrugated metal or plastic panels. The exterior siding material shall extend to the ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

[**3.**](https://ecode360.com/31044663#31044663)Color and texture of exterior materials shall be compatible with single-family structures in the surrounding neighborhood.

[**4.**](https://ecode360.com/31044664#31044664)The home must be placed on a permanent foundation that provides for vertical loads, uplift, and lateral forces and which foundation must either be a slab or contain a solid perimeter wall in all installations in which the finished floor is more than six (6) inches above the finished grade at any point.

[**5.**](https://ecode360.com/31044665#31044665)All tow bars, wheels, and axles used to transport the unit to the site shall be removed when the dwelling is installed on a residential lot.

[**6.**](https://ecode360.com/31044666#31044666)The unit must be oriented on the lot so that its long dimension is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so the narrow dimension of the unit, as so modified and facing the street, is not less than fifty percent (50%) of the unit's long dimension.

[**7.**](https://ecode360.com/31044667#31044667)The home must be at least twenty-two (22) feet in width; this standard is intended to restrict units to the type which are brought to the site in parts of typically two (2) halves.

[**8.**](https://ecode360.com/31044668#31044668)Floor area of the unit, exclusive of garage, carports, porches, or decks, must be at least one thousand (1,000) square feet.

**D.** Off-street parking requirements. See **Article VI, Section 400.510** through **400.640** of the **Municipal Code**.

**E**. Landscaping and screeding requirement of **Article V, Sections 400.450** through **400.500** of the **Municipal Code**.

**F.** Building Standards. See **Article II, Section 415.080 and Table 415.080** for development standards related to lot area and dimensions, yard area, setback requirements, and building height and **Title V, Chapters 500 through 530** of the **Municipal Code** for applicable building and construction regulations.

SECTION 415.110 "R-2" RESIDENTIAL DISTRICT REGULATIONS.

[**A.**](https://ecode360.com/31044670#31044670)The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "R-2" Multifamily Residential District.

[**B.**](https://ecode360.com/31044671#31044671)Use Regulations. A building or premises shall be used only for the following purposes:

[**1.**](https://ecode360.com/31044672#31044672)Permitted and conditional uses as provided for in **Section 415.137**.

[**2.**](https://ecode360.com/31044674#31044674)Nursing home premises must comply with Section [**415.170(A)(6)**](https://ecode360.com/31044783#31044783) of this Chapter, pertaining to off-street parking. Front and rear yards of thirty (30) feet minimum and side yards of fifteen (15) feet minimum must be provided.

3. Short term rental of single-family homes or two-family dwelling units as defined in **Section 415.050** under “Lodging Establishments” are subject to issuance of a conditional permit in accord with the provisions of **Article VI, Section 415.275.**

**D.** Off-street parking requirements. See **Article VI, Section 400.510** through **400.640** of the **Municipal Code**.

**E**. Landscaping and screeding requirement of **Article V, Sections 400.450** through **400.500** of the **Municipal Code**.

**F.** Building Standards. See **Article II, Section 415.080 and Table 415.080** for development standards related to lot area and dimensions, yard area, setback requirements, and building height and **Title V, Chapters 500 through 530** of the **Municipal Code** for applicable building and construction regulations.

SECTION 415.115 "R-3" MOBILE HOME PARK REGULATIONS.

**A.** The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "R-3" Residential District.

**B.** Use Regulations. A building or premises shall be used only for the following purposes:

**1.** Mobile home parks, pursuant to Subsection [**(C)**](https://ecode360.com/31044694#31044694) of this Section.

**2.** A single-wide mobile home of a width of no greater than sixteen (16) feet and no less than fourteen (14) feet may be located in an "R-3" Residential District on the condition that it be placed on an appropriate stand and that it be no older than 10 years from its date of manufacture. For purposes of single-wide mobile homes, as provided for herein, an "appropriate stand" shall be either piers or a slab, but under no conditions shall said stand be constructed in a manner which does not, at a minimum, meet or exceed the requirements or standards established by the manufacturer for the stand for the particular mobile home to be placed on the premises. Said manufacturer's requirements or standards shall be submitted to the Zoning Enforcement Officer for review and approval prior to placing said single-wide mobile home on the premises. Such structure shall also meet all area and height regulations of Sections 140.140 and 140.150 of this Chapter.

**3.** A double-wide mobile home may be located in an "R-3" Residential District on the condition that it be placed on a short-wall concrete foundation and be no older than five (5) years from its date of manufacture.

**C.** Mobile Home Park Regulations. Mobile home parks shall meet the following minimum standards:

**1.** No mobile home park shall be located on a parcel of ground less than five (5) acres.

**2.** Each lot provided for the occupancy of a single mobile home in a mobile home park shall have a lot area of not less than four thousand five hundred (4,500) square feet and a width of not less than fifty (50) feet, and no park shall be permitted a density higher than eight (8) mobile homes per gross acre.

**3.** No mobile home shall be located less than (10) feet from the nearest adjacent mobile home park property boundary.

**4.** The space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and paved and the vehicle is parked at least ten (10) feet from the nearest adjacent mobile home park property boundary.

**5.** Each mobile home site in a mobile home park shall have unobstructed access to a public highway, street or alley.

1. Each mobile home lot and its associated pad shall have access to all pubic utilities including water, sanitary sewer, and electricity (and natural gas if available).

**7.** Any regulations relating to mobile homes, mobile home parks or trailer or RV parks not covered specifically by this Section shall be governed by the applicable provisions of **R.S. MO, Title XLI, Chapter 700, Manufactured Homes (Mobile Homes) and Chapters 120 -125** of the **Code of Regulations of the Missouri Public Service Commission** which are hereby made a part of this code. Violation of these provisions shall be treated as any other violation of this Chapter under **Article VIII** hereof.

**8.** Any mobile home placed in a mobile home park shall be no older than ten (10) years from its date of manufacture.

1. Any mobile home shall be anchored to the ground in accordance with the manufacturer’s setup instructions for the number of anchors and recommended type and systems in accordance with the Missouri Public Service Commission’s list of Approved Manufacturers of anchoring products.
2. All mobile homes shall have their hitch removed and be durably skirted with metal, vinyl, or decorative skirting types that resemble stone or brick. All skirting is to be maintained in good condition and may only be left open for periods of time that are associated with repairs.
3. The owner of any mobile home park shall be responsible for maintenance of all common areas of the park and ensuring that all occupied units and their lots are maintained in proper condition and in compliance with the provisions of this code.

SECTION 415.120 "C-1" LOCAL COMMERCIAL DISTRICT REGULATIONS.

[**A.**](https://ecode360.com/31044703#31044703)The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "C" Commercial District. This district is intended to reflect commercial uses that are oriented to local residents, are generally smaller in both the land occupied and building size, and are primarily located in the older, central part of the City.

[**B.**](https://ecode360.com/31044704#31044704)Use Regulations. A building or premises shall be used only for the following purposes:

[**1.**](https://ecode360.com/31044705#31044705)Permitted and conditional commercial uses generally intended to serve the local population as provided for in **Section 415.137**.

**2.** Accessory buildings and uses.

**3.** Commercial buildings of more than one story may have a single-family, two-family, or multi-family use on the upper floor(s) but any residential units shall comply with all Truesdale code requirements for construction of residential housing and all fire safety requirements.

**D.** Off-street parking requirements. See **Article VI, Section 400.510** through **400.640** of the **Municipal Code**.

**E**. Landscaping and screeding requirement of **Article V, Sections 400.450** through **400.500** of the **Municipal Code**.

**F.** Building Standards. See **Article II, Section 415.080 and Table 415.080** for development standards related to lot area and dimensions, yard area, setback requirements, and building height and **Title V, Chapters 500 through 530** of the **Municipal Code** for applicable building and construction regulations.

SECTION 415.125 "C-2" GENERAL COMMERCIAL DISTRICT REGULATIONS.

[**A.**](https://ecode360.com/31044703#31044703)The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "C-2" Commercial District. This district is intended to focus on commercial uses that serve the larger area around the community. Uses in this district are generally on larger sites with larger buildings and are located along the City’s I-70 frontage.

[**B.**](https://ecode360.com/31044704#31044704)Use Regulations. A building or premises shall be used only for the following purposes:

[**1.**](https://ecode360.com/31044705#31044705)Permitted and conditional commercial uses generally on a larger scale in single-occupant freestanding or multi-tenant buildings serving area population as provided for in **Section 415.137**.

**2.** Accessory buildings and uses.

**3.** Commercial buildings of more than one story may have a single-family, two-family, or multi-family use on the upper floor(s) but any residential units shall comply with all Truesdale code requirements for construction of residential housing and all fire safety requirements.

**D.** Off-street parking requirements. See **Article VI, Section 400.510** through **400.640** of the **Municipal Code**.

**E**. Landscaping and screeding requirement of **Article V, Sections 400.450** through **400.500** of the **Municipal Code**.

**F.** Building Standards. See **Article II, Section 415.080 and Table 415.080** for development standards related to lot area and dimensions, yard area, setback requirements, and building height and **Title V, Chapters 500 through 530** of the **Municipal Code** for applicable building and construction regulations.

SECTION 415.130 "I" INDUSTRIAL DISTRICT REGULATIONS.

[**A.**](https://ecode360.com/31044722#31044722)The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "I" Industrial District.

[**B.**](https://ecode360.com/31044723#31044723)Use Regulations. A building or premises shall be used only for the following purposes:

[**1.**](https://ecode360.com/31044724#31044724)Permitted and conditional uses as provided for in **Section 415.137**.

[**2.**](https://ecode360.com/31044737#31044737)Accessory buildings and uses, including accessory signs and advertising structures related to the activity conducted on the premises, but with total sign area not to exceed one hundred (100) square feet.

**D.** Off-street parking requirements. See **Article VI, Section 400.510** through **400.640** of the **Municipal Code**.

**E**. Landscaping and screeding requirement of **Article V, Sections 400.450** through **400.500** of the **Municipal Code**.

**F.** Building Standards. See **Article II, Section 415.080 and Table 415.080** for development standards related to lot area and dimensions, yard area, setback requirements, and building height and **Title V, Chapters 500 through 530** of the **Municipal Code** for applicable building and construction regulations.

**G.** Performance standards.

**1**. All industrial operations shall be conducted within a fully enclosed building.

**2**. All storage of materials and equipment shall be within a fully enclosed building or in a side or rear yard so screened by berms, dense vegetative plantings, sight-proof fences, or brick or decorative masonry walls, or combinations of these materials at least eight (8) feet in height so that said materials and equipment are not visible at the grade of the nearest adjacent street, or at the nearest property lines adjacent to any residentially or commercially zoned property.

1. Storage of all hazardous materials must be handled in accordance with U.S. Environmental Protection Agency and Missouri Department of Natural Resources standards and requirements.
2. Structure construction materials in light industrial district*.*
3. No building shall be constructed or erected having the exterior walls constructed of a material other than brick or stone masonry, concrete tilt-up, metal siding, or other material approved by the International Building Code (IBC) enforced by the City. In the event metal construction is used, a minimum of forty-eight (48) inches measured vertically from the foundation of the exterior facade on all elevations visible from a public street or other roadway shall be faced with brick or stone masonry. If concrete tilt-up is used, the exterior wall face shall be patterned to breakup the wall surface and painted in a subdued color (grey, beige, light tan, ivory, etc.).
4. The provisions of this Section shall not apply in the erection or construction of the following:
5. Temporary one-story frame building for use by a builder, contractor, or developer during construction.

(2) Standard fences (not to include wood fencing); and

(c) Any one-story frame accessory structure or building, such as unattached garages or storage buildings, which do not exceed eight hundred (800) square feet in area.

(d) No reconstruction or addition to the original structure shall necessitate the use of masonry or faux masonry on building areas other than those to maintain the original materials and character of the original or principal structure as specified in **Section 415.130, F, 4** and if originally constructed in keeping with those standards.

SECTION 415.135 "PD" PLANNED DEVELOPMENT DISTRICTS

**A.** Intent and purpose. The purpose of the Planned Development Districts is to provide a means of achieving greater flexibility in development of land in a manner not always possible in conventional zoning districts; to encourage a more imaginative and innovative design of land development; and to promote a more desirable community environment.

The Board of Aldermen, upon recommendation by the Planning and Zoning Commission, may, by an ordinance adopted in the same manner as a rezoning is approved, authorize a Planned Development district when the proposed development or use of a specific tract of land or area warrants greater flexibility, control and density than is afforded under the general regulations of standard zoning districts or where effective redevelopment of a property or area entails a mix of uses. These Planned Development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood. The Board of Aldermen may, upon proper application, approve a Planned Development to facilitate the use of flexible techniques of land development and site design, by providing relief from conventional zoning standards to achieve one or more of the following objectives:

1. Site planning that better adapts to site conditions and its relation to surrounding properties that would not otherwise be possible or would be inhibited under the district regulations applicable to the property.
2. Functional and beneficial uses of open space areas.

**3.** Preservation of natural features of a development site.

**4.** Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.

**5.** Promotes the use of high-quality building materials for all structures and use types, employs architectural design compatible with the surrounding area, and avoids the use of design or color elements that are garish.

**6.** Providing for housing types that are not presently found in the City and multi-family development as a component of development or redevelopment to provide a mixed-use environment in the City’s commercial districts.

**7.** Rational and economical in relation to public utilities and services.

**8.** Efficient and effective traffic circulation, both within and adjacent to the development site.

**B.** Relationship of planned development districts to zoning map.

**1.** A Mapped District: The PD designation is not intended to be attached to existing zoning districts as an overlay. The PD designation, as detailed in this section, is a separate use district and may be attached to a parcel of land through the process of rezoning and zoning map amendment.

**2.** Plan Approval Required: It is the intent of this ordinance that no development or redevelopment of the property encompassed by the PD designation take place until an acceptable development plan has been reviewed and approved in conformance with the requirements of this Section, the provisions of Article VII, Section 415.280 of this Chapter, and, if applicable, Chapter 410, Subdivision Regulations, of the **Municipal Code**.

**C.** Coordination with **Title IV, Chapter 400**, Subdivisions Regulations, of the **Municipal Code**.

**1.** When a Planned Development involves any subdivision activity, the subdivision review and approval procedure requirements contained in Chapter 410 of the **Municipal Code** shall be carried out simultaneously with the review of a Planned Development under this Section of this ordinance. As applicable, reference is made to requirements in **Title IV, Chapter 400** of the **Municipal Code** within this Section. With regard to these references, said Title may contain the term "plat," which under the PD district requirements is intended to be synonymous with "plan" as appropriate.

**2.** Since obtaining a PD district designation requires a map amendment (rezoning), the requirements and procedures of Chapter 415.280, Amendments, of this Title shall apply.

**D.** Types of planned developments*.* An area approved for the PD designation shall be assigned one of the following district classifications which shall be considered a separate zoning district and subject to the specific restrictions and limitations outlined in this Section and is in keeping with the objectives as stated in 415.137, A. above.

**1.** *Planned Development—Residential (PD-R):* Planned developments involving residential uses of any type.

**2.** *Planned Development—Mixed Use (PD-MXD):* Planned developments involving residential uses and commercial uses within the same development either in separate buildings or within the same building.

**E.** Permitted Uses*.* The permitted uses for all Planned Development Districts as provided for in (D) above are those as provided for in Section 415.137 of this chapter in the “R-1”, “R-2”, “R-3”, or “C” districts.

**F**. Minimum planned development site size. The minimum site size for any of the Planned Development districts shall be as follows:

|  |  |
| --- | --- |
| PD District | Minimum Site Size in Acres |
| PD-R | 2.5 |
| PD-C | 5 |
| PD-MXD | 5 |
| PD-I | 10 |

These minimum site sizes may be waived by the Board of Aldermen upon report by the Planning and Zoning Commission; if it is determined that the use proposed is desirable or necessary in relationship to the surrounding neighborhood; or, if the Board of Aldermen should determine such waiver to be in the public interest.

**G.** Density and dimensional regulations and performance standards*.*

1. General Standards: The approval of the site plan for such projects may provide for exceptions from the regulations associated with traditional zoning districts as may be necessary or desirable to achieve the objectives of the proposed planned development. No Planned Development shall be allowed which would result in:

1. Inadequate or unsafe vehicular access to the development.

**b.** Peak-hour traffic volumes exceeding the capacity of the adjoining or nearby streets. Capacity shall be based on a street providing "level of service D" as defined in the latest publication of Transportation and Traffic Engineers Handbook, Institute of Transportation Engineers.

**c.** An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development.

**d.** A failure to comply with the standards contained in this Title or other provisions of the **Municipal Code**.

**e.** Other detrimental impacts on the surrounding area including, but not limited to, visual pollution.

In addition to the above requirements, all planned developments shall be subject to the review criteria established in Section 415.183 of this Chapter. It shall be the responsibility of the applicant to clearly establish that the above requirements are met.

**2.** *Other Codes:* All requirements of other codes and ordinances of the City (e.g., Building Code) shall be applicable. The City may require the developer to provide evidence from third-party professionals to ensure that site and building plans comply with reasonable building and fire code standards.

**3.** *Planned Development—Residential (PD-R):*

**a.** Design and Density Requirements:

(1) The density of any residential development shall be determined based on the proposed site plan and accompanying documents submitted by the developer but will ultimately be determined via the site plan review process and recommendation of the Planning and Zoning Commission and adoption of a ordinance by the Board of Aldermen that establishes the “PD-R” zoning designation and the project site plan and any accompanying conditions.

**(2)** The side or rear yard requirements for the underlying existing residential district is required for any side of the development that abuts another residential district. For example, a planned residential development proposed within any "R" residential district may be approved for density development based on the site plan review process, but the side or rear yard requirements of any adjacent “R” district shall apply to the portion or edge(s) of the development abutting that district.

**d.** Development Phasing: If the sequence of construction of various portions of the development is to occur in stages, then any proposed open space and/or recreational facilities shall be developed, or legally provided for on a final plat, in reasonable proportion to the number of dwelling units intended to be developed during any given stage of construction as approved on a final plat by the Board of Aldermen. Furthermore, at no time during the construction of the project shall the number of constructed dwelling units per acre of developed land exceed the overall density per net acre established by the approved PD-R district.

**e.** Non-Residential Uses in PD-R Developments: Non-residential uses are limited to those that are part of the approved development site plan and are limited to recreational uses, community-use/clubhouse buildings for the use of development residents, or buildings used to store development maintenance equipment or a management office. Such non-residential uses shall be subject to all requirements for lot area, width, height, yards, and setbacks prescribed in the district in which the proposed PD-R development is located.

1. *Planned Development-Commercial (PD-C)*

The PD-C regulations are intended to provide for planned development of commercial use of different types and sizes within a single development that typically represents shopping or strip center development that may include retail, service, and bar and restaurant uses.

1. Commercial uses are those as permitted in the “C-1”and “C-2” districts as specified in Section 415.137 of this Chapter.

**b.** Density: Shall be established in accord with the site plan approval process as set forth in Section 415.183 of this Chapter.

1. Where abutting an existing residential district, the side or rear yard requirements shall be not less than those applicable to those in the abutting existing residential district.

**(2)** For proposed developments, building heights shall not be greater than 2 stories but in no event shall be greater than the ability of local fire protection entities to service. Heights shall be measured from the first floor of the building for tenant occupancy at the adjacent grade (on sloping sites, a parking garage under the first floor of the building would not count in determining building height).

**(3)** Parking ratios shall not be less than those required by Section 415.170 of this Zoning Code unless otherwise specified by the requirements for site plan review as specified in **Subsection** I of this Section.

**f.** Signage: (see **Article IX** of this Chapter).

**4.** *Planned Development—Mixed Use (PD-MXD)*.

The PD-MXD regulations are intended to provide for planned development that combines commercial, residential, and/or office uses within a parcel or an area

1. Commercial uses are those permitted in the “C-1”, or “C-2” districts as specified in Section 415.137 of this Chapter.

**b.** A multi-family development may consist of one structure, or multiple structures used for residential purposes and are encouraged but not required to provide some portion of the ground floor area dedicated to retail, service, or office businesses.

1. No residential unit as part of a PD-MXD development plan, whether leased to a tenant or owned in cooperative or condominium form shall be used for short-term rental purposes. Buildings developed for tenant occupancy shall require leases of not less than six months.

**d.** Density: Shall be established in accord with the site plan approval process as set forth in Section 415.183 of this Chapter.

**e.** Multi-Family residential (rental or condominium) density shall not exceed 30 dwelling units per acre except upon recommendation of the Planning and Zoning Commission and approval of the Board of Aldermen as part of the site plan review and approval process.

**(1)** Where abutting an existing residential district, the side or rear yard requirements shall be not less than those applicable to those in the abutting existing residential district.

**(2)** For proposed developments, building heights shall not be greater than 5 stories but in no event shall be greater than the ability of local fire protection entities to service. Heights shall be measured from the first floor of the building for tenant occupancy at the adjacent grade (on sloping sites, a parking garage under the first floor of the building would not count in determining building height).

1. Parking ratios shall not be less than 1.5 spaces per unit (including required handicapped spaces, an allocation of visitor spaces equal to one space for every 6 units, 1 space for loading/move-in/move-out, and 1 space designated and suitable for trash containers that is to be enclosed).

**f.** Parking for commercial component of the development shall comply with the requirement of **Section 415.170** of this Chapter.

**f.** Signage: (**see Article IX, Sections 415.310 through 415.030** of this Chapter).

**H.** *Planned Development—Industrial (PD-I)*.

The PD-I regulations are intended to provide for development of multi-building industrial park types of development. Each building must be located on a platted lot and have access to a roadway meeting City design standards to support truck traffic

.

1. Industrial uses are those permitted in the “I” district as specified in Section 415.137 of this Chapter.
2. Density: Shall be established in accord with the site plan approval process as set forth in **Section 415.183** of this Chapter.
3. Where any lot is adjacent to existing residential development or residentially zoned property a landscaped buffer of at least 30 feet shall be provided along with open vinyl or aluminum fencing at least 6 feet in height and loading docks shall be no closer than 150 feet to the abutting residential property line.
4. Parking for the development shall comply with the requirement of **Section 415.170** of this Chapter.
5. Signage: (see **Article IX, Sections 415.310 through 415.030** of this Chapter)

**H.** Site Plan Review*.* All Planned Development projects are subject to site plan review and approval as required under the provisions of **Title IV, Article IV, Sections 400.150 through Section 400.440 of the Municipal Code.**

**I.** Effect of Approval of Site Plan and Period of Validity*.*

1. Upon approval of the Site Plan by the Board of Aldermen, the zoning of the property shall be rezoned to the applicable Planned Development District (PD-R, PD-C, PD-MXD, or PD-I).
2. All conditions imposed as a part of any Planned Development shall run with the land and shall not lapse or be waived because of a subsequent change in ownership of any or all said area.

**3.** Approval of the site plan shall be valid for a period of two (2) years form the date of Board of Aldermen approval. If the development approved by the site development plan has not been initiated for all or a geographic portion of the plan designated as a phase of the development, then a resubmission of the master development plan shall be required if the applicant intends to construct the development as originally approved. The Board of Aldermen, upon recommendation from the Planning and Zoning Commission, may grant up to a one (1) year extension, from the date that the period of validity expired. The Board of Aldermen may reject such resubmission of the same development plan considering new facts and circumstances relating to the site plan.

**4.** In no case shall a building permit be issued prior to site plan approval.

**5.** When the period of validity has expired, the Planning and Zoning Commission resolution approving the site plan shall become null and void. The Board of Aldermen may initiate proceedings to rezone the property to its original or other appropriate zoning district, in accordance with the procedures and requirements of Section 415.280 of this Chapter.

**J.** Recording of Site Plan.

After the final site plan (and subdivision plat, if applicable), and other associated documents have been approved by the Board of Aldermen, the applicant shall record the final site plan with Warren County.

**K.** Amendments to the Site Plan.

**1.** *Minor Changes:* Minor changes in the location, siting and height of buildings and structures may be authorized by the Zoning Enforcement Officer if required by engineering or other circumstances not foreseen at the time the final plan was approved.

**2.** No change authorized by this section shall cause any of the following:

**a.** a change in the use or character of the development.

**b.** an increase in building or site coverage.

**c.** an increase in the intensity of use (e.g., number of dwelling units).

**d.** an increase in vehicular traffic generation or significant changes in traffic access and circulation.

**e.** a reduction in approved open space or required buffer areas; or

**f.** a change in the record plat of any subdivision involved with Planned Development.

**3.** Plan Amendments: All proposed changes in use, or rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and changes which would cause any of the situations listed under paragraph 2. above shall require the applicant to file a revised site plan and be subject to the requirements of this Section and the procedure for site plan review in accord with the procedures set forth in Section 415.137 of this Chapter as if it were an entirely new application.

SECTION 415.137 PERMITTED AND CONDITIONAL USES BY DISTRICT.

**A.** The intent and purpose of this section is to provide in a consolidated location a listing of the land uses permitted by right and conditionally permitted with the zoning districts established in **Sections 415.060 through 415.135** of this Chapter.

**B**. The land uses permitted by right or subject to the **Conditional Use Regulations of Article VI** of this Code within each district as set forth in **Article II, Sections 415.060 through 415.135** above are listed in the **Truesdale Zoning District Land Use Table** that follows in this Section.

**C.** If a particular land use is being requested by a property owner for development within a particular district and that use is not listed in the Table, then the North American Industry Classification System (NAICS) is intended to be the determining source for identifying the type of use by referring to the sub-sector data from the NAICS listing to make such determination. The NAICS was jointly developed by the United State Office of Management and Budget through its Economic Classification Policy Committee and The Instituto Nacional de Estadistica y Geografia of Mexico and Statistics Canada.

This procedure is provided in order to establish a recognized system of identification of land uses by both general and specific type, and to provide a way in which to determine the category or use type that a particular land use is within, the City of Truesdale.

However, as the nature of land uses changes, the NAICS system is updated from time to time and therefore subject to change. The most recently published version of the NAICS will be the determining source for the purposes of this Section of the Zoning Code. However, the ultimate determination of the permission of a use by right or by conditional use permit will ultimately be controlled by the provisions of this Chapter and other related Chapters of the **Municipal Code** that may apply.

**D.** The City of Truesdale reserves full authority to deny any use not listed in this section as permitted or conditional and reserves full authority to deny any request for a conditional use.

**E.** The permitted and conditional uses are listed as follows:

P = Permitted Use

P\* = Use is permitted subject site plan review and/or other requirements). See table **Municipal Code** references and district regulation for details.

C = Conditional Use

C\* = Use is conditional and subject to additional stipulations and requirements related to the specific use. See table **Municipal Code** and references District regulations for details and reference to requirements of other Chapters of this code.

**F.** All development within Planned Development Districts (PD-R, PD-C, PD-MX) is subject to site plan review in accordance with the provisions of **Article IV, Sections 400.350 through Section 400.440** of the **Municipal Code**. Conditional uses require review in accordance with the provisions of **Article VI, Section 415.275 of this Chapte**r.

| **LAND USE TYPE** | **A** | **R-1** | **R-2** | **R-3** | **C-1** | **C-2** | **I** | **PD-R** | **PD-C** | **PD-MX** | **PD-I** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **AGRICULTURAL** |  |  |  |  |  |  |  |  |  |  |  |
| Farms | P |  |  |  |  |  |  |  |  |  |  |
| Nurseries and greenhouses | P |  |  |  |  | C | P |  |  |  | P |
| Grain elevators or other storage structures | P |  |  |  |  |  |  |  |  |  |  |
| Kennels -- boarding | P |  |  |  |  |  |  |  |  |  |  |
| Riding stables | P |  |  |  |  |  |  |  |  |  |  |
| Roadside stands (sale of farm products produced on the premises) | P |  |  |  |  |  |  |  |  |  |  |
| Sale and distribution of agricultural products (other than machinery) used for agricultural purposes | P |  |  |  |  |  |  |  |  |  | P |
| Truck Gardens | P |  |  |  |  |  |  |  |  |  |  |
| **RESIDENTIAL** |  |  |  |  |  |  |  |  |  |  |  |
| Dwelling, single-family attached | P | P | P | P |  |  |  | P |  | P |  |
| Dwelling, single-family detached | P | P | P | P |  |  |  | P |  | P |  |
| Dwelling, two-family (or on an upper floor of a commercial structure) |  |  |  |  |  |  |  | P | P | P |  |
| Dwelling, Multi-family (or on an upper floor of a commercial structure). |  |  |  | P\* | C\* | C\* |  | P | P | P |  |
| Group Care Homes (See Section 415.050) |  | P\* | P\* | P\* | P\* | P\* |  | P | P |  |  |
| Foster Home (See Section 415.050) | P | P | P | P |  |  |  |  |  |  |  |
| Home Occupations (as defined in Section 415.050 of this Chapter and subject to the provisions of Sections 415.175 and Article  IV of this Chapter) |  | P\* | P | P\* | P\* |  |  |  |  |  |  |
| Manufactured Homes (See Section 415.050) |  | P\* | P\* | P\* |  |  |  |  |  |  |  |
| Mobile Homes (See Section 415.115) |  |  |  | P\* |  |  |  |  |  |  |  |
| Nursing home (See Section 415.050) |  | P\* | P\* | P\* | P\* | P\* | C\* |  | P\* |  |  |
| Residential Care Facility for the Elderly (See Section 415.050) |  |  | P\* | P\* | P\* | P\* | C\* |  | P\* |  |  |
| Short Term Rentals within Single-family and Two-family Housing Units (See Section 415.050 under lodging establishments) |  | C | C | C |  |  |  |  |  |  |  |
| “Shouse” (See Section 415.050) |  | P\* | P\* | P\* |  |  |  |  |  |  |  |
| Substance abuse treatment facility – Inpatient Residential (See Section 415.155) |  |  |  |  | P\* | P\* |  |  | P\* |  |  |
| **COMMERCIAL** |  |  |  |  |  |  |  |  |  |  |  |
| Abstracting & title services |  |  |  |  | P | P | P |  | P | P |  |
| Accounting & bookkeeping services |  |  |  |  | P | P | P |  | P | P |  |
| Adult Business Establishments  (See Title VI, Chapter 415) |  |  |  |  |  | P\* | C\* |  |  |  |  |
| Advertising services, direct mail |  |  |  |  | P | P | P |  | P | P |  |
| Advertising services, general |  |  |  |  | P | P | P |  | P | P |  |
| Alterations, pressing & garment repair services |  |  |  |  | P | P |  |  | P | P |  |
| Animal hospital services |  |  |  |  | P | P | P |  | P |  |  |
| Antiques (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Apparel & accessories (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Appliances & Electronics Stores (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Appliance repair services |  |  |  |  | P | P |  |  | P |  |  |
| Architectural, engineering & planning professional services |  |  |  |  | P | P | P |  | P |  |  |
| Art galleries retailing art |  |  |  |  | P | P |  |  | P | P |  |
| Automobile dealers (new & used vehicles) |  |  |  |  | P | P |  |  | P | C |  |
| Automobile repair garages and body shops |  |  |  |  | C | C | P |  | P |  |  |
| Automobile, truck, & equipment rental services |  |  |  |  |  | P | P |  | P | C |  |
| Automobile tires, parts, accessories & supplies (retail) |  |  |  |  | P | P | P |  | P | P |  |
| Automobile wash & detailing services |  |  |  |  | P | P | P |  | P |  |  |
| Bakeries (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Banking services |  |  |  |  | P | P |  |  | P | P |  |
| Barber services |  |  |  |  | P | P |  |  | P | P |  |
| Beauty services |  |  |  |  | P | P |  |  | P | P |  |
| Bicycles (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Billiard Parlors |  |  |  |  |  | C |  |  | C |  |  |
| Blueprinting & photocopying services |  |  |  |  | P | P | P |  | P |  |  |
| Books & magazines (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Bowling |  |  |  |  |  | P |  |  | P | C |  |
| Building materials (retail) |  |  |  |  | P | P | P |  | P | P | P |
| Business & management consulting services |  |  |  |  | P | P | P |  | P | P |  |
| Business associations |  |  |  |  | P | P | P |  | P |  |  |
| Cameras & photographic supplies (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Candy, nut & confectionery (retail) |  |  |  |  | P | P |  |  | P | P |  |
| China, glassware & metalware (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Chiropractors, optometrists, & other similar health services |  |  |  |  | P | P |  |  | P | P |  |
| Cigarettes & cigars (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Clock, watch & jewelry repair services |  |  |  |  | P | P |  |  | P | P |  |
| Commodity & security brokers, dealers & exchanges & services |  |  |  |  | P | P |  |  | P | P |  |
| Convenience stores |  |  |  |  | P | P |  |  | P | P |  |
| Convenience stores (with gasoline sales; and subject to the provisions of Article IV, Sections 400.350 – 400.440) |  |  |  |  |  | C\* |  |  | C\* | C | C\* |
| Credit unions & agricultural, business & personal credit service |  |  |  |  | P | P |  |  | P | P |  |
| Crematory, funeral & mortuary services |  |  |  |  | C | P |  |  | P |  | P |
| Curtains, draperies & upholstery (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Dairy products (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Dental laboratory services |  |  |  |  | P | P | P |  | P |  |  |
| Dental services |  |  |  |  | P | P |  |  | P | P |  |
| Department stores (retail) |  |  |  |  |  | P |  |  | P | P |  |
| Direct selling organizations (retail) |  |  |  |  |  | P |  |  | P |  |  |
| Discount & variety stores (retail) |  |  |  |  |  | C\* |  |  | C\* | P |  |
| Drug Stores (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Dry cleaning & laundering, self service |  |  |  |  | P | P |  |  | P |  |  |
| Dry goods & general merchandise (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Duplicating, mailing & stenographic services |  |  |  |  | P | P | P |  | P |  |  |
| Educational & scientific research services |  |  |  |  |  | P | P |  | P |  |  |
| Electrical motors & equipment maintenance & repair |  |  |  |  |  | P | P |  | P |  | P |
| Electrical supplies (retail) |  |  |  |  |  | P |  |  | P |  |  |
| Employment services |  |  |  |  |  | P |  |  | P | P |  |
| Fish & seafoods (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Floor coverings (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Florists (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Furniture (retail) |  |  |  |  |  | P |  |  | P | P |  |
| Furniture repair & re-upholstery services |  |  |  |  | P | P | P |  | P |  |  |
| Garden supplies & landscape nursery (retail) |  |  |  |  |  | P | P |  | P | C | P |
| Gasoline service stations (retail) |  |  |  |  | P | P |  |  | P | C |  |
| General stores (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Gifts, novelties & souvenirs (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Glass, paint & wallpaper (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Grocery stores and supermarkets (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Hardware (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Health & exercise spas |  |  |  |  | P | P |  |  | P | P |  |
| Hearing aids, optical goods, orthopedic appliances & other similar devices (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Hobby supplies (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Holding & investment services |  |  |  |  |  | P | P |  | P | P |  |
| Ice cream & frozen desserts (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Insurance agents & brokers services |  |  |  |  | P | P |  |  | P | P |  |
| Jewelry (retail) |  |  |  |  | P | P\* |  |  | P\* | P |  |
| Landscape nursery & garden supplies (retail) |  |  |  |  |  | P |  |  | P | C | P |
| Legal services |  |  |  |  | P | P | P |  | P | P |  |
| Light repair shops for garden equipment or small home appliances |  |  |  |  | P | P | P |  | P |  |  |
| Liquor (retail) |  |  |  |  | C\* | C\* |  |  | C\* | C |  |
| Locksmith services |  |  |  |  | P | P |  |  | P |  |  |
| Lodging Establishments (not including Short Term Rentals as defined in Section 415.050, and subject to the provisions of Article IV, Sections 400.350 – 400.440) |  |  |  |  |  | P |  |  | P | P |  |
| Magazines & newspapers (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Marijuana Dispensaries/Sales (subject to the provisions of Section 415.150) |  |  |  |  |  | P | C |  | P | C |  |
| Massage services (therapeutic) |  |  |  |  | C\* | P | C\* |  | P | P |  |
| Meats--retail |  |  |  |  | P | P | P |  | P | P |  |
| Medical clinics, out-patient services |  |  |  |  |  | P |  |  | P | P |  |
| Medical laboratory services |  |  |  |  |  | P | P |  | P |  |  |
| Mortuaries & Funeral Homes |  |  |  |  | P | P |  |  | P |  |  |
| Musical instruments & supplies (retail) |  |  |  |  | P | P | P |  | P | P |  |
| Periodicals, publishing & printing |  |  |  |  |  | C | P |  | C |  | P |
| Pets & pet grooming services |  |  |  |  | P | P | P |  | P | P |  |
| Photofinishing services |  |  |  |  | P | P | P |  | P |  |  |
| Physician's services |  |  |  |  | P | P |  |  | P |  |  |
| Real estate agents, brokers & management services offices |  |  |  |  | P | P |  |  | P |  |  |
| Research, development & testing services |  |  |  |  |  | P | P |  | P |  | P |
| Restaurants, cafeterias, & catering establishments (except drive-in type establishments serving customers in parked vehicles) |  |  |  |  | P | P |  |  | P | P |  |
| Restaurants (with drive-thru service) |  |  |  |  | C | P |  |  | P | C |  |
| Savings & loan associations |  |  |  |  | P | P |  |  | P | P |  |
| Schools (private professional types such as barber, beauty, computer, dancing, driving, music, etc.) |  |  |  |  |  | P | P |  | P |  |  |
| Schools, nursery & day care centers (not owned and operated by public or church entities) |  |  |  |  |  | P |  |  | P |  |  |
| Shoe repair, shoe-shining & hat cleaning services |  |  |  |  | P | P |  |  | P |  |  |
| Shoes (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Shopping Centers or other multi-tenant commercial structures (subject to the provisions of Article IV, Sections 400.350 – 400.440) |  |  |  |  |  | P |  |  | P | P |  |
| Sporting goods (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Stationery (retail) |  |  |  |  | P | P |  |  | P | P |  |
| Substance abuse treatment facility – Out-Patient (See Section 415.155) |  |  |  |  |  | P\* |  |  | P\* |  |  |
| Tailoring (custom) |  |  |  |  | P | P |  |  | P | P |  |
| Taverns & Bars with food service |  |  |  |  | C\* | P |  |  | P | P |  |
| Telephone business office (including sale of service and equipment to the public) |  |  |  |  | P | P |  |  | P |  |  |
| Telephone exchange stations |  |  |  |  | P | P | P |  | P |  | P |
| Television broadcasting studios |  |  |  |  |  | P | P |  | P |  | P |
| Temporary real estate sales offices (subject to Sec.415.150) |  | P | P | P | P | P | P |  | P |  | P |
| Theaters, motion picture, indoor |  |  |  |  |  | P |  |  | P | P |  |
| Travel arranging services |  |  |  |  | P | P |  |  | P | P |  |
| Veterinarian services and clinics (not including kennels) |  |  |  |  | P | P |  |  | P |  |  |
| **INDUSTRIAL** |  |  |  |  |  |  |  |  |  |  |  |
| Beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing and processing of fish, meat and poultry products |  |  |  |  |  |  | P\* |  |  |  | C |
| Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services |  |  |  |  |  | P | P |  | P |  | P |
| Farm machinery and equipment sales and repair |  |  |  |  |  | C | P |  |  |  | P |
| General service and repair establishments  (including dyeing and cleaning works or laundry, plumbing and heating, printing, painting, upholstering, tin smithing or appliance repair shop) |  |  |  |  |  | C | P |  |  |  | P |
| Manufacture or assembly of:  Medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, electrical or electronic apparatus.  Boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, precision castings, machinery and hardware products, sheet metal products, and vitreous enameled products.  Rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, printing and finishing of textiles and fibers into fabric goods.  Boxes, furniture, cabinets, baskets, and other wood products of similar nature.  Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.  Roofing products |  |  |  |  |  | C | P\* |  | C\* |  | P |
| Marijuana growth and cultivation, marijuana-infused products manufacturing, or marijuana testing (Subject to the provisions of Section 415.150) |  |  |  |  |  |  | P |  |  |  | P |
| **INSTITUTIONAL** |  |  |  |  |  |  |  |  |  |  |  |
| Churches, synagogues & temples | P | P | P | P | P | P | P |  | P |  |  |
| Convents |  | C | C | C | C | P |  |  | P |  |  |
| Hospitals & outpatient clinics, | P |  |  |  |  | P | P |  | P |  |  |
| Labor unions & similar labor organizations |  |  |  |  | P | P | P |  | P |  |  |
| Outpatient facilities for the treatment of alcohol and drug abuse, and similar uses, excluding penal institutions |  |  |  |  | C\* | P\* | C |  | P\* |  |  |
| **PUBLIC & SEMI-PUBLIC** |  |  |  |  |  |  |  |  |  |  |  |
| Art galleries & museums (public) |  |  |  |  | P | P | P |  | P |  |  |
| Auditoriums (associated with public or private schools or corporate office buildings) | P | C | C | C |  | P | P |  | P |  |  |
| Automobile parking garages or lots (associated with a particular use and without a fee charge) |  |  |  |  | C | P | P |  | P |  | P |
| Cemeteries | P | P | P | P | P | P | P |  | P |  |  |
| Civic, social & fraternal associations and private clubs | P |  |  |  | C | P | P |  | P |  |  |
| Day care centers / Nursery Schools (not associated with public or private schools) |  |  |  |  | P | P | P |  | P |  |  |
| Electricity regulating substations | P | P | P | P | P | P | P |  | P |  | P |
| Fire protection & related activities |  |  |  | P | P | P | P |  | P |  | P |
| Libraries |  |  |  |  | P | P | P |  | P |  |  |
| Municipally (City)-owned or operated facilities | P\* | P\* | P\* | P\* | P\* | P | P |  | P |  | P |
| Museums |  |  |  |  | P | P | P |  | P |  |  |
| Public buildings or facilities erected and used by a department of the County, State, or Federal governments | P |  |  |  | P | P | P |  | P |  | P |
| Public works operations and maintenance facilities (owned and operated by the City) | P\* |  |  |  | P | P | P |  | P |  | P |
| Public utility facilities owned by a State or Federally regulated utility |  |  |  |  | P | P | P |  | P |  | P |
| Schools (operated by public entities including Pre-K & Kindergarten, elementary, secondary, junior college, college, university, technical/vocational) | P | P | P | P | P | P | P |  | P |  |  |
| Schools (operated by private and/or not-for profit entities including day care, Pre-K & Kindergarten, elementary, secondary, junior college, college, university, technical/vocational) |  | C | C | C | P | P | P |  | P |  |  |
| Schools (operated by and affiliated with religious institutions and entities including day care, Pre-K & Kindergarten, elementary, secondary, junior college, college, university, technical/vocational) | P | P | P | P | P | P | P |  | P |  |  |
| Social, correctional, treatment & counseling services |  |  |  |  | P | P | P |  | P |  |  |
| Theaters, legitimate |  |  |  |  | P | P |  |  | P |  |  |
| Water storage (operated by public utilities) |  |  |  |  |  | P | P |  | P |  | P |
| Wireless communication facilities and support structures, radio, television, satellite, & microwave transmitting and receiving stations, antennae, & towers (subject to the provisions of Section 415.180) | P\* | P\* | P\* | P\* | P\* | P\* | P\* |  | P\* |  | P\* |
| **RECREATION** |  |  |  |  |  |  |  |  |  |  |  |
| Athletic field or playfields (associated with public or private schools and City parks) | P | P | P | P |  | P | P |  | P |  |  |
| Community Centers (municipally owned) | P | P | P | P | P | P | P |  | P |  |  |
| Fitness Centers (commercially operated) |  |  |  |  | P | P | P |  | P | P |  |
| Golf courses & country clubs | P |  |  |  |  | P |  |  | P |  |  |
| Gymnasium, soccer, & other athletic clubs (not ancillary to schools, colleges, or universities) |  |  |  |  |  | P | P |  | P |  |  |
| Parks and playgrounds, public | P | P | P | P |  |  |  |  |  |  |  |
| Penny arcades, Game stores, other arcade-type entertainment |  |  |  |  | P | P |  |  | P |  |  |
| Recreation centers (not publicly owned) |  |  |  |  | P | P | P |  | P |  |  |
| Swimming clubs (not associated with country clubs or subdivision facilities) |  |  | C | C | P | P | P |  | P |  |  |
| Tennis & soccer clubs |  |  |  |  | P | P | P |  | P |  |  |

ARTICLE III - SUPPLEMENTARY REGULATIONS

SECTION 415.140 AREA AND HEIGHT REGULATIONS.

[**A.**](https://ecode360.com/31044740#31044740)Except as provided in Section [**415.150**](https://ecode360.com/31044745#31044745) or [**415.160**](https://ecode360.com/31044770#31044770) of these regulations, the area and height regulations shall be as follows:

[**1.**](https://ecode360.com/31044741#31044741)Minimum lot area. Every lot used for dwelling purposes shall have a minimum area of seven thousand five hundred (7,500) square feet for single-family dwellings, four thousand (4,000) square feet per dwelling unit for two-family dwellings, and three thousand (3,000) square feet per dwelling for multiple-family dwellings. In no case, however, shall more than two (2) dwelling units be permitted where a lot has an area of less than ten thousand (10,000) square feet. In the "A" Agricultural District, the minimum lot area for single-family dwellings shall be forty-three thousand five hundred sixty (43,560) square feet. There is no minimum lot area required for non-residential uses.

[**2.**](https://ecode360.com/31044742#31044742)Minimum yards. The front and rear yard requirements are thirty (30) feet in the "A" Agricultural District, "R-1" Residential Districts, and the "I" Industrial Districts. The front and rear yard requirements for "R-2" Residential Districts shall be twenty (20) feet. There are no front and rear yard requirements in the "C" Commercial Districts. The side yard requirements shall be eight (8) feet for residences in all districts, except the "A" Agricultural Districts where there shall be a side yard of fifteen (15) feet on each side of the residence. No side yards are required for non-residential buildings except that where a commercial or industrial lot abuts an "R" District, a side yard of eight (8) feet shall be provided.

[**3.**](https://ecode360.com/31044743#31044743)Minimum lot width. The minimum lot width will be seventy-five (75) feet for residences in the "R-1" Residential Districts. The minimum lot width shall be eighty (80) feet in the "R-2" Residential District and one hundred fifty (150) feet in the "A" District. No minimum lot widths are required for non-residential uses.

[**a.**](https://ecode360.com/31044744#31044744)Building height. No building in the "A" and "R" Districts shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height, and in the "C" District shall not exceed three (3) stories nor shall exceed forty-five (45) feet in height, and in the "I" District shall not exceed one hundred fifty (150) feet in height.

[Ord. No. 274 §1, 7-1-2013]

SECTION 415.145 ADDITIONAL HEIGHT AND AREA REGULATIONS.

[**A.**](https://ecode360.com/31044746#31044746)The district regulations hereinafter set forth in this Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Chapter.

[**1.**](https://ecode360.com/31044747#31044747)Public, semipublic, or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

[**2.**](https://ecode360.com/31044748#31044748)Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, spires, grain elevators, or necessary mechanical appurtenances, are exempt from the height regulations as contained herein except. Wireless communication towers or facilities are subject to the provisions of **Section 415.175** of this Chapter.

[**3.**](https://ecode360.com/31044749#31044749)Accessory buildings must be in the rear yard of a lot and must conform to all provisions of this Chapter. On a corner lot, all accessory buildings and recreational vehicle pads must be located in the rear yard of a lot on the interior side.

[**a.**](https://ecode360.com/31044750#31044750)Attached accessory buildings. Any accessory building which is structurally attached to the principal building of a lot shall be considered part of the principal building and shall comply with all provisions of this Chapter pertaining thereto.

[**b.**](https://ecode360.com/31044751#31044751)Detached accessory buildings and structures.

[**(1)**](https://ecode360.com/31044752#31044752)Height. In "R" and "C" Districts, a detached accessory building or structure shall not exceed twenty-four (24) feet or two (2) stories in height and shall not be higher than the main building. In the "I" District, an accessory building may have a height of one hundred fifty (150) feet and may be at a greater height than the main building.

[**(2)**](https://ecode360.com/31044753#31044753)Yard and area requirements. No detached accessory building or structure shall be erected in any required front or side yard. Detached accessory buildings may be located in the rear yard but shall not occupy more than thirty percent (30%) of the rear yard area. No detached building or structure may be erected closer than ten (10) feet to the rear lot line nor closer to the side lot line than the required minimum side yard set-back of the District.

[**4.**](https://ecode360.com/31044754#31044754)No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes, other than by domestic servants employed entirely on the premises.

[**5.**](https://ecode360.com/31044755#31044755)Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, belt course, cornices, and ornaments, and features which are not to exceed twelve (12) inches.

[**6.**](https://ecode360.com/31044756#31044756)No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

[**7.**](https://ecode360.com/31044757#31044757)An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An unenclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.

[**8.**](https://ecode360.com/31044758#31044758)Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.

[**9.**](https://ecode360.com/31044759#31044759)Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

[**10.**](https://ecode360.com/31044760#31044760)Where an open space is more than fifty percent (50%) surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three- or four-story buildings.

[**11.**](https://ecode360.com/31044761#31044761) No side yards are required where dwelling units are erected above commercial and industrial structures.

[**12.**](https://ecode360.com/31044762#31044762)Where lots have double frontage, the required front yard shall be provided on both streets.

[**13.**](https://ecode360.com/31044763#31044763)The required side yard on the street side of a corner lot shall be the same as the required front yard on such street, except that the building width shall not be reduced to less than thirty-two (32) feet, and no accessory building shall project beyond the required front yard on either street.

[**15.**](https://ecode360.com/31044765#31044765) The front yards heretofore established shall be adjusted in the following cases:

[**a.**](https://ecode360.com/31044766#31044766)Where forty percent (40%) or more of the frontage on the same side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have (with a variation of five (5) feet or less), a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest to the street line.

[**b.**](https://ecode360.com/31044767#31044767)Where forty percent (40%) or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have a front yard of less depth than herein required, then:

[**(1)**](https://ecode360.com/31044768#31044768)Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent building on each side, or

[**(2)**](https://ecode360.com/31044769#31044769)Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one (1) side only, such building may be erected as close to the street as the existing adjacent building.

SECTION 415.150 MARIJUANA PRODUCTION AND SALES.

The purpose of this Section is to regulate the placement and licensing of facilities for the dispensing, selling, cultivating, manufacturing, storing, and testing of marijuana and marijuana-infused products, to the extent permitted by the Missouri Constitution, applicable statutes enacted by the General Assembly, and regulations promulgated by the Missouri Department of Health and Senior Services, and to protect the health, safety, and welfare of the residents, businesses, and property owners in the City of Truesdale.

**A.** *Definitions.* Terms not expressly defined herein shall have the meaning set forth in Mo. Const. art. XIV, Section 1(2), enacted as Amendment 2 (2018) and Amendment 3 (2022) to the Missouri Constitution as approved by Missouri voters relating to access to marijuana, if defined therein. The following definitions shall apply in interpretation and enforcement of **this Section**, unless otherwise specifically stated:

*“Marijuana” or “Marihuana”*

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

*Marijuana-Infused Products*

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

*Marijuana Cultivation Facility*

A facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, store, transport, and sell marijuana to a marijuana dispensary facility, marijuana testing facility, or to a marijuana-infused products manufacturing facility.

*Marijuana Dispensary Facility*

A facility licensed by the Missouri Department of Health and Senior Services to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana.

1. to a qualifying patient, a primary caregiver, another marijuana dispensary facility, a marijuana testing facility, or a marijuana-infused products manufacturing facility, or

(2) to allow purchase of recreational marijuana products by adults over the age of 21

*Marijuana-Infused Products Manufacturing Facility*

A facility licensed by the Missouri Department of Health and Senior Services to acquire, store, manufacture, transport, and sell marijuana-infused products to a marijuana dispensary facility, a marijuana testing facility, or to another marijuana-infused products manufacturing facility.

*Marijuana Testing Facility*

A facility certified by the Missouri Department of Health and Senior Services to acquire, test, certify, and transport marijuana.

**B. General Requirements.**

**1.** No marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall be operated within the City of Truesdale without a valid license issued by the Missouri Department of Health and Senior Services. No marijuana or marijuana-infused products shall be acquired, certified, cultivated, delivered, manufactured, processed, sold, stored, tested, or transported within the City of Truesdale, except by persons or entities licensed for such purposes by the Missouri Department of Health and Senior Services. All marijuana dispensaries, marijuana-infused products manufacturing facilities, marijuana cultivation facilities, and marijuana testing facilities shall prominently display said license in a highly visible location, easily seen by patients on the dispensary’s sales floor.

**2.** No person shall possess or consume marijuana or marijuana-infused products in the City of Truesdale except qualifying patients or persons 21 years old or older for recreational marijuana. No qualifying patient shall consume marijuana in a public place, except public places where such consumption is expressly permitted by law.

**3.** A marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall be operated in the manner provided by Section 1 of Article XVI, Mo. Const., regulations promulgated by the Missouri Department of Health and Senior Services, applicable state statutes, and **this Section**.

**4.** Medical marijuana cultivation facilities, marijuana dispensary facilities, marijuana-infused products manufacturing facilities, and marijuana testing facilities shall annually obtain a business license from the City as required by Chapter 13 of the Truesdale **Municipal Code** and shall annually pay the applicable taxes and fees required by said Code.

**5.** Any person who violates this Section is guilty of an offense and shall be assessed a penalty in accordance with the provisions of the Truesdale **Municipal Code**. The City shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this Section. In addition to any other remedies, the city attorney may institute an injunction, mandamus or other appropriate action or proceeding to prevent violation of this Section. Additionally, the City may notify appropriate officials at the Missouri Department of Health and Senior Services, or other law enforcement agencies, of violations of this Section.

**C. District Regulations, Conditional Use Permit Required.**

**1.** A licensed marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall be permitted as a conditional use in properties zoned “C” or “I” (See **Section 415.137** for applicable districts) . A marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall be permitted only in the “I” district.

**2.** No marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall be located within five hundred feet of any elementary or secondary school, child day-care center, or church measured according to the nearest property lines or property corners between the parcels involved.

**3.** No marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall be located within one thousand feet of another marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility.

**4.** No marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall be located on the same premises as a physician’s office.

**5.** All marijuana sales, distribution, manufacturing, cultivation, and testing facilities are subject to the following restrictions relating to hours of operation**.**

a. All sales or distribution of marijuana and any other products sold to the public through a marijuana dispensary shall take place between the hours of 08:00 a.m. and 9:00 p.m., Sunday – Saturday. Marijuana dispensaries shall be secured and closed to the public after the hours listed in this subsection, and no persons not employed by the marijuana dispensary may be present in such a facility at any time it is closed to the public.

b. All marijuana-infused products manufacturing facilities, marijuana cultivation facilities, and marijuana testing facilities shall be closed to the public between the hours of 7:00 p.m. and 7:00 a.m. No persons not employed by the business shall be on the premises at any time.

**6.** All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure. No outdoor storage shall be permitted on the property.

**7.** The review procedure for an application for a conditional use permit under this Section shall be in the manner set forth in **Section 415.275** of this Chapter. The Board of Aldermen may impose such restrictions on the time, place, and manner of operation of such facilities as it deems appropriate for the protection of public health, safety, and welfare, and to ensure compliance with the Missouri Constitution, applicable statutes and regulations, and this Section.

**8.** A separate conditional use permit shall be required for each premises used for a marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or a marijuana testing facility. No marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or a marijuana testing facility may be located within the same premises, except that a marijuana dispensary facility and a marijuana cultivation facility may be located on the same premises if both businesses are owned by the same entity.

**9.** A conditional use permit for a marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility is not transferable or assignable, including, without limitation, not transferable or assignable to a different premises, to a different type of business, or to a different owner or licensee, without the permission of the Board of Aldermen. A conditional use permit for a marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility is valid only for the owner(s) named thereon, the type of facility for which a conditional use permit has been granted, and the location for which the permit is issued.

**10.** An application for a conditional use permit for a marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall be filed with the Zoning Enforcement Officer with an application fee in an amount established by the Board of Aldermen. The Zoning Enforcement officer may provide forms to applicants for that purpose.

**D. Signs**.

**1.** A sign for a marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall comply with the requirements of Article IX, Section 415.300 of this Code, or any ordinance enacted hereafter regulating signs.

**2.** A sign for a marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall be located on the same premises as the facility.

SECTION 415.155 REQUIREMENTS RELATING TO GROUP HOMES AND SUBSTANCE ABUSE TREATMENT FACILTIES.

**A.** A group home, as defined in **Section 415.050** of this Chapter, shall be a permitted use in any residential zoning district in the City of Truesdale, subject to the following limitations:

**1**. No more than eight (8) unrelated mentally or physically handicapped persons may reside in any individual group homes.

**2.** Not more than two (2) additional persons acting as house parents or guardians, who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home, may also reside on the premises.

**3**. The exterior appearance of any group home and property shall be in reasonable conformance with scale, massing, appearance, site design, architecture, other characteristics, and general neighborhood standards of the area within which the group home is located, as determined by the reasonable professional administrative judgment of the Zoning Enforcement Officer. Any person aggrieved by a decision of the Zoning Enforcement Officer as to this "reasonable conformance" requirement may appeal that decision to the Truesdale Board of Adjustment pursuant to **Article IV** of this Chapter.

**4.** No group home may be established on any lot which is adjacent to any portion of the lot line of any existing group home, whether such existing group home is located within or outside the city. No group home which is owned or operated in whole or in part by an "related person or entity" (as that phrase is defined in Section 415.050 of this Chapter) that owns or operates, in whole or in part, an existing group home may be located on the same or opposite side of the street upon which such an existing affiliated group home has any frontage within the same block as the existing affiliated group home, whether such existing affiliated group home is located within or outside the city.

**5.** Each group home shall provide sufficient off-street parking in conformity with the parking standards set forth in Section 415.170 of this Chapter to accommodate the needs of the house parents, residents, and visitors to the premises. The Zoning Enforcement Officer shall establish the required number of parking spaces for each group homes based upon:

**a.** The number of house parents or guardians to reside in the home.

**b.** The reasonable needs and circumstances of the persons intended to reside in the home; and

**c.** The reasonably anticipated frequency and duration of visitors to the home.

**B.** A substance abuse treatment facility (either inpatient or outpatient) , as defined in **Section 415.050** of this Chapter, shall be a permitted use in the C-1 or C-2 zoning districts in the City of Truesdale, subject to the following limitations:

**1**. No more than eight (8) unrelated persons may reside in any individual inpatient facility.

**2.** Not more than two (2) additional persons acting as facility managers or support staff, who need not be related to each other or to any of the persons residing in an inpatient facility, may also reside on the premises.

**3**. The exterior appearance of any such facility and property shall be in reasonable conformance with scale, massing, appearance, site design, architecture, other characteristics, and general neighborhood standards of the area within which the treatment facility is located, as determined by the reasonable professional administrative judgment of the Zoning Enforcement Officer. Any person aggrieved by a decision of the Zoning Enforcement Officer as to this "reasonable conformance" requirement may appeal that decision to the Truesdale Board of Adjustment pursuant to **Article IV** of this Chapter.

**4.** No substance abuse treatment facility may be established on any lot which is adjacent to any portion of the lot line of any existing such facility, whether such existing group home is located within or outside the city. No substance abuse treatment facility which is owned or operated in whole or in part by an "related person or entity" (as that phrase is defined in **Section 415.050** of this Chapter) that owns or operates, in whole or in part, an existing facility may be located on the same or opposite side of the street upon which such an existing affiliated treatment facility has any frontage within the same block as the existing affiliated treatment facility, whether such existing affiliated treatment facility is located within or outside the city.

**5.** Each substance abuse treatment facility shall provide sufficient off-street parking in conformity with the parking standards set forth in Section 415.170 of this Chapter to accommodate the needs of the residents, facility manager or supporting staff, and visitors to the premises. The Zoning Enforcement Officer shall establish the required number of parking spaces for each group homes based upon:

**a.** The number of residents, management, or support staff residing in an inpatient facility and anticipated daily visitors.

**b.** The expected number of daily patients visiting an outpatient facility plus supporting staff.

Any person aggrieved by a decision by the Zoning Enforcement Officer as to the number or necessity of parking spaces may appeal that decision to the Truesdale Board of Adjustment pursuant to **Article IV** of this Chapter**.**

SECTION 415.160 NON-CONFORMING USES.

[**A.**](https://ecode360.com/31044771#31044771)A non-conforming use is the use of any land, building, structure, sign, mobile home, or mobile home park space, or any portion thereof, which existed lawfully, whether by variance or otherwise, on the date this Zoning Code or any amendment thereto became effective, and which fails to conform to one (1) or more of the applicable regulations in the Zoning Code or such amendment thereto.

[**B.**](https://ecode360.com/31044772#31044772)No such non-conforming building, structure, sign, or mobile home, whether in a mobile home park or not, which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty-five percent (65%) of its assessed value, shall be restored or replaced except in conformity with the regulations of this Chapter.

[**C.**](https://ecode360.com/31044773#31044773)In the event that a non-conforming use of any land, building, structure, sign, mobile home park, or mobile home park space is discontinued, or its normal operation stopped for a period of six (6) months, the use of the same shall thereafter conform to the regulations of the district in which it is located.

[**D.**](https://ecode360.com/31044774#31044774)A non-conforming use occupying only a portion of a building may be extended throughout the building if the same has been lawfully acquired and actually devoted to such use, previous to the adoption of this Chapter or to any affecting amendments thereof.

[**E.**](https://ecode360.com/31044775#31044775)No such non-conforming use of any land, building, structure, sign, mobile home, or mobile home park space, shall be enlarged, extended, reconstructed, structurally altered, changed or replaced unless such use is changed to a use permitted in the district in which such land, building, structure, mobile home or mobile home park space is located, except that as to mobile homes located within a mobile home park, a new or replacement mobile home may be placed in an existing non-conforming mobile home space so long as it complies, at a minimum, with the provisions of Section **415.115, B, and C.** of the Zoning Code and does not otherwise extend or enlarge the non-conformity.

SECTION 415.165 COMMERCIAL AND INDUSTRIAL PROPERTY

BUFFER REQUIREMENTS

Subsequent to adoption of this code, the following requirements will apply for all new or expanding commercial or industrial development involving the construction of new buildings or expansion of existing buildings in the “C”, “I”, “PD-C”, “PD-I” or “PD-MX” districts.

**A.** Commercial or industrial development in the “C”, “I”, “PD-C”, or “PD-I” districts shall have no buildings located closer than 100 feet from an existing lot line or district boundary of an “R-1”, “R-2”, or “R-3” district.

**B.** Exterior lighting for building perimeters and parking areas in the “C”, “I”, “PD-C”, “PD-I” or “PD-MX” districts shall be directed downward using cutoff fixture luminaires so as to minimize light and glare on to adjacent residential properties and fixture heights adjacent to residential properties shall not be closer than 25 feet to a residential lot line and the fixture post shall not have a height greater than 14 feet.

**C.** Loading docks shall be located on building facades that do not face residential properties.

**D.** A dense landscaped buffer area not less than 25 feet in depth shall border the property adjacent to existing residential properties or any residential district boundary line. The buffer area shall contain evergreen plant material with a minimum height of eight feet, planted in such a manner to achieve an effective spacing of six-foot on center. The height of such evergreen plant material may be reduced if used in conjunction with a berm whose height in combination with the fence will achieve the standard specified herein. The berm shall not exceed a slope of 30° and shall be completely covered with shrubs, grass, or other living ground cover, in addition to the evergreen plant material specified herein.

**E.** The commercial or industrial property owner shall be required to maintain the buffer area in good condition and replace any plant material that becomes diseased or dies.

**F.** The perimeter of the buffer area adjoining residential property or districts may be fenced; however, the fencing shall not be chain link but may be any other durable material including wood, aluminum, vinyl, or modular masonry, and not be higher than 8 feet nor less than 6 feet. The commercial or industrial owner shall be required to maintain the fence.

SECTION 415.170 OFF-STREET PARKING REGULATIONS.

**A.** No building shall be erected, enlarged to the extent of increasing the floor area by as much as fifty percent (50%), or changed in use unless there is provided on the property paved parking for automobiles or trucks in accordance with the minimum requirements as stated below. On street parking (where allowed by City code) shall not be counted for satisfaction of these requirements:

**1.** Bowling alley: Five (5) parking spaces for each alley.

**2.** Business, professional, or public office building, studio, bank, or dental clinic: Three (3) parking spaces plus one (1) additional parking space for each four hundred (415) square feet of floor area over one thousand (1,000).

**3.** Church: One (1) parking space for each eight (8) seats in the main auditorium.

**4.** College or school: One (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.

**5.** Hospital, nursing home, elder care facility, or similar institution: One parking space for every three (3) beds plus one (1) space for every staff doctor and/or employee on the maximum shift.

**6.** Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, or similar establishment: One (1) parking space for every two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

[**7**](https://ecode360.com/31044785#31044785)**.** Mortuary or funeral home. One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors, and individual funeral service rooms.

**8.** Private club or lodge. One (1) parking space for every ten (10) members.

**9.** Restaurant, nightclub, cafe, or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of floor area.

**10.**Retail store or personal service establishment: One (1) parking space for each two hundred (200) square feet of floor area.

**11.** Single-family dwellings. A minimum of two parking spaces for each dwelling, not including garage or carport parking. These spaces shall be on a paved driveway area.

**12**. Two-Family and Multifamily dwellings*.*

**a.** Two-Family (duplexes) shall have a minimum of two parking spaces for each dwelling unit.

**b.** Townhouses, apartments, and condominiums.

**(1)** One-bedroom dwelling units shall have 1.5 spaces per dwelling unit.

**(2)** Dwelling units with two or more bedrooms shall have 2.5 spaces per dwelling unit.

**13.**Theater or auditorium (except school): One (1) parking space for each five (5) seats or bench seating spaces.

**14.** Recreational vehicles as defined in **Section 415.050** (except for motorcycles or all-terrain vehicles) may not be parked in front of the building line in any residential district nor may they be parked in a required side yard area except where the side yard area is large enough to maintain the required side yard area to an adjacent residentially zoned lot.

**B.** To reduce pavement requirements and associated stormwater runoff where appropriate, the Planning and Zoning Commission, upon their review and recommendation, may allow for parking requirements below the requirements herein wherein the nature of the use or ability to share parking with another use with differing operation hours would allow for such a reduction. Such action shall be taken by Commission vote, shall be reflected in the meeting minutes, and conveyed by formal notice to the Board of Aldermen.

SECTION 415.175 HOME OCCUPATION REGULATIONS

The purpose of this section is to protect the public health and safety and to ensure that business activities are compliant with all state and federal laws. Specifically, a home occupation located in a neighborhood zoned and developed for residential use shall be conducted such that a reasonable neighbor would not be aware of its existence or be disrupted by it. It is the intent of these regulations to protect and maintain the residential character of the neighborhoods in the City of Truesdale.

1. The operation of no-impact home occupations as defined below shall be permitted. Any home occupation that does not fall within the definition of a no-impact home occupation set forth below shall be prohibited from operating in a residential district or residential planned district. A home occupation qualifies as a no-impact home occupation if:
2. The total number of employees and clients on-site at one time does not exceed the occupancy limit for the residential dwelling; and
3. The activities of the business:
4. Are limited to the sale of lawful goods and services.
5. May involve having more than one client on the property at one time.
6. Do not cause a substantial increase in traffic through the residential area.
7. Do not violate any parking regulations established by the City.
8. Occur inside the residential dwelling or in the yard of the residential dwelling.
9. Are not visible from the street; and
10. Do not violate any of the regulations set forth in subsection 3 related to the public health, safety, and welfare of residents.
11. To qualify as a no-impact home occupation, the use must not:
12. Create objectionable noise, fumes, odor, dust, electrical interference, more than normal residential traffic, accumulation of debris, litter or junk on the premises, unsightliness of the premises, or any condition which degrades the residential character of the neighborhood are prohibited.
13. Have exterior lighting which creates spillover on to adjoining residential properties including the creation of glare or shining into neighboring windows.
14. Trash - Home occupations may not generate trash or refuse that exceeds normal residential trash and refuse.
15. Outdoor Storage -Outdoor storage of equipment, inventory, or other supplies for the home occupation is prohibited.
16. Disposal of Solid Waste - Solid waste must not be deposited, stored, or otherwise maintained on the property.
17. Parking - Home occupations must comply with all restrictions on parking and all customer parking must be located off of any public street.
18. Public Health and Safety - Home occupations shall adhere to all City ordinances and regulations related to the public health and safety including but not limited to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, and pollution.
19. Compliance with Laws - Home occupations shall comply with state and federal laws including paying applicable taxes.
20. Deliveries - All deliveries related to the home occupation shall be made between the hours of 7:00 A.M. and 9:00 P.M. Deliveries shall not be made by a vehicle that exceeds the size and/ or weight rating for the street.
21. Whenever it comes to the attention of the City, or the City receives an allegation of the existence of a violation of the no-impact home occupation regulations of this Section, the City shall investigate and make a determination as to whether said home occupation has violated this section and whether said home occupation qualifies as a no-impact home occupation. If a violation of Section 415.175, A is found to exist, the City Zoning Enforcement Officer shall notify the owner, lessee, or person engaged in the home occupation that the activity occurring on the premises does not comply with Section 415.175, A and either (a) issue a warning that further violations could result in a loss of the ability to continue the home occupation or (b) provide a notice of hearing as described below. The Zoning Enforcement Officer shall only issue a warning letter in situations where there has been an isolated violation of Section 415.175, A.
22. The notice of hearing described in Subsection (B) shall contain:
23. Address or description of the property.
24. Ordinance number and a copy of the ordinance being violated.
25. Nature of the violation of the no-impact home occupation regulations; and
26. Notice that the hearing will determine whether the home occupation qualifies as a no-impact home occupation and that a finding that the home occupation does not qualify as a no-impact home occupation will result in an order prohibiting the continued operation of the home occupation.
27. The Zoning Enforcement Officer shall serve as the hearing officer and hold the hearing referenced in Subsection B above at the time and place indicated in the notice of hearing. The hearing officer shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received. The hearing officer shall prepare findings of fact, conclusions of law, and an order stating whether the home occupation qualifies as a no-impact home occupation. If the hearing officer finds that the home occupation does not qualify as a no-impact home occupation, the hearing officer has the authority to enter an order prohibiting the continued operation of the home occupation and to order the abatement of any violation of Section 415.175, A. The decision of the hearing officer may be appealed to the Board of Aldermen within ten days of the posting of the hearing officer's notice on the Property.

**D.** Home occupations that have been found to not qualify as no-impact home occupations pursuant to Subsection (D) above may be issued a notice of violation. Nothing contained in 625.010 shall preclude the City from any other remedy including but not limited to filing a civil suit, seeking an injunction, or taking other actions as permitted by law.

1. Summons, Service Of. The City may issue a notice of violation in municipal court, directed by name to the owner, lessee, or person engaged in the home occupation for subsequent violations of the no­ impact home occupation regulations following a determination that a home occupation is not a no-impact home occupation, and such summons shall show:
   1. Address or description of property on which the violation occurred or is located, and such other information as may be available to the City.
   2. The ordinance which is being violated and setting forth in general the nature of the violations; and
   3. Date on which the case will be on the Municipal Court docket for hearing.

SECTION 415.180 WIRELESS COMMUNICATION TOWERS AND FACILITIES

**A. Purposes**. The purposes of these regulations are to regulate the placement and construction of wireless communications facilities and support structures to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City. Specifically, this Section is intended to:

**1.** Provide for the appropriate location and development of wireless communications infrastructure to serve the citizens and businesses of the City.

**2.** Minimize adverse visual impacts of wireless facilities and support structures through careful design, siting, landscape screening and innovative camouflaging techniques.

**3.** Ensure that any new support structure is located in an area compatible with the neighborhood or surrounding community to the extent possible.

**4.** Encourage the use of disguised support structures so as to ensure the architectural integrity and the scenic qualities of areas within the City.

**5.** Ensure that regulation of wireless facilities does not have the effect of prohibiting the provision of personal wireless services and does not unreasonably discriminate among providers of functionally equivalent services; and

**6.** Comply with applicable law including the Federal Telecommunications Act of 1996, 47 U.S.C. § 332 and the Missouri Uniform Wireless Communications Infrastructure Deployment Act, R.S. MO. 67.5090 et seq.

**B. Definitions.** Any term not expressly defined herein shall have the meaning set forth in RSMo. 67.5090 through 67.5104. As used herein, the following terms shall have the meanings and usages indicated:

**ANTENNA**

Any device that transmits and/or receives electromagnetic signals for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, wireless communications services, and similar forms of communications (See **Section 415.175** for further regulations). The term shall exclude satellite earth station antennas less than six feet in diameter (mounted within 12 feet of the ground or building mounted) intended for receipt of cable television services and any that receive over-the-air broadcast television.

**CABINET**

A structure for the protection and security of communications equipment associated with one or more antennas where direct access to equipment is provided from the exterior and the horizontal dimensions of which do not exceed four feet by six feet.

**COLOCATION**

The placement or installation of a new wireless facility on a structure that already has an existing wireless facility, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

**DIRECTOR**

The Zoning Enforcement Officer of the City or his or her designee.

**DISGUISED SUPPORT STRUCTURE**

Any freestanding, man-made structure designed for the support of wireless facilities, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include, but are not limited to, clock towers, observation towers, pylon signs, water towers, light standards, flag poles and artificial trees.

**FAA**

The Federal Aviation Administration

**FCC**

The Federal Communications Commission.

**HEIGHT**

The vertical distance measured from the base of the structure at mean ground level to its highest point and includes the main structure and all attachments thereto. Mean ground level shall be determined by the average elevation of the natural ground level within a radius of 50 feet from the center location of measurement.

**REPLACEMENT**

Includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure to support wireless facilities or to accommodate collocation and includes the associated removal of the preexisting wireless facilities or wireless support structure.

**SHELTER**

A building for the protection and security of communications equipment associated with one or more antenna(s) and where access to equipment is gained from the interior of a building.

**SUBSTANTIAL MODIFICATION**

The mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed:

**1.** Increases the existing vertical height of the structure by:

**a**. More than 10%; or

**b.** The height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater: or

**2**. Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than 20 feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);

**3.** Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets: or

**4.** Increases the square footage of the existing equipment compound by more than 1,250 square feet.

**WIRELESS COMMUNICATIONS SERVICE**

Includes the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the Communications Act of 1934, 47 U.S.C. § 301.

**WIRELESS FACILITY**

The set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling, and associated equipment necessary to provide wireless communications services.

**WIRELESS SUPPORT STRUCTURE**

A structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles.

**C. General Requirements.** The requirements set forth in this Section shall be applicable to all wireless facilities, wireless support structures cabinets and shelters installed, built or modified after the effective date of this Section, to the full extent permitted by law.

**1.** Principal or incidental use. Wireless facilities and wireless support structures may be either a principal use in all zoning districts or an accessory use to existing multifamily, institutional, or nonresidential uses, subject to any applicable zoning district requirement relating to location or setback.

**2.** Building codes, safety standards and zoning compliance. To ensure the structural integrity of wireless facilities and wireless support structures, such facilities and support structures shall be constructed and maintained in compliance with all standards contained in any state or local building code, National Electric Safety Codes, as amended from time to time. In addition to any other approvals required hereunder, no wireless facilities and wireless support structures shall be erected prior to the issuance of a building permit.

**3.** Regulatory compliance. All wireless facilities and wireless support structures shall meet or exceed current standards and regulations of the FAA, FCC, and any other governmental agency with the authority to regulate such facilities and support structures. Should such standards or regulations be amended, then the owner shall bring such facilities and support structures into compliance with the revised standards or regulations within six months of the effective date of the revision, unless an earlier date is mandated by the controlling agency.

**4.** Security. All wireless facilities and wireless support structures shall be protected from unauthorized access by appropriate security devices. A description of proposed security measures shall be provided as part of any application to install, build, or modify wireless facilities and wireless support structures. Additional measures may be required as a condition of the issuance of a building permit as deemed necessary by the Zoning Enforcement Officer or the Board of Aldermen in the case of a conditional use permit.

**5.** Lighting. Wireless facilities and wireless support structures shall not be lighted unless required by the FAA or other governmental agency with authority to regulate. In such case, a description of the required lighting scheme shall be made a part of the application to install, build or modify the wireless facilities or wireless support structures.

**6.** Advertising. Unless a wireless facility and/or wireless support structure is disguised in the form of an advertising device, such as a pylon sign or similar structure, the placement of advertising on support structures, cabinets or shelters regulated by **this Section** is prohibited.

**7.** Design**.**

**a.** Wireless facilities and wireless support structures, except disguised support structures shall maintain a galvanized steel finish or, subject to the requirements of the FAA and/or any applicable governmental agency, be painted a neutral color consistent with the natural or built environment of the site.

**b.** Wireless facilities other than antennae shall have an exterior finish compatible with the natural or built environment of the site and shall also comply with such other reasonable design guidelines as may be required by the City.

**c.** Wireless facilities mounted on a building, or a disguised support structure shall be of a color identical to or closely compatible with the surface to which they are mounted and should be made to appear as unobtrusive as possible by location as far away as feasible from the edge of a building. Wireless facilities and wireless support structures mounted on the ground shall not exceed 100 feet in height unless specifically permitted by a conditional use permit. Wireless facilities installed on a building shall not exceed 20 feet from the highest point of the building, other than for licensed amateur radio uses.

**d.** Wireless facilities, wireless support structures and cabinets mounted on the ground shall be surrounded by a landscape strip of not less than 10 feet in width and planted with materials which will provide a visual barrier to a minimum height of six feet at the time of installation. Such landscape strip shall be exterior to any security fencing. In lieu of the required landscape strip, a minimum six-foot-high decorative fence or wall may be approved by the Zoning Enforcement Officer in the case of an application for a building permit, or by the Board of Aldermen in the case of a conditional use application, upon demonstration by the applicant than an equivalent degree of visual screening is achieved.

**e.** All wireless support structures shall be separated from any single- or two-family residential structure a distance equal to the height of the wireless support structures. Wireless support structures on parcels adjacent to residentially zoned property shall meet the setbacks of the applicable zoning districts required for a principal structure along the adjoining property line(s). Where adjacent to nonresidential zoned property, wireless support structures shall maintain setbacks as are required for accessory structures in such district.

**f.** Ground anchors of all guyed wireless support structures shall be located on the same parcel as the wireless support structures and meet the setbacks of the applicable zoning district.

**g.** Vehicle or outdoor storage on any the site of any wireless facility or wireless support structure is prohibited.

**h**. On-site parking for periodic maintenance and service shall be provided at all locations as deemed necessary by the Zoning Enforcement Officer or by the Board of Aldermen in the case of a conditional use permit.

**8.** Time limits. All applications regarding wireless facilities and wireless support structures shall be processed in accordance with the time limits established by RSMo. 67.5090 through 67.5103.

**9.** Fees. Fees for applications regarding wireless facilities and wireless support structures shall not exceed the limits established by R.S. MO. 67.5090 through 67.5103.

**10.** New wireless support structure/substantial modification*.* Prior to the issuance of a building permit, or a conditional use permit, the City shall require an applicant proposing to construct a new wireless support structure, or to make a substantial modification to a wireless support structure, to include a copy of a lease, letter of authorization, or other agreement from the property owner evidencing applicant's right to pursue the application and shall require such applicant to comply with all applicable permitting and land use ordinances of the City. Any decision denying such application shall be provided in writing to the applicant. With regard to an application for a new wireless support structure, the applicant shall provide to the City a statement affirming that it conducted an analysis of available collocation opportunities on existing wireless towers within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis.

**D. Permitted Use.** The placement of the following is permitted in all zoning districts by issuance of a building permit:

**1.** Collocation and replacement applications, provided that no permit may be issued for collocation to a certified historic structure as defined in RSMo. 253.545, until at least one public hearing has been held by the Zoning Enforcement Officer within 30 days prior to issuance. The Zoning Enforcement Officer shall post public notice of such hearing in a prominent location at the City Government Center at least 15 days in advance of such hearing and shall provide written notice to all property owners within the City limits whose property lies within 300 feet of the parcel for which an application has been submitted. Collocation and replacement applications shall be required to comply with all applicable state and local building codes, National Electric Safety Code, recognized industry standards for structural safety, capacity, reliability, and engineering, but shall not be required to comply with other zoning or land use requirements, including design or placement requirements or public hearing review.

**2.** The mounting of antennas on any building or structure such as a water tower, provided that the presence of the antennas is concealed by architectural elements or camouflaged by painting a color identical to the surface to which they are attached.

**3.** The installation of antennas or the construction of a wireless facility or wireless support structure or buildings or land owned by the City following the approval of a lease agreement by the Board of Aldermen.

**4.** The installation of antennas or the construction of a wireless facility or wireless support structure on buildings or land owned by the state or any agency of the federal government.

**E. Building Permit Required.** A building permit issued by the Zoning Enforcement Officer is required as set forth below:

**1.** Permitted placement. The placement of the following is permitted in all zoning districts upon issuance of a building permit approved by the Zoning Enforcement Officer:

**a.** The construction of a disguised support structure, provided that all related equipment shall be placed underground when the structure is located on property zoned for residential use. Equipment may be placed in a cabinet if the disguised support structure is incidental to a multifamily, institutional, or nonresidential use.

**b.** The installation of wireless facilities or the construction of a wireless support structure on buildings or land owned by a political subdivision of the state.

**c.** The placement of dual solar panel antennas on wooden or steel utility poles, not to exceed 40 feet in height, provided that all related equipment is contained in a cabinet.

**d.** Wireless support structures erected and maintained for a period not to exceed 30 days for the purpose of replacing an existing tower, testing an existing or proposed network, or special events requiring mobile towers.

**2.** Application procedures. Applications for building permits shall be made on the appropriate forms to the Zoning Enforcement Officer, accompanied by payment of the prescribed fee:

**a.** A detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted indicating all existing and proposed improvements including buildings, drives, walkway, parking areas and other structures, public rights-of-way, the zoning categories of the subject and adjoining properties, the location of and distance to off-site residential structures, required setbacks, required buffer and landscape areas, hydrologic features, and the coordinates and height above ground level of the existing or proposed wireless facility and/or wireless support structure.

**b.** The application shall be reviewed by the Zoning Enforcement Officer to determine compliance with the applicable standards and transmit the application for review and comment by other City departments as may be affected by the proposed wireless facilities and/or wireless support structures.

**c.** The Zoning Enforcement Officer shall issue a decision on the permit within the applicable time limits. The Zoning Enforcement Officer may consider the purposes of **this Section** and the factors established herein for granting a conditional use permit as well as any other considerations consistent with **this Section** and applicable law. A decision to deny an application shall be made in writing and state the specific reasons for the denial.

**F. Conditional Use Permit Required.** All proposals to install, build or modify a wireless facility or wireless support structure not covered under **Paragraphs, D or E** above, shall require the approval of the Board of Aldermen by conditional use permit following receipt of recommendation by the Planning and Zoning Commission and a duly advertised public hearing by the Board of Aldermen.

**1**. Applications for a conditional use permit shall be filed and processed in the manner and time frame as established under the zoning code and, if applicable, R.S. MO. 67.5090 through 67.5103.

**2.** The review procedure for an application for a conditional use permit under **this Section** shall be in the manner set forth in Section 415.275 of this Code. A decision by the Board on an application shall be accompanied by substantial evidence supporting the decision, which shall be made as part of the written record of the meeting at which a final decision on the application is rendered.

**3.** No wireless support structure shall be approved in excess of 100 feet in height unless the applicant clearly demonstrates that such height is required for the proper function of the applicant's system or that of a public safety communications system of a governmental entity sharing the support structure. Such a showing must also be supported by the opinion of a telecommunications consultant hired by the City at the expense of the applicant. The report of the consultant shall include a statement that no available alternatives exist to exceeding the height limitation or the reason why such alternatives are not viable.

**G. Removal of antenna support structures**. Any wireless facility or support structure no longer used for its original communications purpose shall be removed at the owner's expense. The owner and applicable co-users shall provide the City with a copy of any notice to the FCC of intent to cease operations and shall have 90 days from the date of ceasing operations to remove the facility and/or support structure. In the case of co-use, this provision shall not become effective until all users cease operations. Any wireless support structure, or the upper portion of any wireless support structure, which is occupied by an inactive antenna for a period of six months shall be deemed a nuisance and shall be removed by the City at the owner's expense.

**H. Filing of bond or other security prior to permit issuance**. To the extent permitted by law, any applicant for a new wireless facility or wireless support structure not built as a disguised support structure shall file with the City a bond or other security satisfactory to the City prior to the issuance of any permit hereunder to ensure that such structure does not become unsafe or otherwise fail to comply with the requirements of **this Section**, including without limitation, failure to remove such structure as required pursuant to 415.300 hereof, or any other applicable regulations. The bond or security shall be in the form approved by the Zoning Enforcement Officer, in an amount not less than $15,000, or such additional amount as is determined by the Zoning Enforcement Officer to protect the City in the event of noncompliance with the requirements hereof.

**I. Unlawful operation of wireless facilities or support structures.** Notwithstanding any right that may exist for a governmental entity to operate or construct a wireless facility or support structure, it shall be unlawful for any person to erect or operate for any private commercial purpose any new wireless facility or support structure in violation of **this Section**, regardless of whether such facility or support structure is located on land owned by a governmental entity.

SECTION 415.183 SITE PLAN REVIEW AND APPROVAL

**A.** All land uses and development subject to site plan review and approval are subject to the requirements of **Title IV, Article IV, Sections 400.350 through 400.440** of **the Municipal Code**. In addition, all Planned Development proposed in accord with the provisions of Section 415.137 of this Chapter shall be subject to the provisions of this Section and Section 415.280 of this Chapter which provides for changes or amendments to the code which amend, supplement or change, modify or repeal the boundaries or regulations of the of the Zoning Code.

**1.** Hearing/public hearing.

**a.** A hearing on the site plan shall be held by the Planning and Zoning Commission following the filing of completed application with the Zoning Enforcement Officer or designated representative and the acceptance of such application thereby as a complete application. The Planning and Zoning Commission shall thereafter make a recommendation to the Board of Aldermen with respect to the application petition including its findings with respect to the provisions of subsection 4 of this Chapter. The recommendation shall be in the form of a written report that includes all development and design stipulations and/or conditions recommended by the Commission and be accompanied by a site plan the complies with their recommendations and the provisions of this Chapter.

**b**. The applicable provisions with respect to all petitions under this Section and proceedings with respect thereto, including public hearings and any ordinances resulting therefrom, but no public hearing shall be commenced until the petitioner has provided payment for the notice of publication of such public hearing. If such payment is not provided by the petitioner within sixty (60) days of submission of a bill thereto, the petition shall be deemed abandoned and the request for public hearing withdrawn.

**c.** Upon the issuance of a recommendation by the Planning and Zoning Commission or if no recommendation has been made by the Planning and Zoning Commission within sixty (60) days of acceptance of the completed application by the Zoning Enforcement Officer or designated representative, the petitioner may request the Board of Aldermen to set a public hearing on such petition by filing a written request therefor with the City Clerk together with any required deposit to cover the anticipated costs of advertising such public hearing. If the petitioner has requested the setting of the public hearing in the absence of a recommendation from the Planning and Zoning Commission, the Planning and Zoning Commission shall be deemed to have made a recommendation of approval.

**3.** Planning and Zoning Commission recommendation. No action shall be taken by the Board of Aldermen with respect to the petition until it has received the recommendation of the Planning and Zoning Commission. The recommendation shall address general planning considerations, including consistency with good planning practice and compatibility with adjoining permitted developments and uses. A recommendation of approval shall include recommended conditions to be included in the ordinance authorizing the establishment or the proposed use or the Planned Development District.

Such conditions may include, but not be limited to, the following:

**a.** Permitted uses, including maximum floor area.

**b.** Performance standards of the zoning district.

**c.** Height limitations.

**d.** Minimum yard requirements.

**e.** Off-street parking and loading requirements

**f.** Sign regulations.

**g.** Minimum requirements for site plans.

**h.** Time limitations for commencement and completion of construction.

**4.** Site plans. After passage by the Board of Aldermen of an ordinance authorizing the establishment of the proposed use or the Planned Development District, the final site development plan shall be submitted to the Zoning Enforcement Officer to review for compliance with the applicable district regulations or conditional use requirements prior to issuance of construction permits. Any variations from the ordinance approved by the Board of Aldermen and/or the conceptual plans attached to such ordinance shall be processed in accordance with the procedure established in **Title IV, Article IV, Chapter 400.420** of the **Municipal Code**.

**B.** In order to amend the provisions of an existing site plan ordinance or to amend the recorded site plan, site development concept plan or site development section plan approved for the development, the procedure shall be as follows:

1. Submission/advisory determination regarding necessity for public hearing. The property owner or authorized representative may submit a written request to amend ordinance conditions to the Zoning Enforcement Officer or designated representative for review. The Zoning Enforcement Officer or designated representative shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally or previously advertised for public hearing and shall make an advisory determination regarding the necessity of public hearing.
2. Determination of necessity of public hearing. If the Zoning Enforcement Officer or designated representative determines that the requested amendment is not consistent in purpose and content with the nature of the proposals as originally or previously advertised for public hearing, the Zoning Enforcement Officer or designated representative shall so report to the applicant and the Planning and Zoning Commission. In such event, if the applicant wishes to proceed with that request to amend ordinance conditions, further action with respect thereto shall be required to be in accordance with the applicable provisions of this Section and shall require a new public hearing by the Board of Aldermen before enactment of any ordinance amending conditions of the existing ordinance.
3. Advisory determination of non-necessity for public hearing/planning and Planning and Zoning Commission action and determinations.

**a.** If the Zoning Enforcement Officer or designated representative determines that the requested amendment is consistent in purpose and content with the nature of the proposal as originally or previously advertised for public hearing, the Zoning Enforcement Officer or designated representative shall make an advisory determination of non-necessity of public hearing and so report to the Planning and Zoning Commission. The Planning and Zoning Commission shall thereafter review the request and the report to the Zoning Enforcement Officer or designated representative.

**b.** If the Planning and Zoning Commission agrees that the requested amendment is consistent in purpose and content with the nature of the proposal as originally or previously advertised for public hearing, it shall make a preliminary determination of non-necessity of public hearing and shall report such determination and a recommendation to the Board of Aldermen with respect to the proposed amendment, which recommendation shall be in accordance with the provisions applicable to this Section and shall note any recommended changes in conditions.

**c.** If the Planning and Zoning Commission determines that the requested amendment is not consistent in purpose and content with the nature of the proposal as originally or previously advertised for public hearing, it shall issue a determination of necessity for public hearing and so report to the applicant and the Board of Aldermen, in which event if the applicant wishes to proceed with its request to amend ordinance conditions, further action with respect thereto shall be required to be in accordance with the provisions applicable to this Section and shall require a new public hearing by the Board of Aldermen before enactment of any ordinance amending conditions of the existing ordinance.

1. Board action.

**a.** The Board of Aldermen may, by ordinance enacted after submission of a recommendation from the Planning and Zoning Commission upon a determination by it that the amendments provided for therein are consistent in purpose and content with the nature of the proposal as originally or previously advertised for public hearing, amend the pertinent existing ordinance.

**b.** The Board of Aldermen may, by motion, determine that the requested amendments are not consistent in purpose and content with the nature of the proposal as originally or previously advertised for public hearing, in which event if the applicant wishes to proceed with its request to amend ordinance conditions, further actions with respect thereto shall be required to be in accordance with the applicable provisions of this Section and shall require a new public hearing by the Board of Aldermen before enactment of any ordinance amending conditions of the existing ordinance.

**c.** Nothing herein shall obligate the Board of Aldermen to take any actions with regard to a recommendation of disapproval or any other recommendation by the Planning and Zoning Commission relative to a request under this Section to amend ordinance conditions.

1. Election by applicant to proceed. Nothing herein shall prevent or prohibit an applicant from electing to petition for a new or amended ordinance.

**C.** Planned Development – Guarantee of Improvements

For site plans approved in conjunction with Planned Development zoning as provided for in Article II, Section 415.137 the following shall apply:

Unless otherwise provided for in the conditions of the ordinance governing a particular PD-R, PD-C, or PD-MXD Planned Development, no building permits or permits authorizing the occupancy or use of a building or facility may be issued until required related public improvements on- and off-site improvements are constructed or a performance bond, escrow or other acceptable instrument is posted governing their estimated cost as determined by the Building Commissioner or designated representative. This requirement shall not apply to foundation permits or permits necessary for the installation of required related off-site improvements which shall include, but not be limited to, streets, sidewalks, sanitary and storm sewer, streetlights, and street trees. If a PD-R development is to be developed in phases, the requirement shall also apply to all major improvements necessary to the proper operation and function of the phase in question, even though such improvements may be located outside of the phase in question.

**D.** Planned Development – Failure to Commence Construction

Substantial construction shall commence within the time period specified in the conditions of the ordinance governing the PD-R, PD-C, or PD-MXD Planned Development unless such time period is extended by the Planning and Zoning Commission. If substantial construction or development does not begin within the time period specified in the conditions of the ordinance governing the phase, building, unit or extensions authorized therein, the Planning and Zoning Commission may recommend to the Board of Aldermen that action be taken to repeal, review or amend the existing ordinance or to rezone some or all of the property covered by the existing ordinance or to revert some or all of such property to prior or other zoning classifications. No building or occupancy permit shall be issued for the development or use of the property until completion of action by the Board of Aldermen on the proceedings to rezone the property in accord with the provisions of the Section 415.280 of this Chapter.

ARTICLE IV - BOARD OF ADJUSTMENT

SECTION 415.185 BOARD OF ADJUSTMENT CREATED; MEMBERSHIP; TERMS; VACANCIES.

A Board of Adjustment is hereby created. The Board of Adjustment shall consist of five (5) members, who shall be residents of the City of Truesdale, except as provided in Section 305.410, RSMo., and appointed by the Mayor with the consent and approval of the majority of the members of the Board of Aldermen, excepting that the membership of the first Board appointed shall serve, respectively, one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Thereafter, members shall be appointed for terms of five (5) years each. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall elect its own Chairman who shall serve for one (1) year.

SECTION 415.190 RULES AND RECORDS; MEETINGS.

The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to Sections 89.010 to 89.140, RSMo. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his/her absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Officer of the Board and shall be a public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board for that purpose.

SECTION 415.200 BOARD OF ADJUSTMENT — APPEALS, PROCEDURE.

Appeals to the Board of Adjustment may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person, or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Enforcement Officer. Such an appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay would, in his/her opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the Officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. A fee of fifty dollars ($50.00) shall accompany all notices of appeals.

SECTION 415.210 POWERS.

[**A.**](https://ecode360.com/31044795#31044795)The Board of Adjustment shall have the following powers:

[**1.**](https://ecode360.com/31044796#31044796)To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Enforcement Officer in the enforcement of this Chapter, and may affirm or reverse, in whole or part, said decision of the Zoning Enforcement Officer.

[**2.**](https://ecode360.com/31044797#31044797)In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Chapter, to vary or modify the application of any of the regulations or provisions of this Chapter relating to the construction or alteration of buildings or structures or the use of land so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done.

[**3.**](https://ecode360.com/31044798#31044798)To hold public hearings on and decide the following exceptions to or variations of this Chapter:

[**a.**](https://ecode360.com/31044799#31044799)To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership.

[**b.**](https://ecode360.com/31044800#31044800)Interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning District Map where the street layout on the ground varies from the street layout as shown on this map.

[**c.**](https://ecode360.com/31044801#31044801)Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, not generally prevalent in the neighborhood, which condition when related to the yard regulations of this Chapter would prevent a reasonable or sensible arrangement of buildings on the lot.

ARTICLE V - BUILDING PERMITS AND ZONING CHANGES

SECTION 415.220 ZONING ENFORCEMENT OFFICER.

It shall be the duty of the person designated by the Board of Aldermen as the Zoning Enforcement Officer to administer and enforce the regulations contained in this Chapter.

SECTION 415.230 PERMIT REQUIRED.

It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, raising or moving of any building or structure, or of any portion thereof, without first having applied in writing to the Zoning Enforcement Officer for a building permit to do so and a building permit having been granted therefor.

SECTION 415.240 APPLICATION.

Every application for a building permit shall be in writing and delivered to the Zoning Enforcement Officer and shall be accompanied by a detailed set of plans, in duplicate, showing the size of the proposed building or structure, its location on the lot, the basic materials of which it is to be constructed and the details and type of construction to be used. On the issuance of a permit, one (1) set of said plans shall be retained by the Zoning Enforcement Officer as a permanent record and one (1) set shall be returned to the applicant. In cases of any building or structure to be located outside the fire districts, the Zoning Enforcement Officer may, at his/her own discretion, permit the substitution of a written statement covering the essential information required in place of said plans.

SECTION 415.250 BUILDING PERMIT FEES FOR CONSTRUCTION AND DESTRUCTION OF A STRUCTURE.

[**A.**](https://ecode360.com/33780946#33780946)Residential structure: seventeen cents ($0.17) per square foot, not to exceed one thousand dollars ($1,000.00).

[**B.**](https://ecode360.com/33780947#33780947)Residential remodel: nine cents ($0.09) per square foot; minimum fee of twenty-five dollars ($25.00).

[**C.**](https://ecode360.com/33780948#33780948)Unattached garage: seven cents ($0.07) per square foot; minimum fee of twenty-five dollars ($25.00).

[**D.**](https://ecode360.com/33780949#33780949)Commercial structure: four dollars ($4.00) per one thousand dollars ($1,000.00) of cost, not to exceed fifteen thousand dollars ($15,000.00).

[**E.**](https://ecode360.com/33780950#33780950)All others, such as fences, pools, decks, yard sheds, house moving, demolition: permit fee twenty-five dollars ($25.00).

SECTION 415.260 PERMIT EXPIRATION.

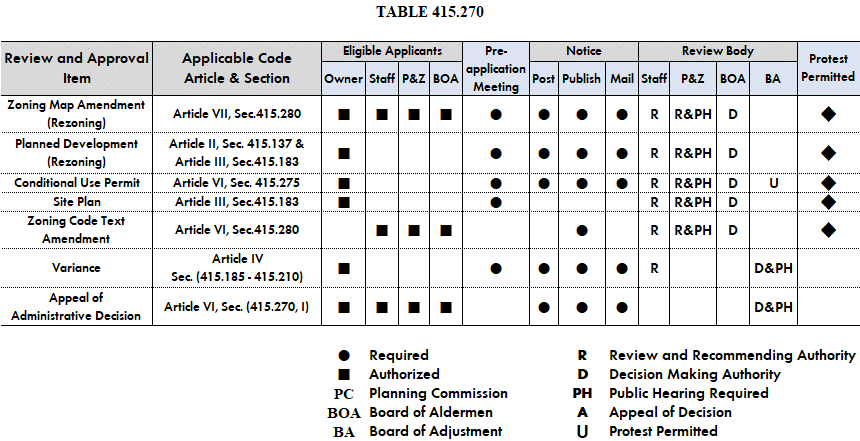
Any building permit, under which no construction work has been commenced within six (6) months after the date of issue of said permit or under which the proposed construction has not been completed within two (2) years of the date of issue shall expire by limitation; and no work or operation shall take place under such permit after such expiration. Upon payment of ten cents ($0.10) per month for each one thousand dollars ($1,000.00) of the construction cost on which the original permit was issued, but not less than one dollar ($1.00) per month in any case, a building permit may be once extended for a period not exceeding six (6) months by the Zoning Enforcement Officer.

SECTION 415.265 CERTIFICATE OF OCCUPANCY.

No change in the use or occupancy of land, nor any change of use or occupancy in an existing building other than for single-family dwelling purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the Zoning Enforcement Officer. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this Chapter. No permit for excavation for or the erection or alteration of any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit are issued. A record of all certificates of occupancy shall be kept on file in the office of the Zoning Enforcement Officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such certificate of occupancy.

SECTION 415.270 APPLICATIONS AND PROCEDURES FOR ZONING ACTIONS

**A. Procedures Process Summary**

**Table 415-270** below provides a summary of review and approval requirements related to the various items in this Chapter as provided for in **Sections 415.275, 415.280, and 415.290.**

The table indicates the eligible applicants, application meeting requirements, notice requirements, review and approval entities, and public hearing requirements.

**B. Applications and Fees**

1. *Forms.* Applications required under this Code shall be submitted to the Zoning Enforcement Officer. The Zoning Enforcement Officer is authorized to modify the application forms and submittal requirements as deemed necessary in the Zoning Enforcement Officer’ discretion.
2. *Fees.* Applications shall be accompanied by a non-refundable fee established by the Board of Aldermen. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the Staff, Planning and Zoning Commission, or Board of Aldermen.
3. *Eligible Applicants.* **Table 415.270** indicates applicants eligible for each application under this code, which include the following:

a. *Owner*. The record owner of property impacted by the application, or that owner’s authorized agent. In the case of an application requiring a public hearing, and for the purposes of the right to appeal or protest, all those receiving mailed notice shall be considered owners impacted by the application.

b. *Planning and Zoning Commission.* The Planning and Zoning Commission, acting on its own initiative according to its bylaws and rules of procedure.

c. *Board of Aldermen.* The Board of Aldermen acting on its own initiative according to its bylaws and rules of procedure.

**C. Application Processing Cycles.** The Zoning Enforcement Officer shall establish a more specific processing cycle for each type of application, which includes:

1. Dates of regular meetings of review bodies and decision makers that comply with all legal requirements for notice and public meeting deadlines.

2. Deadlines for receipt of a complete application for consideration at a particular meeting.

3. The scheduling of staff reviews, agency reviews, and staff reports on complete applications; and

4. The steps and benchmarks in the application process (including required notice requirements, public meetings, public hearings, decision meetings and review by other bodies).

**D. Pre-application Meeting.** Pre-application meetings may be requested for any application and shall be required as indicated in **Table 415.270**. Where required, the applicant shall confer with the Zoning Enforcement Officer, and other City officials designated by the Zoning Enforcement Officer. The purpose of the pre-application meeting is to discuss the general nature of the proposal, including:

1. Classification of the application.
2. Procedure and submittal requirements for the application.
3. Criteria for processing and decisions on the application.
4. Notification requirements, timing, and other procedural pre-requisites, or whether any special community outreach may be important.
5. Planning and infrastructure impacts, including the need for any additional technical studies or outside agency coordination and review.
6. The relationship to the Master Plan, and whether any specific plans, policies or other design, development or economic development initiatives impact the application.
7. Zoning requirements for the property in question and adjacent property.
8. Opportunities to improve any preliminary design concepts and better relate project benefits or mitigate impacts to other public or private investments in the area.

A required pre-application meeting may be waived at the Zoning Enforcement Officer’ discretion and upon the applicant’s request for any application that is routine in nature and where the above topics can be addressed by general correspondence.

**E. Staff Review.** Upon receipt of an application, the Zoning Enforcement Officer shall take the following steps:

1. *Notification of Incomplete Application*. If the Zoning Enforcement Officer determines that an application is incomplete within, the Zoning Enforcement Officer shall notify the applicant of the specific ways in which the application is deficient within fifteen (15) days of submittal, and no further processing of the application shall occur until the deficiencies are corrected. If the application is not completed within thirty (30) days of the notice, the incomplete application is deemed rejected.

2. *Scheduling.* The Zoning Enforcement Officer shall schedule complete applications for further review according to these regulations.

1. Applications that require a public hearing shall be scheduled for initial review within sixty (60) days of a determination of a complete application.
2. Applications that do not require a hearing, but an official public meeting shall be scheduled for review within thirty (30) days of a determination of a complete application or the recommendation from another required review body.

In the event that the next regular meeting of the review body is beyond these time periods, or the required notice cannot be given within these time periods, the application shall be scheduled for the closest available meeting.

3. *Staff Report.* The Zoning Enforcement Officer shall prepare a staff report in light of the appropriate policies, plans and regulations. The Zoning Enforcement Officer shall provide a copy of the report to the review body and to the applicant before the scheduled meeting.

**F. Notice.** Notice shall be provided for each application as indicated in **Table 26-070**, which shall provide the time, place and general nature and location of the application. Required notice shall be based on the following requirements:

1. *Published*. Where published notice is required, at least fifteen (15) days, but not more than thirty (30) days prior to the public review notice shall be published in a newspaper in general circulation in the City.
2. *Posted*. Where posted notice is required, the applicant shall post notice on property that is the subject of the application within public view at least fifteen (15) days before the scheduled review. The City will furnish the sign(s) for posting.

3. *Mailed.* Where mailed notice is required, the applicant shall provide names and addresses of all owners of record within one hundred eighty-five (185) feet, excluding existing rights-of-way, of the boundaries of the property. At the expense of the applicant, the Zoning Enforcement Officer shall mail notice of the time, place and nature of the hearing by certified mail at least fifteen (15) days prior to the public review. When mailed notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action.

**G. Public Hearings.** Where a public hearing is required by **Table 415.270**, the following procedures apply:

1. The hearing shall be conducted, and a record of the proceedings shall be preserved, as the specific review body may prescribe by rule.

2. Any interested person or party may appear and be heard in person, by an agent, or by an attorney.

1. The review body may request a report on the application from any government official or agency, or any other person, firm or corporation with information pertinent to the application. A copy of any requested report shall be made available to the applicant and interested parties and shall be available for review in the office of the City Planner.

4. A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Chapter provided that the continuance is set for a specific date, time and location announced at the original public hearing.

**H. Action by Review Bodies.** Review bodies shall take the actions indicated in **Table 415.270**. A review body may take any action on the application consistent with notice given or criteria in this Chapter, regardless of the presence of the applicant, including the following (or recommend the following when the review body is a recommending body):

1. Approve the application.

2. Approve the application with conditions or modifications.

3. Deny the application.

4. Continue the application to allow further analysis. The continued application shall not be more than sixty (60) days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

**I. Appeals.** Where a review body is designated as the appellate body in **Table 415.270**, the following appeal procedures apply:

1. Appeals shall be filed with the Zoning Enforcement Officer within fifteen (15) days of the decision by the decision-making review body.

2. The following persons and entities shall have standing to appeal the action of the review body:

a. The applicant.

b. The Zoning Enforcement Officer, on behalf of any public official, department, or agency.

c. Any owner of land that is the subject of the action or proposed action; and

d. Any person given the right of appeal by law.

3. The review body designated as the appellate body shall consider the application as a new matter, and within sixty (60) days of the date that the appeal was filed may take any action authorized by the decision-making review body. The procedure and required notice shall be the same as required of the original application.

**J. Technical Studies.** The Zoning Enforcement Officer, on behalf of any public official, department, or agency, the City Planner, the Planning and Zoning Commission or the Board of Aldermen may require applicants for development or permit approval to submit technical studies as may be necessary to evaluate the application. Technical review by outside entities with expertise or jurisdiction over some aspects of the application may be required in place of, in addition to, or in association with any studies. Examples of technical studies that may be required include traffic studies, engineering studies, geologic or hydrologic studies, environmental impact assessments, noise studies, market studies or economic impacts. The persons or firms preparing the studies shall be subject to the approval of the Zoning Enforcement Officer. The costs of all studies shall be borne by the applicant. Any application that is determined to require technical studies or review from entities outside of the City may require special schedules based on the reasonable time frames to conduct those studies or additional reviews.

**K. Successive Applications.** In the event that the review body takes final action to deny an application, the same or a similar application shall not be refiled for one (1) year from the advertised review date. The Zoning Enforcement Officer, upon petition by the applicant, may permit a refiling of the application no sooner than one hundred eighty (180) days after the scheduled review date when it is determined that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant Development Code text amendment has been adopted. There shall be no time limitation on a substantially different application.

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ARTICLE VI - CONDITIONAL USE PERMIT

Cross Reference: See Section [**620.080**](https://ecode360.com/31045803#31045803) for additional requirements for adult businesses.

SECTION 415.275 CONDITIONAL USE PERMIT.

[**A.**](https://ecode360.com/31044812#31044812)Purpose. As provided for in **Article II, District Boundaries and General Regulations, Sections 415.060** through **415.135** certain uses are permitted by right in each district and other uses are permitted but subject to the issuance of a Conditional Use Permit as provided for in the regulations and procedures set forth as follows in this **Article**.

[**B.**](https://ecode360.com/31044813#31044813)Process. No use under that is shown as “conditional” in **Section 415.137** of **Article II** of the provisions of this Chapter may be commenced or continued unless there is a valid permit for that use (**See Table 415.270 for a summary of the process**). No construction or other permit applicable to the proposed use or any part of it shall be issued or considered valid unless a conditional use permit has been issued under the provisions of this section.

**1.** Application for a conditional use permit shall be made to the Planning and Zoning Commission in form and with such information as may be required by the Planning and Zoning Commission. The application shall be accompanied by plans showing the elevations and intensity and extent of the proposed use and shall be accompanied by an accurate legal description of the subject property.

**2.** Each application and accompanying plans shall be filed with the Zoning Enforcement Officer with a filing fee submitted as per requirements of the Truesdale Municipal Code.

**3.** Upon receipt of the completed application and filing fee the Zoning Enforcement Officer shall notify in writing by First Class U.S. mail, postage prepaid, the owners of all property located within the area determined by drawing lines parallel to the boundaries of the property to be devoted to the proposed use, and 185 feet from those boundaries. The notice shall include the statement that the application was filed, the nature of the proposed use, the name of the applicant or applicants and the date the application was filed.

**4.** The Planning and Zoning Commission shall investigate the effect of the granting of the permit upon the neighborhood with special emphasis on traffic and fire hazards, and the general welfare and character of the neighborhood and the community and the criteria hereinafter set forth. The Planning and Zoning Commission shall make a report to the Board of Aldermen within one hundred (100) days of the date of the next regular meeting of the Planning and Zoning Commission following the filing of the completed application with the Zoning Enforcement Officer. If no such report is made, the Planning and Zoning Commission shall be deemed to have approved the application, upon the expiration of the one-hundred-day period; except that the Planning and Zoning Commission, with the consent of the applicant for approval, may extend the one-hundred-day period.

**5.** Upon the receipt of the report of the Planning and Zoning Commission or upon the expiration of the one-hundred-day period or extensions thereof, the Board of Aldermen shall call a public hearing and give reasonable notice of the time and place of that hearing at least once in a newspaper in general circulation in the city. The first publication shall be at least fifteen (15) days before the date of the hearing.

**6.** After the hearing held in accordance with the requirements of subsection (A)(5) of this section, the Board of Aldermen shall not approve any conditional use permit application, or any amendment to an existing conditional use permit, unless the proposed conditional use is consistent with the standards herein, and unless the Board determines that the proposed conditional use will not:

**a.** Substantially increase traffic hazards or congestion.

**b.** Adversely affect the visual coherence, predominant usage, or development character of surrounding or adjacent neighborhoods.

**c.** Substantially increase fire, health, or any other public safety hazards, or make difficult access by fire and emergency vehicles.

**d.** Adversely affect the general welfare of the community.

**e.** Overtax public utilities, services, or other municipal facilities.

**f.** Be developed and operated in a manner that is physically and/or visually incompatible with the permitted uses in the surrounding areas.

**g.** Substantially increase stormwater drainage onto other lots.

h. Create a nuisance.

1. If the Board of Aldermen determines that the public health, welfare, and safety are adequately served and protected in view of the foregoing criteria then it shall grant the application and the permit shall be issued forthwith; but if the Board finds in the negative as to any of the stated criteria, the conditional use permit shall be denied. Provided, however, that if at least twenty-five percent (25%) of the persons entitled to notice under the terms of subsection (D)(1)(c) of this section, above, protest the granting of such application in a writing filed with the Zoning Enforcement Officer no later than one day before the date of the public hearing thereon, such application shall not be granted unless two-thirds (2/3) of all the members of the Board of Aldermen vote in favor of its issuance.

[**C.**](https://ecode360.com/31044827#31044827)Duty To Comply With Other Laws. Approval and issuance of such permit shall not be deemed to relieve the permittee of the duty to comply with the provisions of other laws and ordinances.

[**D.**](https://ecode360.com/31044828#31044828)Violation. The violation of any condition imposed by the conditional use permit shall constitute a violation of this Chapter.

[**E.**](https://ecode360.com/31044829#31044829)Tenure Of Permit. The granting of a conditional use permit is to allow that use on the specific site. If the use is not substantially altered, it shall be allowed on the site regardless of ownership. A conditional use permit may not be transferred to any other site or person.

[**F.**](https://ecode360.com/31044830#31044830)Amendment. Amendment or addition to any conditional use permit is subject to the same procedures as those which apply to a new application. Minor adjustments to an approved conditional use permit may be authorized by the Zoning Enforcement Officer at his/her discretion.

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ARTICLE VII - AMENDMENTS

SECTION 415.280 ZONING MAP AND TEXT AMENDMENTS

**A.** Applicability. Zoning map and text amendments may be necessary to account for changed conditions in the general area, a change in public policies with respect to future development, or a desire to enable certain types of development that were not contemplated under the provisions of this Chapter. The Board of Aldermen shall have the authority to amend, supplement, change, modify, or repeal, by ordinance, the text or map of this Chapter as provided for in accordance with the provisions of **this Section**.

**1.** *Text amendments:* An application for amendment to the written text of this Chapter may be filed by any person in the office of the City Clerk for consideration by the Planning and Zoning Commission and the Board of Aldermen.

**2.** *Zoning Map Amendments (Rezoning):* An application for a change in the zoning district designation as described by the official zoning map may be filed in the office of the City Clerk, for consideration by the Planning and Zoning Commission and the Board of Aldermen. Such application may be filed by the mayor, any member of the Board of Aldermen, the Planning and Zoning Commission, or the Zoning Enforcement Officer, by any other appointed or elected official of the City, or by any person with financial, contractual, or proprietary interest in the property to be included in the proposed change of zoning. In addition to the general requirements in **Table 415.080** and **Section 415.080**, the following requirements are specific to zoning map or text amendment applications.

**a*.*** *Application and Submission Requirements.* The application shall be made on a form provided by the City Clerk. The application shall be signed by the applicant and shall state name and address, as well as:

**(1)** *T*e*xt amendments:* An application for an amendment to the text of this Chapter shall set forth the new text to be added and existing text to the deleted.

**(2)** *Rezoning:* An application for a zoning map change shall include:

(a) A legal description of the property.

(b) A scaled map of the property, correlated with the legal description, and clearly showing the property’s location.

(c) The name, address, and phone number of the petitioner.

(d) The petitioner’s interest in the property, and if the petitioner is not the owner, the name, address, and phone number of the owner(s).

(e) Date of filing with City Clerk.

(f) Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

(g) The present and proposed zoning.

An application for either a text amendment or rezoning shall comply with and be in accordance with the format and procedures governing the same as adopted by the Planning and Zoning Commission and administered by the City Planner. In all cases where an application is initiated by a private party, the application shall be accompanied by the fee established by the Board of Aldermen and on file in the offices of the City Clerk.

**B. Planning and Zoning Commission Review.** Each application shall be presented to the Planning and Zoning Commission for its report and recommendations. The Planning and Zoning Commission shall consider an application not later than the second regular monthly meeting of the Planning and Zoning Commission after all required documents are filed. The Planning and Zoning Commission shall give written notice to all property owners within the City limits whose property lies within three hundred (300) feet of that which has been requested for rezoning. The Planning and Zoning Commission shall recommend approval, conditional approval, or denial of the application and shall file its report and recommendation with the Board of Aldermen.

**1.** The Planning and Zoning Commission may recommend that a petition for a change of zoning district classification be approved or denied for all or part of the property described in the petition. The Board of Aldermen may enact, by ordinance, such a partial granting of a petition for a change in zoning district classification.

**2.** The Planning and Zoning Commission may recommend, and the Board of Aldermen may enact, by ordinance, a zoning district classification other than that requested in the petition, provided that the recommendation or ordinance is for a district classification of the same use type as that requested by the petitioner.

**C. Review Criteria.** A zoning map or text amendment shall be reviewed by the Planning and Zoning Commission and the Board of Aldermen according to the following criteria:

**1.** The application is consistent with the Comprehensive Plan and any official plan or program developed under the guidance of the Comprehensive Plan, and in particular the relationship of land uses within the proposed district and the relationship with uses existing or anticipated in surrounding districts.

**2.** The character of the neighborhood, including the design of streets, civic spaces, and other open spaces; the scale, pattern, and design of buildings; the zoning of property and compatibility of potential future uses; and the operation and uses of land and buildings.

**3.** The application furthers the intent of the proposed zoning district and supports that of any abutting zoning districts, and in particular the building form, site design, and other development patterns and urban design aspects of the proposed project in furthering the intent.

**4**. Compliance of any proposed development with the requirements of the development code, and the intent or design objectives associated with any specific standards as established by this Chapter.

**5.** The ability of the City or other government agencies to provide any services, facilities, or programs that might be required if the application were approved.

**6.** The effect of approval on the condition or value of property in the City or in the vicinity, including the likelihood of surrounding areas to be developed in accordance with the Comprehensive Plan.

**7.** The consistency of the application with other adopted policies of the City, including any other relevant implications of the change beyond any specific proposed project.

**8.** The recommendations of the Zoning Enforcement Officer, the City Planner, other City professional staff, or other technical reviews associated with the application.

**D. Protest Petition.** If a written protest against a proposed zoning map or text change duly signed, notarized, and acknowledged by the owners of more than thirty (30) percent or more 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 eighty-five (185) feet distant from the boundaries of the district or area proposed to be changed or to be affected by a text change is filed in the office of the City Clerk within fifteen (15) days of the date of the conclusion of the Board of Aldermen public hearing, such revision or amendment shall not become effective except by the favorable vote of two-thirds of all of the members of the Board of Aldermen.

**E. Board of Aldermen Review.** Before acting upon any application for a text or map amendment, the Board of Aldermen shall hold a hearing thereon after at least fifteen (15) days public notice of such hearing is published in a newspaper of general circulation within the City and written notice is given to all property owners within the City limits whose property lies within three hundred (300) feet of that which has been requested for rezoning. The Board of Aldermen may refer the application back to the Planning and Zoning Commission for additional study before making its final decision. No additional public notice is required to be given. All text amendments and amendments to the zoning map, as described herein, shall require a two-thirds majority vote by the Board of Aldermen.

**F. Withdrawal.** Any text or map amendment request, regardless of its source of initiation, may be withdrawn from consideration upon receipt of written notice from the applicant by the Zoning Enforcement Officer at any point in the approval process, prior to final action on the request by the Board of Aldermen.

**G. Effect of Decision.** Amendments to the ordinance text or official Zoning Map (rezoning) shall be approved by the Board of Aldermen in the form of an ordinance. Approved changes to the official Zoning Map shall be indicated on said Map by the Zoning Enforcement Officer within thirty (30) days following such action.

SECTION 415.290 EFFECT OF PROTEST OR ADVERSE REPORT.

In case of an adverse report by the Planning and Zoning Commission or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the City Clerk, duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the area of the land (exclusive of streets, places and alleys) included within such proposed amendment, supplement, change, modification or repeal, or within an area, determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen.

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ARTICLE VIII VIOLATIONS AND PENALTIES

SECTION 415.300 VIOLATIONS AND PENALTIES**.**

[**A.**](https://ecode360.com/33781101#33781101) In case any building or structure is erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of Sections 89.010 to 89.140, RSMo., or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo.

[**B.**](https://ecode360.com/33781102#33781102) The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist shall be guilty of an ordinance violation 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, or by imprisonment for ten(10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the Court.

Notwithstanding the provisions of Section 82.300, RSMo., 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 one hundred dollars ($100.00) or more than five hundred dollars ($500.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the Court.

[**C.**](https://ecode360.com/33781103#33781103) Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars ($250.00).

ARTICLE IX SIGN REGULATIONS

SECTION 415.310 INTENT AND APPLICABILITY.

**A. Intent.** The intent of **this Section** is to promote the character and visual appeal of the city based on the standards as set forth below while not infringing on the rights of the first amendment of the Constitutions of the United States and the State of Missouri. Any commercial message may also be replaced with a non-commercial message of the same limitations:

**1.** Preserve the unique character of the city as reflected in commercial and industrial district areas by ensuring signs contribute to an appropriate sense of place.

**2.** Enhance the visual quality of commercial and industrial areas by giving visual priority to buildings, open spaces, streetscapes, and landscape.

**3.** Ensure safety of pedestrians, motorists or other users of the public rights-of-way and open spaces by ensuring signs are maintained and structurally safe, do not distract or reduce the effectiveness of public safety signs, and do not represent traffic hazards by virtue of their placement and lighting.

**4**. Promote economic viability by assuring that the city will be a visually pleasant place to visit, conduct business, and live.

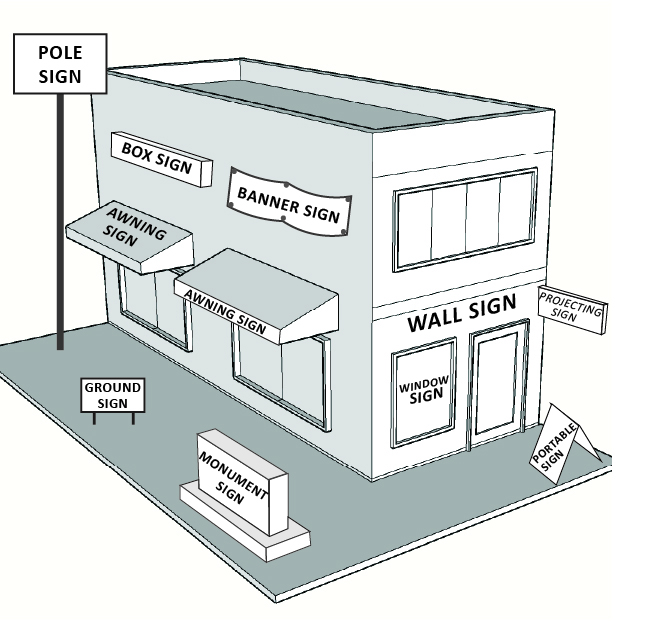
**5.** Provide effective and efficient identification and communication for businesses without excessive competition for visual attention.

**6.** Protect property values by minimizing adverse effects of signs on adjacent property, which can occur from conditions such as light trespass, obstructing the views and access, or visual clutter and blight.

**7.** Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs; to preclude signs from conflicting with the principal permitted use of the site and adjoining sites; and to minimize the possible adverse effect of signs on nearby public and private property.

**8.** Reduce visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic.

**B. Applicability**. All new signs and replacement of existing signs shall require a sign permit demonstrating compliance with these sign standards, unless exempt from a permit by **Section 415.350** of **this Article**. Ordinary maintenance, care or repair of existing signs or change of copy without altering the essential construction elements of an existing sign shall not require a permit for zoning and design standards, but any electrical or building code issues may require permitting. In addition, new commercial or industrial development, redevelopment, or rehabilitation involving multiple buildings or buildings comprising multiple tenants and any development subject to site plan review in conjunction with **Article VI, Section 415.275**, or as required by the zoning district provisions of **Article II, Sections 415.090** through **415.135** shall include information to indicate the type, size, and location of all signage in compliance with the provisions of **Subsection 415.330** of **this Article** and the design standards for the types of signs as shown below.



SECTION 415.320 DEFINITIONS.

Terms used in **this Article**, unless the context otherwise indicates, shall have the following meanings:

*Animated Signs*

Signs that flash or move or otherwise change at intervals more frequently than once each six (6) seconds. Any sign that utilizes the appearance of movement using lighting to depict action or to create a special effect or scene. (Also see *Electronic Message Centers*).

*Attention Getting Device*

Any pennant, propeller, spinner, ribbon, streamer, searchlight, balloon, inflatable sign (static), figurine, statue, or other similar device or ornamentation designed to or having the effect of attracting the attention of potential customers or the general public. An attention getting device shall be considered a sign and shall meet all requirements of this ordinance for a sign.

A drawing of a house

Description automatically generated with low confidence*Awning or Canopy Sign*

Any sign attached to, in any manner or otherwise made a part of any awning or awning-like structure, canopy, or other fabric, plastic, or structural protective cover which projects beyond a building or extends along and projects beyond the wall of the building, generally designed and constructed to provide protection from the weather.

*Banner*

Any sign constructed of lightweight fabric or similar material. Flags shall not be considered banners.

*Beacon*

Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move.

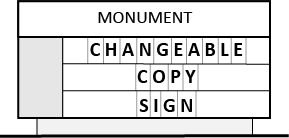
*Billboard*

An outdoor sign, advertising an article or product not manufactured, assembled, processed, repaired, or sold upon the premises upon which the sign is located or advertising a service not rendered upon the premises upon which the sign is located.

*Box sign*

A wall sign in which all components are contained within a frame and not composed of individual letters.

*Changeable Copy Sign*

**A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign (not including electronic message centers). A sign on which the message changes more than eight (8) times per day shall be considered an animated sign or electronic message center and not a changeable copy sign for purposes of **this Article**.

*Directional sign*

A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property (except as otherwise provided for in **this Article**) to direct the public to building locations, parking areas, or specific areas of a property or overall development.

*Engraved sign or tablet*

Any sign that is cut into masonry or other surfaces.

*Electronic message center or display*

Any sign, or portion of a sign, that displays an electronic image, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. An electronic message center or display may include computer programmable, microprocessor, or controlled electronic or digital video displays and the images can be produced from LED technology, fiber optics, light bulbs, or other illumination devices within the display area. Electronic message centers do not include projected images or messages projected onto buildings or other objects.

*Erect*

To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

*Facing or surface*

Any surface of a sign upon, against or through which the message is displayed or illustrated on the sign.

*Flag*

A cloth with colors, patterns, etc.

*Flashing Sign*

Signs that have flashing lights or intermittent illumination, except as otherwise defined herein, including signs that draw attention to speed limits, stop signs, fire stations, school zones and similar governmental or public uses.

*Ground sign*

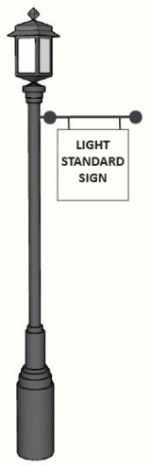
Any sign which has the top part of its face less than ten (10) feet above the ground, and which is erected upon or supported by the ground, a ground planter box or other supports. Such sign may have a base composed of stone, masonry or concrete on which a sign constructed of other materials such as steel, composite materials, or plastic or a combination thereof is mounted. A monument sign may also be composed entirely of masonry materials.

*Illuminated sign*

Any sign, which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper. Such lighting may be internal to the sign structure or external to the sign face but part of the sign structure or mounting.

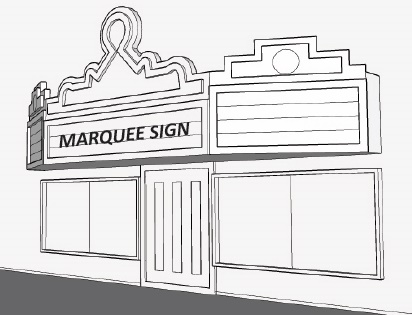
*Incombustible material*

Any material, which will not ignite at or below a temperature of twelve hundred (1,200) degrees Fahrenheit and will not continue to burn or glow at that temperature.

*Light standard sign*

A sign that has the lowest part of its face at least eight (8) feet above the ground and which is designed to be attached to or a part of a light standard principally designed for illuminating a street, parking, or public space area.

*Marquee sign*

Any structure attached to a building often forming a canopy or porte cochere over a building entry attached at the building face and suspended from above or held up with posts or columns at it furthest point from the building or a free-standing structure, with one (1) or more supports, onto which signage may be affixed or incorporated.

*Monument sign*

A sign, composed of stone, masonry or concrete on which a sign constructed of other materials such as steel, composite materials, or plastic or a combination thereof is mounted. A monument sign may also be composed entirely of masonry materials.

*Nits*

Nits are the standard unit of brightness for electronic and digital signage. The **nit,** also known as “candelas per square meter”, is a unit of measurement for the total brightness over one square meter of an LED display. It is a measure of the light being emitted by the sign in contrast to foot-candles which measure the brightness of the surface area or object that is being lighted.

*Non-Conforming Sign*

Any sign that does not conform to the requirements of **this Article**.

*Obsolete Sign*

Any sign that is no longer relating to current activities on a premises or lot.

*Occupational sign*

All industrial, commercial and mercantile signs advertising the business on its premises or any of its activities, including permanent theater signs.

*Pennant*

Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. Flags are not considered pennants for the purposes of this definition.

*Pole sign*

Any sign, which has the lowest part of its face, at least ten (10) feet above the ground and which is supported by a freestanding pole except as noted in **Subsection 415.330, D,7** herein.

*Portable signs*

Any sign not permanently affixed to the ground or other permanent structure. Also, a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs, balloons, umbrellas, and signs attached to or painted on vehicles parked and visible from the public right-of-way. Any sign designed to be transported, which has had its means of transportation removed (wheels, trailer, etc.), shall still be considered a portable sign.

*Projecting sign*

Any sign projecting outwardly from the building.

*Reader board*

Any sign that has changeable or removable lettering, with the exception of marquee signs.

*Residential subdivision identification sign*

Any sign located on common ground outside of residential subdivision. Any sign identifying the name of a residential subdivision, which may include a logo and the names of the streets within the subdivision.

*Roof sign*

Any sign painted, erected, constructed and maintained upon the roof of any building, including wall signs or projecting signs attached to a building wall that extend above the roof line.

*Shopping center*

An area containing three (3) or more shops, stores and other places of business and located in the C-1 local business district or in an approved planned development commercial district or mixed development district under the zoning ordinance and providing off-street parking facilities in common for all businesses and their customers.

*Sign*

Any letter, figure, design, symbol, trademark, panel, device or structure designed or intended to convey information to the public in written or pictorial form, including without limitation, billboard, banner sign, directional sign, ground sign, monument sign, portable sign, pole sign, wall sign, roof sign, projecting sign, temporary sign, marquee, awning, canopy, time and weather information and street clock, when placed out of doors or in show display windows intended to be visible from the outside.

*Sign area*

The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. The total allowable area for a double-faced sign, where the two (2) faces are not substantially parallel, shall be equal to the allowable area for a single faced sign.

*Structural trim*

The molding, battens, cappings, nailing strips, latticing and platforms, which are attached to the sign structure.

*Temporary signs*

Signs which are not permanent in nature and typically are installed for a period of ninety (90) days or less.

*Theater sign*

Any marquee sign or free-standing sign specifically used in conjunction with the operation of a theater.

*Wall sign*

Any sign affixed to the front, side or rear wall of any building and parallel to the face of the wall.

*Window sign:* Any sign that is intended to be viewed through a show display window.

SECTION 415.330 DESIGN AND LOCATION STANDARDS.

The following standards shall control the design and location for computation of sign area and height.

**A. Computation of Area.** Except as may be otherwise provided for in this Subsection the computation of sign area shall be as provided for in **Section 415.330, A** of **this Chapter.**

**B. Computation of Height**. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

**1.** Existing grade prior to construction; or

**2.** The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

**3.** No sign shall be located within the forty (40’) foot sight distance triangle, of any corner lot as defined in **Article I, Section 415.050** of **this Chapter** or within a similar area at the intersection of any property entry drive intersection with a public street.

**C. Quantity of Signs per Business.** Signage related to business locations shall be limited to the quantities a stipulated below:

**1.** Each individual building, or structure, occupied by one (1) business shall be allowed a maximum of two (2) signs, which may be a wall sign, a projecting sign, a ground sign or a pole sign, provided that there shall not be more than one (1) sign per type, except as detailed in subsection (2).

**2.** For a business located on a lot with multiple street or parking frontage, one (1) wall sign may be permitted on each street/parking side of the building; one (1) projecting sign may be permitted on each street/parking side of the building and one (1) pole sign or ground sign on such lot may be permitted, provided that there shall not be more than two (2) types of signs.

**3.** Where more than one (1) business has a separate exterior entrance to a building, each business shall be allowed two (2) signs, one (1) of which may be a wall sign and the other of which may be an under-canopy sign or a sign as described **under Subsection 415.330, D,9** herein, if applicable.

**4.** Two (2) nonilluminated small-scale signs may be lettered on the glass show window or entry door of each storefront of a business.

**5.** A canopy or awning sign may be substituted for a permitted wall sign upon determination by the sign commission of a hardship warranting such sign, provided that such sign is in compliance with all of the requirements of this chapter and such sign:

**a.** Maintain a clearance of at least thirteen (13) feet above grade where there will be vehicular traffic beneath it or maintain a clearance of ten (10) feet above grade where there will be pedestrian traffic beneath it.

**b**. Is painted or is of the same material as the awning or canopy when the sign is applied to cloth or similar material.

**c.** Is not internally illuminated.

**6.** The limitation as to the number of signs shall not include window signs, directional signs, signs directly relating to the ordering area at a drive-thru restaurant, or monument or ground signs that identify a shopping center, business, park, or multi-tenant development.

**D. Standards and Requirements by Sign Type**. The standards and requirements are provided by sign type as follows.

**1.** *Seasonal Signs and Displays*. Decorations and displays shall be permitted, subject to the following requirements:

**a**. No such display shall be in place for more than ninety (90) days.

**b**. No pennants or streamers shall be allowed.

**c**. A display shall not convey a commercial message but may bear the name of a business or product.

**d**. Such sign or display shall conform with all applicable requirements of this Code.

**2.** *Banner signs*. Banner signs, outside of a building, are prohibited except for the following:

**a.** Temporary promotional banners as provided in **Subsection 415.330, D, 3**;

**b**. Temporary banners as provided for in **Subsection 415.330, D, 13** (special events);

**c**. Temporary banners as provided for in **Subsection 415.330, D, 13** (grand openings).

Banners inside buildings may be used as windows signs, as provided for in **Subsection 415.330, D, 5. Window Signs**

**3.** *Temporary Signs.*

**a.** Temporary ground signs advertising or announcing a future commercial or industrial development of the property on which such signs are located may be maintained subject to the provisions of this chapter, provided such signs do not exceed one hundred (100) square feet in area or remain longer than six (6) months.

**b.** Temporary ground signs shall be located so that no part of the sign projects within a five-foot setback line from the street right-of-way.

**c**. Temporary banner signs, used outside a building shall be permitted at the discretion of the Zoning Enforcement Officer. Such banner signs, if approved, shall be allowed in addition to the quantity allowed under **Subsection 415.330, C, Quantity of Signs per Business**, for a period of up to thirty (30) days.

**d.** Temporary banner signs used outside a building, regarding promotional events shall be permitted at the discretion of the Zoning Enforcement Officer. Such banner signs, if approved, shall be allowed in addition to the quantity allowed under **Subsection 415.330, 43, c and d** for a period of up to thirty (30) days.

**4.** *Wall signs*. A wall sign shall comply with the following requirements:

**a.** A wall sign shall consist of individual letters with faces and returns of complimentary colors. Lettering on all wall signs shall have a minimum return of one (1) inch to provide a three-dimensional style. Such sign shall not project beyond the building for a distance of more than twelve (12) inches and no less than four (4) inches. If illumination is to be provided, the sign shall be internally illuminated, or backlighted, so as to prevent glare upon the street or adjacent property.

**b**. A wall sign shall be constructed of incombustible materials, except that moldings and capping may be made of wood. A wall sign shall be safely and adequately attached to the building. No wall sign shall cover the doors or windows of a building, or otherwise prevent free ingress and egress to or from any window, door or fire escape of a building.

**c.** A wall sign shall not extend downward nearer than eight (8) feet to the ground.

**d.** No wall sign shall extend above the roof line.

**e.** A building occupied by a single occupant that is not on a corner lot may have a wall sign with an area up to twenty (20) percent of the area of the front wall of the building on which the sign is to be installed. The maximum permitted sign area on any one (1) building occupied by a single user shall not exceed two hundred fifty (250) square feet.

**f.** A building occupied by a single occupant that is located on a corner lot may have one (1) wall sign on each street frontage, not exceeding the size limitations as set forth in subsection (5) of **this Section** for each sign.

**g.** A building with multiple occupants that is not on a corner lot shall be permitted to have one (1) wall sign no greater than one hundred fifty (150) square feet, depicting the name or use of the building. In addition, each occupant who has a separate exterior business entrance may erect a wall sign which may be twenty (20) percent of the front wall area of such business, but not greater than one hundred (100) square feet. Such a wall sign may only be located on the portion of the building directly in front of the business said sign is advertising.

**h.** A building with multiple occupants that is on a corner lot shall be permitted to have one (1) wall sign no greater than one hundred fifty (150) square feet, on each street frontage, depicting the name or use of the building. In addition, each occupant who has a separate exterior business entrance located at the corner of the building may erect one (1) wall sign on each street frontage, of up to twenty (20) percent of the wall area facing the street, but not greater than one hundred (100) square feet for each sign. Such a wall sign may only be located on the portion of the building directly in front of the business said sign is advertising.

**i.** Box wall signs are not a permitted sign but can be approved by the sign commission on a case-by-case basis.

**5.** *Window signs*. All window signage shall comply with the following requirements:

**a**. Decals indicating store acceptance of charge cards or affiliations with organizations may be affixed to the window glass or door glass.

**b**. Vinyl lettering may be located on the door glass, provided that the lettering does not cover more than twenty (20) percent of the door glass within which the lettering is placed.

**c.** The total amount of window signage shall not be greater than twenty (20) percent of the total window area of the business when visible from the principal street.

**d.** For multiple occupant buildings, the preceding regulations apply to each occupant.

**6.** *Ground sign*

**a.** No ground sign shall be at any point over ten (10) feet above the ground level.

**b.** Every ground sign shall be stoutly constructed and anchored in a secure and substantial manner.

**c.** The ends of all such signs shall be at least six (6) feet from any wall or fence or any obstruction, which would prevent a clear passage around.

**d.** No ground sign shall exceed seventy-five (75) square feet for each face. Not more than one (1) ground sign shall be erected on any one (1) lot or tract of land.

**e.** No ground sign when erected on a lot fronting on intersecting streets shall be erected within sixty (60) feet of the intersection of the streets.

**f.** Ground signs shall be located such that no part of the sign projects beyond a five-foot setback from the street right-of-way.

**g.** In the case of a multiple occupant building, one (1) ground sign shall be permitted depicting the name or use of the building. Such a sign may include names of the occupants of the building. No such sign shall be permitted for exclusively an individual occupant of the building.

**7**. *Pole signs*

**a.** Pole signs shall not exceed one hundred (100) square feet for each face, including air space between parts of the sign situated on private property.

**b.** The maximum height of any pole sign shall be two and one-half (2½) times the largest sign face dimension but not higher than twenty-eight (28) feet. The height restriction may be waived or modified by the Zoning Enforcement Officer if existing signage for an adjacent business would block a proposed sign.

**c.** The pole sign shall be so located that no part of the sign projects beyond a five-foot setback line from the street right-of-way.

**d.** No pole sign shall extend downward nearer than ten (10) feet to the ground or pavement.

**e.** A pole sign shall be constructed of incombustible material.

**f.** Pole signs shall be proportioned so that the ratio of the height-to-width of the sign face is not less than ½:1, or that the ratio of height-to-width does not exceed 3:1.

**g.** Double-faced pole signs shall be constructed with parallel faces having identical size and shape so that the back of a sign face is not visible.

**h.** The size of a support pole shall be proportioned and harmonious to the overall size of the sign. The support pole shall be a color compatible with the sign face and frame.

**i.** A pole sign may include an electronic message center subject to the provisions of **Subsection 415.330, 8** of **this Article**. The size of the electronic message center shall be limited to seventy-five (75) percent of the area of the primary pole sign, not to exceed fifty (50) square feet.

**j.** One (1) pole sign for each building fronting a public street, which is occupied by only one (1) occupant, shall be allowed.

**k.** In the case of a multi-occupant building, one (1) pole shall be allowed. Such a sign may include a list of the occupants of the building.

**8.** *Electronic Message Centers or Displays* (hereinafter referred to as *Display*)*.* In order to provide for the safe and appropriate use of electronic message display signs, the installation of signs containing such components, the regulations as follows are intended to ensure that the use of such signs will not have a detrimental effect on the surrounding area or the public welfare and will be consistent with the purpose and intent of **this Article and Chapter**. The requirements for electronic message centers are only applicable to signs installed after the effective date of this Code Section. Existing electronic message centers which were approved by the Planning and Zoning Commission prior to the effective date of this Code section are allowed to continue to operate until such time as the sign becomes non-operational or is substantially modified.

**a.** Electronic message display signs shall be subject to the site plan review and approval process for a conditional use permit in accord with the provisions of **Article VI** of **this Chapter**.

**b.** *Modes of Operation*. The following modes of operation are described for electronic message signs:

**(1)** *Static* - Signs which include no animation or effects simulating animation.

**(2)** *Fade* - Signs where static messages are changed by means of varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases in intensity to the point of legibility.

**(3)** *Dissolve* - Signs where static messages are changed by means of varying light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.

**(4)** *Traveling* - Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.

**(5)** *Scrolling* - Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

**(6)** *Animation/Video* – Signs that incorporate animation elements to the message display or contain video including such elements that are repeated or change on a recurring basis.

**c.** *Standards*. The following describes standards for the installation and use of electronic message display signs:

**(1)** *Zoning Districts:* Electronic message display signs shall be permitted in the “C” and “I” Zoning Districts subject to meeting the standards and criteria described herein and the requirements of **Section 415.330, D** of **this Article** and as may be applicable to the other requirements for the type of sign in which the electronic message is to be incorporated (i.e., ground, monument, or pole types).

**(2)** *Message Displayed:* Electronic Message Displays may display text, a graphic such as a company logo, or a photograph or a combination thereof. No scrolling, animation, video, horizontal or vertical travelling, fade or dissolve of the overall message or within elements of the overall message display is permitted.

**(2)** *Transitions*: Electronic message display signs shall be operated in static display mode only except for transitions between messages which shall be instantaneous. There shall be no video, animation, fades, dissolves, travelling, or scrolling between messages.

**(3)** *Display Time*: Electronic message display signs shall be permitted to change their message no more than once every thirty (30) seconds.

**(4)** *Size*: The area of the electronic display panel shall not be more than fifty (50) square feet in size or fifty (75) percent of the total area of the sign, whichever is more restrictive.

**(5)** Electronic message displays must be designed and equipped to immediately freeze the display in one (1) position or discontinue if a malfunction occurs.

**(6)** No sounds can be emitted from an electronic message center.

**(7)** *Height*: The maximum height, as measured from the prevailing grade to the top of the electronic message display panel on a ground mounted sign will be ten (10) feet, for any pole sign shall be two and one-half (2 1/2 ) times the largest sign face dimension, but not higher than twenty-either (28) feet.

**d.** *Hours of Operation.* Where electronic message display signs may face residential property in adjacent residential zoning districts, such displays shall be turned off by 10:00 p.m. or by a time established in conjunction with the site plan review and approval process.

**e.** *Sign Type*. Electronic message display signs may be incorporated into freestanding (ground or pole) signs.

**f.** *Number*. Only one (1) electronic message display sign shall be allowed as part of a shopping center sign and only one (1) such sign shall be permitted per street frontage for a shopping center. For individual uses, only one (1) electronic message display sign shall be permitted on the premises per use.

**g.** *Distance from Residential Use.* Electronic message displays signs shall not be located within 100 feet of any residence or residential zoning district as measured from the sign to the property line of the residential use.

**h**. *Distance from Other Signs.* Electronic message display signs must be spaced a minimum of 150 feet from other electronic message display signs.

**i.** *Lighting Intensity and Color.* Daytime lighting intensity must automatically re-set to a lower level for nighttime hours. To ensure compliance with this subsection, the sign must have an automatic brightness control linked to ambient light levels.

**(1)** *Brightness*. Electronic message display shall come equipped with dimming technology that automatically adjusts the display's brightness based on ambient light conditions and complies with maximum nighttime brightness levels and may be adjusted to lower levels if, upon determination by the Zoning Enforcement Officer, the display is deemed to represent an adverse impact on adjoining property or a hazard to public safety.

**(2)** Electronic message display signs shall not exceed a maximum illumination of 300 NITS or five hundred (500) foot-candles during nighttime ours per square meter (between dusk and dawn) and a maximum illumination of 5,000 NITS or five thousand (5,000) foot-candles per square meter during daylight hours.

**(3)** Prior to the issuance of any permit, the owner shall provide the City with a certification from the sign manufacturer stating that the sign is capable of complying with requirements (1) and (2) above.

1. Video or message displays that contain large background areas of bright white or other high intensity colors are prohibited.
2. The owner of an electronic message center shall arrange for an annual certification of the light output standards established in **subsection 415.330, 8.i**, of **this Article** showing compliance by an independent contractor and provide said certification to the City of Truesdale.

**9.** *Shopping center identification signs*.

**a**. For the purpose of this provision, a shopping center shall be a commercial development consisting of retail and service businesses having a total leasable area of more than twenty thousand (20,000) square feet.

**b.** Any shopping center may erect a monument sign having a maximum height of twenty-five (25) feet above grade on the property of the shopping center. However, no such sign shall be located within the forty (40) foot sight distance triangle of any property corner lot as defined in **Article I, Section 415.050** of **this Chapter** or within a similar area at the intersection of any property entry drive intersection with a public street that may obstruct the view for vehicles exiting the shopping center. Such sign may be composed of stone, masonry, plastic masonry, or such other materials as are deemed consistent with the shopping center improvements, on which individual signs may be placed in accordance with the following standards:

**(1)** Maximum total sign area of all signs: Two hundred (200) square feet. This provision may be modified by the Zoning Enforcement Officer and/or the Planning and Zoning Commission to ensure that all proposed tenants are provided adequate signage.

**(2)** The size of all letters shall be proportionate or harmonious in size to the overall area of each sign.

**(3)** The background of each sign shall be compatible with the background of all other signs on the monument.

**(4)** The total area of all of the signs located on such monument shall not exceed seventy-five (75) percent of the total area of the monument. In making such a determination, the area of each sign shall be calculated on the basis of the total area of the background of each sign.

**(5)** The content of such signs shall be limited to the name of the shopping center and the name of the occupants of such shopping center.

**10.** *Office building identification signs*.

**a.** For the purpose of this provision, an office building shall be any building where more than fifty (50) percent of the building's leasable space is occupied for office usage.

**b**. Any building qualifying as an office building hereunder may erect a monument having a maximum height of fifteen (15) feet above grade on the property of the office building, but in no case shall the sign be higher than the roof line, and shall be so located as not to obstruct the view for exiting the office building, and composed of stone, masonry, plastic masonry, or such other materials as are deemed consistent with the office building improvements, on which individual signs may be placed in accordance with the following standards:

**(1)** Maximum total sign area of all signs: One hundred fifty (150) square feet.

**(2)** Minimum sign letter size: Eight (8) inches.

**(3)** The background of each sign shall be compatible with the background of all other signs on the monument.

**(4)** The total area of all of the signs located on such monument shall not exceed seventy-five (75) percent of the total area of the monument. In making such determination, the area of each sign shall be calculated on the basis of the total area of the background of each sign.

**11.** *Residential subdivision signs*.

For each residential subdivision entry street, a residential subdivision sign may be installed by a subdivision governing body and or subdivision residents, subject to the following regulations:

**a.** Any such sign shall be a ground sign, as defined in **Subsection 415.330, 6** and shall not exceed twenty-five (25) square feet in area, excluding any supports in the case of a ground sign.

**b**. No such sign shall be located within the sight distance triangle of as defined in **Article I, Section 415.050** of **this Chapter** at the street intersection such that the view for vehicles exiting the subdivision would be obstructed.

**c.** *Submission of plans.* The plan for any proposed residential subdivision identification sign shall be submitted to the Zoning Enforcement Officer, who may impose such specifications, as deemed necessary, for safety purposes prior to granting approval.

**d**. *Location and placement.* Any such sign shall be located on private property.

**12.** *Billboards near highways in industrially or commercially zoned areas*. Billboards shall be subject to the approval of a conditional use permit in accord with the provisions of **Article VI, Section 415.275** of this Chapter**.** Billboards shall only be located in industrially or commercially zoned areas within six hundred sixty (660) feet of the nearest edge of the right-of-way and visible from any part of the traveled way of a highway which is a part of the interstate or primary system in this state, subject to the following regulations or any superseding regulations of the **Code of State Regulations for the Missouri Department of Transportation, Title 7, Division 10, Chapter 6**:

**a.** *Size.* The maximum sign area for any one (1) billboard shall be one thousand two hundred (1,200) square feet with a maximum height of thirty (30) feet above pre-existing grade and a maximum length of sixty (60) feet. Maximum size limitations shall apply to each side of a billboard.

**b.** *Lighting.*

**(1)** Lighting shall conform to all standards found within **Section 415.330**.

**(2)** No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any billboard. No flashing, intermittent, or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date or temperature, or similar information, will be allowed.

**(3)** External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided that the light source is directed solely upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the highway or onto adjacent property, and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with the driver's operation of a motor vehicle.

**(4)** No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device or signal.

**(5)** Site lighting shall not spill over to adjacent sites or properties.

**c.** *Spacing.*

**(1)** On interstate highways and freeways on the federal aid primary system, no billboard shall be erected within one thousand five hundred (1,500) feet of an existing billboard on the same side of the highway.

**(2)** On non-freeway federal-aid primary highways, no billboard shall be erected within one hundred (100) feet of an existing sign or billboard.

**(3)** No billboard shall be located in such manner as to obstruct or otherwise physically or visually interfere with the effectiveness of an official traffic sign, including directional signs, signals, or devices, or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

**d.** *Location.* To provide a safety zone and to prevent injury or property damage to residentially zoned properties resulting from billboard collapse, no portion of a billboard shall be located within two hundred fifty (250) feet of any residentially zoned property.

**e.** *Other regulations.* All other provisions of this chapter relating to the design and construction of signs and permit requirements shall apply equally to billboards authorized under **this Section**.

**13.** *Special event signage*.

The following signs are permitted for a special promotional event authorized under **Section 415.330, D, 3** of this Chapter:

**a.** Pennants and streamers that are securely fastened.

**b.** Search lights, flashing lights, inflatables, and balloons.

The Zoning Enforcement Officer must approve all proposed signage prior to the event.

**14**. *Bus shelter signage*.

Signs shall be permitted on bus shelters within the city upon the approval of the Zoning Enforcement Officer. The size of the sign shall be limited to twenty-four (24) square feet. A permit for each sign shall be required.

**15.** *Reader board signs*.

**a.** Manual reader board signs shall not be permitted for use except by churches, schools, libraries, governmental agencies, and civic organizations.

**b.** Manual reader board signs shall not exceed forty (40) square feet in area.

**c.** Movie theater signs require the approval of the Planning and Zoning Commission.

**16.** *Portable signs*.

**a.** Portable signs are prohibited except that vehicles that are used in the normal day-to-day operation of the business may have a sign attached or painted on such vehicle identifying the name, address, and type of business.

**b.** A business may park up to two (2) vehicles of the light delivery type (rated less than one (1) ton manufacturers rated hauling capacity) containing such signage in front of the business identified on the vehicle. Additional vehicles may be approved by the sign commission.

**17**. *Projecting signs*. A projecting sign shall comply with the following requirements:

**a.** A projecting sign not exceeding twenty-five (25) square feet in area for each building fronting a public street shall be allowed, provided that, if a building is occupied by only one (1) user and the front wall area adjoining the public street on which the building is located exceeds five hundred (500) square feet, such building may have a projecting sign with an area equal to ten (10) percent of the area of the front wall of the building but shall not exceed two hundred fifty (250) square feet.

**b.** A building located on a corner lot may have one (1) projecting sign on each street side of the building, but not exceeding the size limitations as set forth in subsection (1) of **this Section** for each sign.

**c.** No projecting sign shall extend more than four (4) feet six (6) inches from the building, including structural supporting or extending members attached to the building.

**d.** No projecting sign shall project nearer to the curb line than two (2) feet.

**e.** No projecting sign shall extend downward nearer than ten (10) feet to the ground or pavement.

**f.** No projecting sign shall extend above the roof line.

**g.** Every projecting sign shall be constructed of noncombustible material and braced to withstand a horizontal wind pressure of not less than thirty (30) pounds for every square foot of surface exposed and shall be securely attached to the building wall in an approved manner.

**18.** *Directional signs*. Small post signs indicating the direction to a business (exit and entrance) may be erected and maintained subject to the following:

1. The Zoning Enforcement Officer shall investigate and make a determination that the sign will serve a public purpose.

**b.** Such sign shall not exceed eight (8) square feet in area and shall be installed in a manner and at a height so as not to interfere with the ordinary and lawful use of the street. Such sign may include the corporate logo of the business.

**19**. *Marquees; marquee signs.*

**a.** Marquees and marquee signs may extend to a point two (2) feet back of the curb line, but no such marquee or marquee sign shall extend downward nearer than eleven (11) feet above the level of the sidewalk at its lowest level.

**b**. An illuminated sign which may be placed on a marquee which may extend the entire length and width of the marquee, provided such sign does not extend more than nine (9) feet above nor one (1) foot below such marquee, but under no circumstances shall the sign or signs have a vertical height greater than nine (9) feet.

**c.** No additional sign shall be attached to a marquee.

**20**. *Under canopy signs*.

**a.** Any under canopy sign bearing only the name of the business to which the sign is attached, and which sign does not exceed four (4) square feet in area shall be allowed.

**b.** No under canopy sign shall project horizontally beyond the canopy or nearer to the curb line than two (2) feet.

**c.** No under canopy sign shall extend downward nearer than ten (10) feet to the ground or pavement.

**d.** Every under-canopy sign shall be constructed of noncombustible material and shall be securely attached to the canopy in an approved manner.

**21.** *Engraved Signs or tablets.*

**a.** Engraved signs and tablets shall not exceed four (4) square feet.

**b.** Tablets may be secured to the building when constructed of bronze or other incombustible materials but shall not exceed four (4) square feet.

**c**. There shall be a maximum of two (2) engraved signs or tablets per business or residence. Additional engraved signs or tablets may be approved by the Zoning Enforcement Officer.

SECTION 415.340 PERMIT REQUIREMENTS AND EXCEPTIONS.

**A. Permit Required.** No sign shall be erected, nor the location of any existing sign changed, until the Zoning Enforcement Officer has issued a permit.

**1.** An application for a sign permit shall be accompanied by plans and specifications. The plans and specifications must be drawn to scale and shall include the dimensions, material, and details of construction of the proposed sign, together with an accurate colored rendering of the proposed sign. A site plan of the property and/or building elevations indicating where the sign(s) is(are) to be located must also be provided.

**2.** Before a permit can be granted for the installation of any sign, the applicant for said permit must submit evidence of an agreement signed by the owner or owners of said property granting permission to the applicant to install said sign and binding said owner or owners, their heirs and assigns irrevocably, to permit the city through its agents to enter on said real property for the purpose of removing said sign or signs as provided under the provisions of this chapter and waiving, and holding the city harmless from any damage to said real property occasioned by said sign removal.

**3.** The Zoning Enforcement Officer may prescribe suitable regulations not inconsistent with the provisions of **this Section** concerning the form and content of all applications for the various types of permits herein required.

**B. Permit Fees**. A permit is required for the erection of signs.

**1.** Before the issuance of each required sign permit, a fee in the amount established by the Board of Aldermen shall be paid to the City.

**2.** For each temporary sign requiring a permit, the fee shall be in the amount established by the Board of Aldermen.

**3.** The provisions of the building code and electrical code of the City shall govern the construction, alteration and maintenance of all signs.

**4.** If the sign is illuminated, an electrical permit and inspection by a county electrical inspector shall be required. A fee covering the electrical permit and inspection shall be charged as provided by the electrical code.

**C. Permit Fee Exceptions.** Signs listed in **Subsection 415.350, A** of **this Article** are not subject to payment of permits fees and may be erected according to the standards provided for therein.

SECTION 415-350 EXEMPTIONS AND PROHIBITIONS.

**A. Exemptions**. Unless elsewhere specified in **this Article**, the following signs are exempt from the preceding requirements contained in **Subsections 415.330, D, 1-20** of **this Article**:

**1.** A sign advertising the sale or lease of a lot or space on which the sign is placed. Such signs may not be illuminated signs and may not exceed eight (8) square feet in area in residential districts and thirty-two (32) square feet in nonresidential districts. Only one (1) real estate sign may be placed on the lot or premises to which it pertains, except that two (2) such signs may be placed on double frontage lots. A real estate sign shall be removed within seven (7) days after the buyer and seller are mutually bound to conclude the sale or lease of the lot or space to which the sign pertains. One (1) additional sign is permitted on residential properties, from the hours of 7:00 a.m. to 8:00 p.m., indicating the presence of an open house.

**2.** Temporary signs not over twenty-five (25) square feet in area, for public, charitable or religious institutions, which are located on the premises of said institutions.

**3.** One (1) construction sign per project identifying the parties involved in the construction to occur or occurring on the lot or premises on which the sign is placed. Such signs may not be illuminated signs and may not exceed sixteen (16) square feet in surface area in residential districts, or thirty-two (32) square feet in surface area in commercial districts. Such signs may identify the owner's name, the architect or engineer for the project, the contractor or contractors for the project, the financing arrangements for the project, and the purpose for which the project is intended. No products or services may be advertised on the construction signs. One (1) construction sign may be placed on each part of the lot or on each face of the building which borders or is oriented to a public street. A construction sign shall be removed within fourteen (14) days after use commences for the project for which the sign pertains.

**4.** Memorial signs or tablets, when cut into any masonry surface or when constructed of bronze or other incombustible materials.

**5.** Traffic or other municipal signs, legal notices, railroad crossing signs, danger, emergency, or non-advertising signs.

**6.** Signs or posters announcing candidates seeking public political office, political and public issues, or any other non-commercial message provided that such signs shall not exceed six (6) square feet.

**7.** Professional plates not exceeding three (3) square feet in area.

**8.** Window signs, as provided for in **Subsection 415.330**.

**9.** Occupational signs not over four (4) square feet in area (on building).

**10.** Signs erected inside a building; and

**11.** Directional signs indicating the location of an open house from the hours of 7:00 a.m. to 8:00 p.m. only on the day of an open house in a residential area. Such signs shall not exceed four (4) square feet in area.

**B. Signs and Devices Prohibited**. The following signs and devices are prohibited in the City:

**1.** *Conflicting signs*: Signs or devices, which by color, location or design resemble or conflict with traffic control signs or devices.

**2.** *Exterior use of advertising devices such as:* Pennants affixed on poles, wires, or ropes, streamers, wind operated devices, inflatables, search lights, flashing lights, and any other type of fluttering devices, except as provided for in **Subsection 415.330.**

**3.** Letters or pictures in the form of advertising printed or applied directly on the wall of a building.

**4.** Paper posters and painted signs applied directly to the wall of a building or pole or other support, except for signage approved by the Planning and Zoning Commission as set forth in **Subsection 415.330, C** of **this Article**.

**5.** Signs painted on the inside or outside of windows, not including etched glass.

**6.** Signs advertising an article or product not manufactured, assembled, processed, repaired or sold upon the premises upon which the sign is located, unless otherwise permitted by ordinance.

**7.** Signs advertising a service not rendered on the premises upon which the sign is located, unless otherwise permitted by ordinance.

**8.** Revolving signs of any type.

**9.** Signs in residential districts, except as otherwise permitted herein.

**10.** Signs with more than two (2) faces.

**11.** Roof signs.

**12.** Banners, pennants or flags suspended from an awning.

**13.** Exterior banner signs, except as provided in **Subsection 415.330, 2**.

**14.** Signs placed in such a way as to create a traffic hazard.

**15.** Portable signs, except as provided in **Subsection 415.330, 16**.

**16.** Signs that display obscene, indecent, or immoral matters as defined in R.S. MO, 573.010.

**17.** Signs erected or maintained in such a manner that prevents free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire escape; and

**18.** Ground or wall signs lighted with gooseneck or other types of external reflectors erected and maintained in a manner that creates glare upon the street, access drives, adjacent property, or may impact the vision of pedestrians on adjacent sidewalks.

**19.** Signs with exposed raceways.

**C. Signs and Devices Requiring Approval of the Planning and Zoning Commission**. The following signs and devices require approval of the Planning and Zoning Commission prior to receiving a permit:

**1.** Signs on parking lot light standards.

**2.** Marquee signs.

**3.** Signs containing flashers, animators, or mechanical movement or contrivances of any kind.

**4.** Electronic Message Centers or Displays