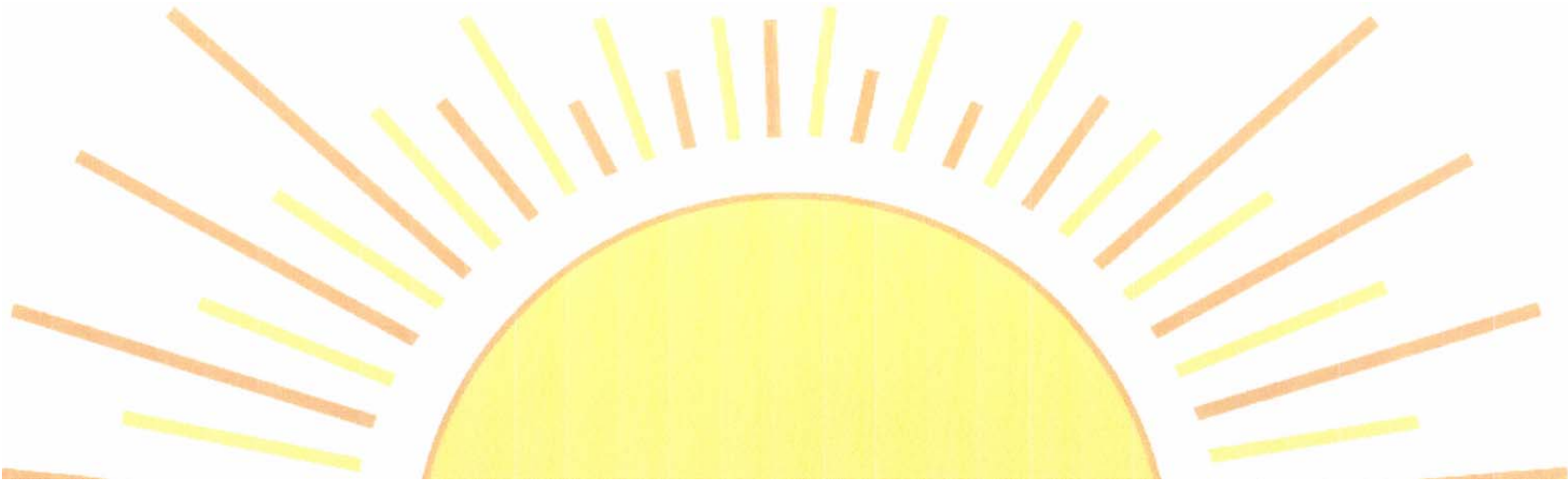


**The Village of
Sunrise Beach
Missouri
Zoning & Subdivision Regulations**



2009

INDEX

DIVISION I. – ZONING REGULATIONS	5
Article 1. GENERAL PROVISIONS	5
Section 1.01 PURPOSE.....	5
Section 1.02 DEFINITIONS	6
Section 1.03 DISTRICT CLASSIFICATION.....	31
Section 1.04 GENERAL PROVISIONS	34
Article 2. DISTRICT AND USES.....	34
Section 2.01 AGRICULTURAL	34
Section 2.02 A-R - AGRICULTURAL/RESIDENTIAL.....	37
Section 2.03 P-1 - PARKS.....	40
Section 2.04 P-2 - COMMERCIAL PARKS	41
Section 2.05 R-1 - SINGLE FAMILY RESIDENTIAL	42
Section 2.06 R-2 - MEDIUM DENSITY RESIDENTIAL	44
Section 2.07 R-3 - HIGH DENSITY RESIDENTIAL.....	46
Section 2.08 R-4 - MANUFACTURED HOME PARKS.....	49
Section 2.09 C-1 - OFFICE/LOW IMPACT COMMERCIAL	50
Section 2.10 C-2 - GENERAL COMMERCIAL	52
Section 2.11 C-3 - HIGH IMPACT COMMERCIAL.....	56
Section 2.12 I - INDUSTRIAL.....	57
Section 2.13 PUD - PLANNED UNIT DEVELOPMENT	60
Section 2.14 LMU - LAKEFRONT MIXED USE DISTRICT	66
Section 2.15 LFC-1 - LAKE FRONT LOW IMPACT COMMERCIAL.....	68
Section 2.16 LLC-2 - LAKE FRONT GENERAL COMMERCIAL	71
Section 2.17 LFC-3 - HIGH IMPACT LAKE FRONT COMMERCIAL.....	73
Section 2.18 CONDITIONAL USE PERMIT	74
Section 2.19 MINIMUM YARD DIMENSION REQUIRMENTS.....	79
Section 2.20 EXCEPTION TO LOT AREA AND WIDTH.....	80
Section 2.21 EXCEPTIONS TO YARD REQUIREMENTS	80
Section 2.22 HEIGHT REGULATIONS	80
Section 2.23 OFF-PREMISES ADVERTISING	82
Section 2.24 OFF-STREET PARKING REQUIREMENTS	82
Section 2.25 OBSTRUCTION OF VIEW (SIGHT TRIANGLE).....	86
Section 2.26 NON-CONFORMING USES	86

INDEX

Article 3. ADMINISTRATION	87
Section 3.01 ENFORCEMENT OF THE CHAPTER	87
Section 3.02 BOARD OF ADJUSTMENT	92
Section 3.03 PLANNING AND ZONING COMMISSION-MEMBERSHIP- TERMS-VACANCY-REMOVAL.....	96
Section 3.04 AMENDMENTS TO THE ZONING ORDINANCE.....	96
Section 3.05 INTERPRETATION AND CONFLICT WITH OTHER LAWS.	98
Section 3.06 VIOLATION AND PENALTY	98
DIVISION II – SUBDIVISION REGULATIONS	100
Article 4. GENERAL PROVISIONS	100
Section 4.01 JURISDICTION	100
Section 4.02 PURPOSE OF SUBDIVISION REGULATIONS.....	100
Section 4.03 DEFINITIONS	100
Section 4.04 COMPLIANCE	100
Section 4.05 RECORDING.....	101
Section 4.06 APPROVAL	101
Section 4.07 PREPARED BY PROFESSIONAL LAND SURVEYOR.....	101
Section 4.08 SUBDIVISION AND SALE OF ALL OR PART THEREOF..	101
Section 4.09 FEES AND DEPOSITS.....	103
Article 5. PROCEDURE.....	103
Section 5.01 PROCEDURE.....	103
Section 5.02 PRE-APPLICATION PROCEEDING – PLANNING AND ZONING COMMISSION REPRESENTATIVE.....	104
Section 5.03 PRELIMINARY PLAT.....	104
Section 5.04 CHECKING AND REVIEWING	104
Section 5.05 FINAL PLAT.....	104
Section 5.06 APPROVAL, DISAPPROVAL OR MODIFICATION BY PLANNING AND ZONING COMMISSION	105
Section 5.07 APPEAL	105

INDEX

Article 6. PRELIMINARY PLAT REQUIREMENTS	105
Section 6.01 NUMBER OF COPIES AND REQUIRED SCALE	105
Section 6.02 VICINITY SKETCH.....	105
Section 6.03 REQUIRED INFORMATION ON PLAT	106
Article 7. FINAL PLAT.....	107
Section 7.01 FINAL PLAT REQUIREMENTS	107
Section 7.02 NUMBER OF COPIES AND REQUIRED SCALE	107
Section 7.03 BEARINGS –DISTANCES	108
Section 7.04 MONUMENTS.....	108
Section 7.05 LOTS AND BLOCK NUMBERS.....	108
Section 7.06 DEDICATED PROPERTY	108
Section 7.07 SURVEYOR’S CERTIFICATE	109
Section 7.08 TAX PAID CERTIFICATE	109
Article 8. MODIFICATION AND EXCEPTIONS.....	110
Section 8.01 LOT-SPLITS	110
Section 8.02 MODIFICATION – UNDUE HARDSHIP.....	110
Article 9. SUBDIVISION DESIGN STANDARDS AND REQUIREMENTS	111
Section 9.01 PHYSICAL PROBLEM AREAS.....	111
Section 9.02 COMPREHENSIVE PLAN – COMPLIANCE	111
Section 9.03 STREET AND BLOCK LAYOUT.....	111
Section 9.04 STREET RIGHT OF WAY REQUIREMENTS AND UTILITY EASEMENTS.....	112
Section 9.05 MINIMUM PAVEMENT AND SIDEWALK WIDTHS.....	113
Section 9.06 STREET GRADES AND CURVES	114
Section 9.07 LOT DIMENSIONS, SHAPES AND POSITION.....	114

INDEX

Article 10. IMPROVEMENTS INSTALLATION REQUIREMENTS	115
Section 10.01 IMPROVEMENTS INSTALLED – HOW	115
Section 10.02 PERFORMANCE BOND	117
Section 10.03 STREET CONSTRUCTION.....	117
Section 10.04 WATER SUPPLY	117
Section 10.05 STORM DRAINAGE.....	117
Section 10.06 SEWERAGE.....	118
Section 10.07 STREET LIGHTING – STREET NAME SIGNS	118
Section 10.08 ELECTRIC AND TELEPHONE LINES	118
Section 10.09 MONUMENTS CONSTRUCTION	120
Section 10.10 CONSTRUCTION PLANS.....	120
Section 10.11 INSPECTION	120
Section 10.12 COMPLETION OF CONSTRUCTION	121
Section 10.13 MAINTENANCE AFTER APPROVAL.....	121
Section 10.14 MODIFICATIONS.....	121
Section 10.15 SEVERIBILITY	121

ZONING AND SUBDIVISION REGULATIONS

DIVISION I. – ZONING REGULATIONS

Article 1. GENERAL PROVISIONS

Section 1.01 PURPOSE

- A. The purpose of the Zoning and Subdivision Regulations is to establish standards, procedures, and minimum requirements, consistent with the Comprehensive Master Plan, which regulate and control the planning and subdivision of lands; the use, bulk, design, and location of land and buildings; the creation and administration of zoning districts; and the general development of real estate in the incorporated areas of The Village of Sunrise Beach Missouri (The Village).
- B. In order to promote the health, safety, and the general welfare of The Village of Sunrise Beach this chapter divides the Village into districts to regulate and restrict the height, number of stories, size of buildings and other structures; the percentage of the 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; the location and use of buildings, structures and land for trade, industry and residence or other purposes; and the erection, construction, reconstruction, alteration, repair or use of buildings, structures of land.
- C. The regulations of this chapter are made in accordance with RSMO. Sections 89.010-140 and amendments thereto, and in accordance with the Comprehensive Master Plan and are designed to:
 - (1.) Establishing rational land use and growth patterns and encouraging the most appropriate use of individual pieces of land consistent with the Comprehensive Master Plan.
 - (2.) Dividing The Village into districts of distinct community character according to the use of land and buildings, the intensity of such use (including bulk and height), and the surrounding open space.

ZONING AND SUBDIVISION REGULATIONS

- (3.) Prohibiting uses, buildings, or structures that are incompatible with the character of established zoning districts and providing suitable transitions between different community character areas to minimize the amount of incompatible and use and adverse impacts on property value.
 - (4.) Facilitating the creation of a convenient, attractive, functional, and harmonious community.
 - (5.) Regulating the location and use of buildings, structures, and land for trade, industry, residences, and other uses;
 - (6.) Providing protection from noise, glare, odor, or vibration through buffers and other regulations;
 - (7.) Securing adequate natural light, clean air, privacy, convenient and safe access to property, and safe environment;
 - (8.) Protecting against undue concentration of population and overcrowding of land and/or buildings by regulating and limiting the height, bulk, and scale of buildings;
 - (9.) Encouraging high-quality, attractive, and marketable development for the present and future population and businesses; and
 - (10.) Providing an adequate supply of affordable housing for Village residents.
 - (11.) Mitigate effects development might have upon street congestion;
 - (12.) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public facilities.
- D. The Regulations of this chapter are made with reasonable consideration of the character of the district and its peculiar suitability for particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout The Village.

Section 1.02 DEFINITIONS

- ***ACCESSORY STRUCTURE***: A subordinate structure which serves a function customarily incidental to that of the main structure. Customary accessory structures include garages, carports and small storage sheds.

ZONING AND SUBDIVISION REGULATIONS

- ***ACCESSORY USE:*** A subordinate use which serves an incidental function to that of the main use of the premises. Customary accessory uses include tennis courts, swimming pools, air conditioners, barbecue ovens and fireplaces.
- ***ADULT ENTERTAINMENT:*** An establishment used for presenting material, selling material or featuring entertainment that is distinguished or characterized by an emphasis on displaying, depicting, describing or relating to sexual activities or anatomical areas that are sexual in nature and which excludes minors by virtue of age. This shall include such uses that are commonly known as adult bookstores, adult theaters, massage parlors, rap center, nude wrestling studios, body painting studios, nude modeling studios, nude photography studios, peep shows, strip shows, escort services and other similar uses.
- ***AGRICULTURAL USE (COMMERCIAL):*** Any enterprise involving the growing of any crops in the open for resale and/or the raising of livestock or poultry. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall riding academies, livery or boarding stables or dog kennels be so considered.
- ***AGRICULTURAL USE (NONCOMMERCIAL):*** The sale of produce grown in no more than ten (10) percent of the backyard of the property.
- ***AGRICULTURAL USE:*** The use of a tract of land of not less than ten (10) acres for the growing of crops, pasturage or nursery, including the structures necessary for carrying out farming operations and the dwelling of those owning or operating the premises, a member of the family thereof or persons employed thereon and the family thereof, but such use shall not include feed-lots (CFO) as defined by State Statute.
- ***AIRPORT:*** An area of land used for the arrival and departure of fixed wing aircraft plus all necessary taxiways, storage and tie-

ZONING AND SUBDIVISION REGULATIONS

down areas, hangers, and other necessary apparatus, open space, and facilities.

- **ALLEY:** A dedicated public right of way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is twenty (20) feet or less in width.
- **ALTERATION:** A physical change to one or more exterior features of a structure, which includes, but is not limited to, the erection, construction, reconstruction or removal of any feature of the structure.
- **ALTERATION STRUCTURAL:** Any change in a load-bearing member of a building.
- **APARTMENT:** A room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single-family or individuals living together as a single housekeeping unit.
- **BASEMENT:** That portion of a structure having more than one-half (1/2) of its height below grade.
- **BED AND BREAKFAST:** A family home, occupied as a permanent dwelling by the proprietor, in which lodging and meals are provided for time-limited durations.
- **BIG BOX RETAILERS:** A retail establishment with a total square footage of retail floor space that exceeds twenty thousand (20,000) square feet.
- **BOAT SALES AND REPAIR FACILITIES:** A use in which the purpose is the repair and/or retail sale of boats and other watercraft to the public. Such use may or may not be located on the water or associated with a marina.
- **BLOCK:** A block is one sixteenth (1/16) of a square mile.
- **BOARD OF ADJUSTMENT:** That board which has been created by the Governing Body having jurisdiction and which has

ZONING AND SUBDIVISION REGULATIONS

the statutory authority to hear and determine appeals and variances to the zoning regulations.

- **BOAT SLIP:** A mooring for a single boat, not including parking spots for personal watercraft.
- **BUFFER:** To isolate or minimize the effect of one thing to another.
- **BUILDING:** Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the ground.
- **BUILDING COVERAGE:** The horizontal area measured within the exterior walls of the ground floor of all principal and accessory buildings on a lot divided by the gross area of the lot.
- **BUILDING HEIGHT:** The vertical distance from the grade (base point) 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 roofs. The average of the highest and lowest earth contact shall be used as the base point.
- **BUILDING LINE:** A line specifically established upon a plat or by the zoning regulations which identifies an open area unoccupied and unobstructed from the ground upward, into which no part of a building shall project except as provided in the zoning regulations.
- **CAMPGROUND:** An area or premises in which space is provided for transient occupancy of one month or less or use of visitors occupying recreational vehicles, camping trailers or tents.
- **CLUB PRIVATE:** A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

ZONING AND SUBDIVISION REGULATIONS

- **COMMISSION:** The Planning and Zoning Commission of The Village.
- **COMMON OPEN SPACE AND LAND:** An area of land or water or combination thereof planned for green space or active recreation, which does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included in a common open space.
- **COMMUNITY CENTER:** A facility maintained by a public agency or by a not-for-profit community or neighborhood association primarily for social, recreational, or educational needs of the community or neighborhood.
- **CONDITIONAL USE:** A use permitted in a particular zoning district on a case-by-case basis only upon showing that such use in a specific location will comply with all the conditions and standard for the location or operation of such use specified in the Code and as established by the planning Commission.
- **CONDITIONAL USE PERMIT:** A permit recommended by the Planning Commission and issued by the Board of Trustees for a land use that is not a principal permitted use or accessory use for a defined zoning district. This use is generally for a temporary purpose and ceases upon change of ownership or revocation by proper authority.
- **CONDOMINIUM:** A single dwelling unit under individual ownership within a multiple dwelling unit structure. A multiple-family structure with two (2) condominiums shall be considered a two-family dwelling and a structure with more than two (2) condominiums shall be considered a multiple-family dwelling.
- **CONSTRUCTION:** The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

ZONING AND SUBDIVISION REGULATIONS

- **COURT:** An open, unoccupied space, other than yard, bounded on three (3) or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.
- **CUL-DE-SAC:** A short street having one end open to traffic and being terminated at the other end by a vehicular turn-around.
- **CURB LEVEL:** The mean level of the curb or back of drainage ditch, if there is no curb, in front of the lot or in case of a corner lot, along that abutting street where the mean curb level is the highest.
- **DAM:** Any artificial or manmade barrier which impounds or diverts water that is more than six (6) feet height, as measured from the top to the toe of the slope of the downstream side.
- **DAY CARE CENTER:** A structure or place where care, supervision, custody or control is provided by more than six (6) unrelated children or adults for any part of a twenty-four (24) hour day up to twelve (12) hours.
- **DAY CARE HOME, FAMILY:** A dwelling or structure in which care, supervision, custody or control is provided for six (6) or fewer unrelated children or adults for any part of a twenty-four (24) hour day up to (12) hours.
- **DEVELOPER:** Any person, firm or corporation engaged in the dividing or subdividing of land into lots or parcels for the purpose of conveyance or lease within the scope and application of these regulations.
- **DEDICATION:** The allocation of land or road by its owner for general or special public use.
- **DEVELOPMENT:** A construction project involving substantial property improvement and, usually, a change of land use character within the site; the act of using land for building or extractive purposes.

ZONING AND SUBDIVISION REGULATIONS

- **DISABILITY:** A physical or mental impairment which substantially limits one or more of a person's major life activities, a record of having such an impairment or being regarded as having such an impairment. Such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802); or any person assigned to a community corrections program or diversion program, on parole from a correctional institution or on probation for a felony offense or in a State Mental Institution following a finding of not guilty by reason of insanity.
- **DISTRIBUTION CENTER:** A commercial development used for the transfer of large volumes of material between sites or other businesses.
- **DISTRICT:** A section or sections of the zoning area for which these regulations governing the use of land, the height of structures, the size of yards and the intensity of use are uniform.
- **DOCK:** A floating structure used for the parking of boats and/or personal watercraft. Dock means any structure, including a pier, wharf, loading platform, tie poles, accessory structure, or a boat lift which is constructed on piles, over open water, or which is supported by floatation on the water.
- **DOCK ASSEMBLY AND SALVAGE OPERATION:** A commercial business engaged in the construction, repair, maintenance, or recovery of or other floating assemblies.
- **DRIVE-IN ESTABLISHMENTS:** Any restaurant, financial institution or product vending enterprise where the patron does not have to enter and remain within a building during the transaction of this business.
- **DRIVEWAY:** A private access road, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

ZONING AND SUBDIVISION REGULATIONS

- ***DWELLING (AND UNIT):*** A structure or portion thereof, not including manufactured homes, which is designed and used exclusively for residential purposes.
- ***DWELLING, TWO-FAMILY:*** A residential structure having accommodations for an occupied exclusively by two (2) families independently.
- ***DWELLING, MULTIPLE:*** A residential structure having accommodations for and occupied exclusively by more than two (2) families independently.
- ***DWELLING, SINGLE-FAMILY:*** A residential structure having accommodations for and occupied exclusively by one (1) family.
- ***EASEMENT:*** A permanent or temporary grant of right by a landowner to the public, a corporation or other persons for the use of a portion of a lot or tract of land for specified purposes where title to said portion of the lot or tract of land remains with the landowner.
- ***EFFECTIVE DATE OF THIS CODE:*** Whenever this Article refers to the effective date of this Code, the reference shall be deemed to include the effective date of any amendments to this Code if the amendment, rather than this Code as originally adopted, creates a nonconforming situation.
- ***ENGINEER OF RECORD:*** The applicant(s) or developer(s) engineer.
- ***ENTERTAINMENT ESTABLISHMENT:*** An establishment where acts, amusement, performances, or shows are performed commercially.
- ***FENCE:*** A protective, confining or decorative barrier separate from any structure and not including any living plant material.
- ***FINAL PLAT:*** A subdivision plat that has been approved in accordance with this code and has met all the requirements of this Code.
- ***FLOOR AREA FOR COMPUTING OFF-STREET PARKING REQUIREMENTS:*** The gross floor area of the structure

ZONING AND SUBDIVISION REGULATIONS

measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) structures and shall include the following areas:

1. The basement floor area
 2. The area of each floor of the structure.
 3. The attic space having headroom of seven (7) feet or more
- **FLOOD PLAIN:** Areas designated by the Federal Emergency Management Agency as being in a one hundred (100) year flood plain.
 - **FOSTER HOME:** A dwelling or structure in which more than twelve (12) hours care is provided to no more than five (5) children, one (1) or more of which are unrelated to the foster parents. Foster homes shall be permitted in all residential structures, the same as would a family.
 - **GAMING FACILITY:** A facility where legalized gambling takes place.
 - **GARAGE (COMMERCIAL):** A building or portion thereof, other than a private or storage garage, designated or used for equipping, servicing, repairing, hiring, selling, storing or parking land-based motor-driven vehicles. The term shall not include dismantling or storage of wrecked or junked vehicles.
 - **GARAGE (RESIDENTIAL):** A detached accessory building or portion of a main building on a residential zoned area housing the passenger vehicles or trailers of the occupants of the premises.
 - **GO-CART TRACK:** A contained amusement area designed for the operation of small motorized vehicles on a closed track.
 - **GOLF COURSE:** an area of land used primarily to play the game of golf; this definition shall not include what is commonly referred to as the game of mini-golf.
 - **GRADE:** Slope specified in percent (%) of rise to run.
 - **GROUP HOME:** Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability

ZONING AND SUBDIVISION REGULATIONS

as defined in these regulations, who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home.

- **HELIPORT:** Any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling and emergency service facilities.
- **HISTORIC AREA:** An area designated by the State of Missouri, having buildings or places that are important because of their historical architecture or relationship to a related park or square or because those areas were developed according to a fixed plan based on cultural, historical, or architectural purposes.
- **HOME OCCUPATION:** A business, profession, service or trade conducted for gain or support entirely within a residential structure.
- **HOTEL/MOTEL:** A facility offering transient lodging accommodations on a daily rate to the general public.
- **KENNEL:** Any premises where three (3) or more dogs or cats over 6 months of age are kept.
- **LAKEFRONT:** Abutting the shoreline of the Lake of the Ozarks or any tributary thereof.
- **LAND DISTURBANCE PERMIT:** A Land Disturbance Permit is required for any land disturbance activity including the installation of streets and/or utilities on any site exceeding one (1) acre in area. The Land Disturbance Permit is intended to address those issues that occur during development concerning sediment and erosion control and those issues that are long term related to storm and water drainage.

The following activities are exempt from permits:

1. All Agricultural activities as defined by RSMO.
2. Any residential site development that involves less than one (1) acre of disturbed area.

ZONING AND SUBDIVISION REGULATIONS

3. Any work required by the Village of county that is of an emergency or corrective nature that involves public safety.

- **LOT:** A parcel of land occupied or to be occupied by one (1) main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this chapter, and having frontage upon a public or private street, alley or easement. A Lot as used herein may consist of one (1) or more platted lots, or tract or tracts as conveyed, or parts thereof.
- **LOT AREA:** The size of a lot measured within the lot lines and expressed in terms of acres or square feet.
- **LOT, DOUBLE FRONTAGE:** A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.
- **LOT, FRONT OF:** The front of a lot shall be considered to be that side of the lot that fronts a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot. In the case of a lot that abuts the Lake of the Ozarks that side facing the lake shall be considered the front.
- **LOT, CORNER:** A lot abutting on two (2) or more streets at their intersection.
- **LOT, DEPTH:** The horizontal distance between the front and rear lot lines measured along the median between the two side lot lines.
- **LOT, INTERIOR:** A lot other than a corner lot.
- **LOT, LINE:** A boundary line of a lot.
- **LOT LINE, FRONT:** The lot line separating a lot from the street (or the 660 foot elevation for a lakefront lot). On a corner lot, the shortest lot line abutting a street is the front lot line on a through lot, both lot lines abutting the streets are front lot lines; on an irregular shaped lot, the front lot line is the lot line parallel to the abutting street.

ZONING AND SUBDIVISION REGULATIONS

- **LOT LINE, REAR:** Any lot-line not a front or side lot line. The rear lot line for a triangular shaped lot shall be a line ten (10) feet long drawn between the lot's side lot lines and the parallel to the front lot line.
- **LOT LINE, SIDE:** The lot lines that intersect with a lot's front lot line.
- **LOT LINE WIDTH:** The mean horizontal distance between the side lot-line of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear lot line of the required front yard (building line, especially on irregularly shaped lots).
- **MAJOR MAP AMENDMENT:** An amendment to the Zoning Map that addresses the zoning district classification of five (5) or more tracts of land in separate ownership or any parcel of land (regardless of the number of tracts or owners) in excess of 50 acres.
- **MANUFACTURED HOME-CLASS A:** A Manufactured home no more than ten (10) years in age that meets or exceeds the construction standards established in the U.S. Department of Housing and Urban Development and that satisfies each of the following additional criteria:
 1. The minimum width of the main body of the home as assembled on-site shall not be less than twenty (20) feet, as measured across the narrowest point.
 2. The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction.
 3. The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

ZONING AND SUBDIVISION REGULATIONS

4. A continuous, permanent foundation, without spaces or gaps except for required ventilation and access, is installed under the home. This may include a foundation with crawl space or basement.
 5. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- **MANUFACTURED HOME-CLASS B:** Any new or used manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards established by the U.S. Department of Housing and Urban Development but does not satisfy the criteria necessary to qualify as a Class A home.
 - **MANUFACTURED HOME -CLASS C- (MOBILE HOME):** Any manufactured home that was built prior to July 1, 1976, and does not meet the criteria of a Class A or Class B home. In no circumstances will a Class C home be allowed within the area of Sunrise Beach that is covered by this regulation.
 - **MANUFACTURED HOME:** A structure which is subject to the Federal manufactured home construction and safety standards established pursuant to 42 U.S.C. Section 5403 and constructed on or after July 15, 1976.
 - **MANUFACTURED HOME PARK:** An area with required improvements and utilities for the long-term placement of manufactured homes for dwelling purposes. The site may also include services and facilities for residents of the development.
 - **MANUFACTURED HOME RESIDENTIAL DESIGN:** A manufactured home which satisfies the following additional criteria:
 1. The manufactured home shall have minimum dimensions of twenty-two (22) feet in width and forty (40) feet in length.
 2. The pitch of the roof of the manufactured home shall have a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run and the roof

ZONING AND SUBDIVISION REGULATIONS

finished with a type of shingle that is commonly used in standard residential construction in the Village.

3. All roof structures shall provide an eave projection of no less than twelve (12) inches, exclusive of any guttering.
 4. The exterior siding consist of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of low luster white paint), wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the Village.
 5. The manufactured home shall be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in “Manufactured Home Installations, 1987” (NCS BCS A225.1) and a continuous, permanent masonry foundation or masonry curtain wall or poured concrete wall, unpierced except for required ventilation and access, is installed under the perimeter of the residential design manufactured home.
 6. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the Building Code and attached firmly to the primary structure and anchored securely to the ground.
 7. A residential design manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.
- **MANUFACTURED HOME SUBDIVISION:** Any area, piece, parcel, tract or plot of ground equipped as required by the support of manufactured homes, where the lots are individually owned.

ZONING AND SUBDIVISION REGULATIONS

- **MARINA:** A waterfront facility providing one or more of the following:
 1. Docking and/or wet or dry storage of boats for a fee.
 2. Sales of marine supplies, parts and fuel.
 3. Minor boat service and repair
 4. Boat sales, rental and/or charter
- **MASTER PLAN:** The comprehensive long range plan adopted by the Sunrise Beach Planning Commission for coordinated physical development.
- **MEDICAL CLINIC:** Any structure designed for use by one (1) or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists and in which no patients are lodged overnight, but which may include a pharmacy.
- **MOBILE HOME:** A transportable structure, larger than three hundred twenty (320) square feet in floor area, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1971 which became effective for all mobile home construction on June 15, 1976.
- **MODULAR HOME:** A manufactured residential structure built to a nationally-recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard. A modular home shall have exterior structure materials and appearance similar to the customary single-family structures in the neighborhood and shall be permanently situated on a concrete foundation.

ZONING AND SUBDIVISION REGULATIONS

- **MONUMENT:** Survey marker placed to mark key survey points on the earth's surface. They are usually durable and intended to be permanent.
- **MULTIPLE USE PLAT:** Any Subdivision not qualifying as a Major Plat or any one or more lots, parcels or tracts of land not otherwise platted and not wholly contained within a Planned Unit Development, also referred to as a Multiple Use Subdivision Plat.
- **NON-CONFORMING LAND USE OR STRUCTURE:** A land use or structure which existed lawfully on the date that this Zoning Code or any amendment thereto became effective and which fails to conform to one or more of the applicable regulations in the Zoning Code or amendment thereto,.
- **NON-CONFORMING LOT:** A lot existing at the effective date of this Code (and not created for the purpose of evading the restrictions of this Code) that does not meet the minimum area requirement of the zoning district in which it is located.
- **NON-CONFORMING PROJECT:** Any structure, development, or undertaking that is incomplete on the effective date of this Code and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.
- **NON-CONFORMING USE:** A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)
- **NURSING HOMES OR CONVALESCENT HOMES:** An institution or agency licensed by the State for the reception, board, care or treatment of three (3) or more unrelated individuals, but

ZONING AND SUBDIVISION REGULATIONS

not including facilities for the care and treatment of mental illness, alcoholism or narcotics addition.

- ***OPEN SPACE- PUBLIC:*** Land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreation areas, school sites, community or public building sites and other lands.
- ***OUTDOOR ADVERTISING:*** Any balloon, banner, billboard, flag, marker, poster, searchlight, sign, and associated appurtenances used to convey a commercial message.
- ***OVERLAY DISTRICT:*** A zoning designation specifically delineated on the Official Zoning Map establishing land use requirements that may supersede, or are in addition to, the standards set forth in the underlying zoning district.
- ***PARK:*** An area of public land laid out with walks, drives, playgrounds, etc. for public recreation.
- ***PARKING SPACE:*** A durable, properly graded for drainage, useable space, enclosed in a main building or in an accessory building, or unenclosed, reserved for the temporary storage of one (1) vehicle, and connected to a street, alley, or other designated roadway by a surfaced aisle or driveway. Each such designated space shall comply with the dimensional requirements set forth in this document.
- ***PERFORMANCE BOND:*** Any financial security that is submitted in an amount and format satisfactory to the Village.
- ***PERMITTED USE:*** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- ***PHARMACY:*** A commercial establishment that dispenses medication to customers based on prescriptions from licensed doctors.
- ***PLACES OF WORSHIP:*** A facility regularly used for organized religious services including, but not limited to, chapels, churches, mosques, synagogues, or temples.

ZONING AND SUBDIVISION REGULATIONS

- ***PLANNED UNIT DEVELOPMENT:*** A tract of land under single ownership, planned and developed as an integral unit, and consisting of a clustered residential development, a residential development of varying housing types and densities, or a combination of residential and non-residential uses of land.
- ***PLANNING ADMINISTRATOR:*** Except as otherwise specifically provided, primary responsibility for administering and enforcing the Sunrise Beach Zoning and Subdivision Regulations may be assigned by the Chairmen of the Board of Trustees to one or more individuals in the employ of the Village. The person or persons to whom these functions are assigned shall be referred to as the “Planning Administrator” (or Administrator). The term “staff” or Planning staff” is sometimes used interchangeably with the term “administrator”. The Administrator is the enforcement officer for the Village.
- ***PLANNING AND ZONING COMMISSION:*** The Village of Sunrise Beach Planning and Zoning Commission.
- ***PLANNING DEPARTMENT:*** The official office of the Sunrise Beach Planning Administrator and Staff.
- ***PLAT:*** A scale drawing of a tract of land including a property description.
- ***PRELIMINARY PLAT:*** A plat indicating the subdivision of land for review purposes that is not recorded or approved by the Planning Commission or the Planning Administrator.
- ***PRINCIPAL USE:*** The primary purpose, activity or function for which a parcel or building is used.
- ***PRIVATE CLUB:*** A building or portion of a building intended to be used as a center of informal association for a selective membership not open to the general public.
- ***PRIVATE ROAD:*** A driveway or driveway easement which provides entrance to a lot or lots or entity or circulation driveway

ZONING AND SUBDIVISION REGULATIONS

within a lot of private road or roadway easement connecting to a public road.

- **PUBLIC UTILITY:** Any business which furnishes the general public:
 1. Telephone service;
 2. Electricity;
 3. Natural Gas;
 4. Water and sewer; or
 5. Cable television
- **QUARRY:** An establishment where excavation occurs from which stone or rock or gravel is taken by cutting, blasting, or the like. This material is then sold commercially to various users or processed from other sources and resold. Excludes rock removal/quarrying for site improvement/grading.
- **R.V. PARK:** Any land in or upon which any trailer or RV is used or intended to be used for human occupation by the traveling public.
- **RE-PLAT:** A change or alteration in a previously recorded subdivision plat or portion thereof.
- **RECYCLE CENTER:** An establishment where waste material such as but not limited to aluminum cans, plastics, or newspapers are collected so that they may be reclaimed by being used in the manufacture of new products.
- **RESTAURANT:** An establishment whose primary purpose is the sale, dispensing or service of food, refreshments or beverages, other than in automobiles, including those establishments where customers may serve themselves.
- **RESTAURANT- DRIVE- THROUGH:** An establishment whose primary purpose is the sale, dispensing or service of food, refreshments or beverages, including service and/or consumption of food in automobiles.

ZONING AND SUBDIVISION REGULATIONS

- **RETAIL SALES & SERVICE:** Establishments engaged in the provision of goods or services to the general public on a non-wholesale basis.
- **REVERSED FRONTAGE:** A lot with the back of the structure facing the street.
- **REZONING:** An amendment to the zoning map or zoning Code that changes the zoning-district designation, use, or development standards.
- **RIGHT- OF- WAY:** A strip of land occupied or intended to be occupied by a street, alley, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer or the another special use.
- **ROADWAY WIDTH OR SURFACE WIDTH:** That portion of any street designated for vehicular traffic and, where curbs are laid, that portion of the street between the curbs.
- **ROHN:** A manufactured communication tower, either self supporting or guy wired. Proper Noun.
- **SALVAGE YARD:** A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, handled or prepared for recycling, which shall include auto wrecking yards but shall not include retail secondhand furniture stores or the purchase and storage of used or salvaged materials as part of a manufacturing operation.
- **SANITARY LANDFILL:** A lot or parcel of land used primarily for the disposal and burial of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles or parts thereof or other waste.
- **SEAWALL:** Retaining wall made of any material (placed) erected to maintain a stable lake frontage.
- **SELF-STORAGE FACILITY:** A building or group of buildings or structures that contains individual, compartmentalized, and

ZONING AND SUBDIVISION REGULATIONS

controlled access stalls or locks for the storage of customers' goods or possessions for rent or lease to the public.

- ***SERVICE STATION:*** A service station shall consist of a structure or group of structures and surfaced area where automotive vehicles may be refueled and serviced. Self-service pumps without structures shall also be included. Such service shall not include tire recapping, body repairs or major overhaul.
- ***SETBACK:*** The required minimum horizontal distance between the structure line and the related front, side or rear property line.
- ***SHOPPING CENTER:*** A grouping of retail establishments contained in an enclosed location.
- ***SIGHT TRIANGLE:*** An area at a street intersection in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 ½) feet and eight (8) feet above the grades of the outside edge of the street surface of the intersecting streets, measured from the point of intersection of the centerline of the streets, ninety (90) feet in each direction along the centerline of the streets. The Village Engineer shall establish sight distance triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials. (AASHTO).
- ***SIGN:*** Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business but shall not include any display of official notice or official flag.
- ***SMALL ON- SITE WASTEWATER SYSTEM:*** Any subsurface sewage treatment system, lagoon disposal system or other waterborne waste disposal method employing basic hydrologic or

ZONING AND SUBDIVISION REGULATIONS

engineering principles which receives 1500 gallons or less of waterborne waste per day.

- **SOLID WASTER DISPOSAL AREA:** Any area, above or below the ground, which is or has been used for disposal of solid waste.
- **SPECIAL USE:** A use authorized in a particular location for a specific period of time only upon showing that such use will comply with all the conditions and standards for the location of operation of such use as specified in this Regulation and as authorized through a permit by the Board of Trustees.
- **SPECIAL USE PERMIT:** A permit issued by the Zoning Administrator with the authorization of the Village Trustees. A special use permit provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district zoning regulations.
- **STORY:** That portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between floor and the ceiling next above it.
- **STORY, HALF:** A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story; provided however, that any partial story used for residential purposes shall be deemed a full story.
- **STREET:** A public right of way, which provides a public means of access to abutting property. The term “street” shall include avenue, drive, circle, court, road, parkway, boulevard, highway, way, traffic way, thoroughfare, or any other similar term. It is the full width between the property lines bounding every way of whatever nature when any part thereof is open to use by the public as a matter of right, for the purpose of vehicular traffic.
- **STREET LINE:** The dividing line between the street and the abutting property.

ZONING AND SUBDIVISION REGULATIONS

- ***STREET NETWORK:***
 1. Local Street: Provides access to properties.
 2. Collectors: Conducts traffic from local streets to arterials, with access to properties.
 3. Arterials: Carries traffic out of and through the area, subject to certain control of entrances, exits and curb cuts.
- ***STRUCTURE:*** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground but not including fences or public items such as utility poles, street light fixtures and street signs.
- ***STRUCTURE ALTERATION:*** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
- ***STRUCTURE HEIGHT:*** The vertical dimension measured from the average elevation of the finished lot grade at the front of the structure to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.
- ***SUBDIVISION:*** The division of a parcel of land into two (2) or more lots, or other divisions of land; it includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.
- ***SURVEY:*** Any land description prepared by a surveyor who is registered with the State of Missouri.
- ***TAVERN:*** An establishment in which the primary function is the public sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as key clubs, which are open and in which alcoholic and cereal malt beverages are served only to members and their guests.

ZONING AND SUBDIVISION REGULATIONS

- ***TOTAL FLOOR AREA:*** The square foot area of a building, including accessory buildings, measured from outside wall surfaces, and including utility rooms, stairways, recreation rooms, storage rooms, but excluding unroofed balconies and patios.
- ***TOTAL SQUARE FOOTAGE:*** A measurement of the amount of floor space within a structure.
- ***TRANSFER STATION:*** A facility whose principal use is the short-term storage of solid waste that is in transit to a licensed landfill or other licensed solid waste disposal facility.
- ***TRAP/SKEET RANGE:*** Place that sport shooting is practiced using a shotgun with clay targets. This does not include firearms shooting single projectiles. Any range must be a minimum of five hundred (500) feet from residential area.
- ***TRAVEL TRAILER OR RECREATIONAL VEHICLE:*** A vehicular-type unit primarily designed as non permanent living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples are travel trailers, camping trailers, truck campers and motor homes. Manufactured homes and modular homes shall not be considered trailers or recreational vehicles.
- ***UTILITIES:*** Cable communications, including internet service, telephone; and television; electrical power; natural gas; sewer; and water.
- ***VARIANCE:*** A variation from a specific requirement in this chapter, as applied to a specific piece of property, as distinct from rezoning.
- ***VEHICLE SALES AND SERVICE FACILITY:*** A retail establishment specifically designed and used for the sale, maintenance or repair of motorized road use vehicles.
- ***WATER PARK:*** A contained amusement facility designed for water sport activities, such as slides, pools, wave areas, etc.

ZONING AND SUBDIVISION REGULATIONS

- **WELL HOUSE:** An accessory structure constructed specifically for the containment of water source equipment serving a structure or group of structures.
- **YARD:** A space on the same lot with a main structure, open, unoccupied and unobstructed by structures from the ground upward.
- **YARD, FRONT:** A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the structure setback line.
- **YARD, REAR:** A yard extending across the full width of the lot, the depth of which is the least distance between the rear lot line and the rear setback line.
- **YARD SIDE:** A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard.
- **ZONES OR DISTRICT:** A section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of use of structures, land and open space is herein established.
- **ZONING INSPECTOR:** A Village employee appointed by the Chairman of the Board of Trustees to enforce the zoning ordinance and issue permits as required by the ordinance.
- **ZONING MAP:** The Zoning Map as adopted by the Village of Sunrise Beach showing the zoning districts within the incorporated limits of the Village.
- **ZONING ORDINANCE:** The official zoning ordinance of the Village.
- **ZONING PERMIT:** A permit issued administratively by the Planning Administrator as found in Section 3.01 of this Code.
- **ZONING REGULATIONS:** The term “zoning regulations” or “this or these regulations” shall mean the requirements stipulated in the regulations herewith attached and shall mean the lawfully adopted zoning ordinance of the Village of Sunrise Beach.

ZONING AND SUBDIVISION REGULATIONS

- **ZERO LOT LINE:** Placement of a residence or commercial structure on a lot so that one wall is on the property boundary line.

Section 1.03 DISTRICT CLASSIFICATION

A. The Village is divided into zoning districts as described below and as indicated on the zoning map made part of this document.

- **R-1** – This zoning is intended for single family detached dwellings. It is intended for low density family oriented neighborhoods both existing and future development.
- **R-2** – This zoning permits higher density residential uses such as duplexes, villas, town homes, and fourplexes.
- **R-3** – This zone is intended for high density multi-family use such as apartment complexes and condominiums.
- **R-4** – This zone is intended for manufactured home parks, it is for dwellings with central water systems and appropriate sewer facilities.
- **C-1** – This zone is intended for light commercial use. Neighborhood business uses providing personal services and professional offices. These uses generally have a square footage restriction to provide optimum buffering from heavier uses and residential neighborhoods.
- **C-2** - This is a heavier density commercial zone with higher traffic volumes and square footage requirements. Auto repair, car sales, and hotels are examples. Establishments providing retail services at the community level and more than local distance.
- **C-3** - High impact commercial with high traffic as well as large square footage requirements characterize this zone. Uses

ZONING AND SUBDIVISION REGULATIONS

that require buffering such as concrete mixing fit this classification.

- **I** - This zone provides for light manufacturing, sewage treatment facilities, transfer station, and metal storage requiring some heavy machinery and which planned properly would minimize effects on residential districts.
- **P-1** – This zone provides for municipal open space and recreation use. It is intended for trails, conservation areas, public picnic facilities, and other green space uses.
- **P-2** – Commercial use parks, such as those rented by church groups requiring higher traffic volumes and overnight facilities would be permitted in this district. Other examples include golf courses and those allowing limited overnight stays.
- **A** – This zone is intended for farm and land on the fringe of the urbanized area that is unimproved or wooded. It is intended for light agricultural use but not the commercial production of livestock, poultry, or concentrated animal feeding operations (CFO).
- **A-R** – This district provides for some low density residential use or acreages without changing the predominant rural character of the land. Residential uses would be regulated by density and sewerage disposal requirements.
- **PUD** – This zone would be for mixed type uses and would be regulated by topography and acreage sizes. Its purpose is to provide for latitude in the placement of buildings, roads, and open spaces. Its intent is to allow large tracts of land to be used to the fullest extent with the approval of local officials.

ZONING AND SUBDIVISION REGULATIONS

- **LMU** – This district is to provide a broad range of lakefront commercial and residential land uses including theme development use within a waterfront parcel.
 - **LFC-1** - This district is intended for light commercial use along the lake front.
 - **LFC-2** - This is a heavier density lake front commercial zone with higher traffic volumes and square footage requirements. Boat repair, boat sales, and resorts are examples. Establishments providing retail services at the community level and more than local distance.
 - **LFC-3** – High impact lake front commercial with high traffic as well as large square footage requirements characterize this zone. Uses that require buffering for adjoining districts fit this classification
- B. Where uncertainty exists as to the boundaries of the districts as shown on the Village Zoning Map, the following shall apply:
- (1.) Boundaries indicated as approximately following the centerline of streets, highway, alleys, or other public rights of way shall be construed to be said streets, highway, alleys or other public right of way.
 - (2.) Boundaries indicated as approximately following platted lot lines shall be construed to be said platted lot lines.
 - (3.) Boundaries that divide a lot or a parcel of property, the location of any such boundary shall be determined by the use of the scale appearing on such map.

ZONING AND SUBDIVISION REGULATIONS

Section 1.04 GENERAL PROVISIONS

- A. Buildings and land shall be used for purposes permitted in the district in which the building or land is located. See Section 2.26 for regulations pertaining to non-conforming uses.
- B. A building shall be erected, converted, enlarged, reconstructed or structurally altered in conformity with the height, off-street parking, loading, and area regulations of the district in which the building is located.
- C. The density and yard regulations of this chapter are minimum regulations for each and every building at the effective date of this chapter and for any building hereafter erected or structurally altered. Land required or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for that one (1) building.
- D. Every building hereafter erected or structurally altered shall be located on a lot as except as otherwise provided in this chapter.
- E. These regulations shall apply to land regardless of the form of ownership.

Article 2.DISTRICT AND USES

Section 2.01 AGRICULTURAL

- A. **Purpose of District**
 - (1.)This zone is intended for farms and land on the fringe of the urbanized area that is unimproved or wooded. It is not intended for commercial production of livestock, poultry or concentrated animal feeding operations (CFO).
- B. **Permitted Uses**
 - (1.)This includes the raising of livestock, crops, orchards, forestry, or temporary impoundments used for rice farming or flood irrigation.
 - (2.)Apiaries, aviaries, fish hatcheries, and fur bearing farming
 - (3.)Nursery and greenhouse operations.
 - (4.)Farm and produce on-site sales.
 - (5.)Wineries and associated on-site sales
 - (6.)Hunting, fishing and propagation of wildlife.

ZONING AND SUBDIVISION REGULATIONS

- (7.)Boarding stables and the associated riding and training activities.
- (8.)Home occupations with up to twenty hours a week of retail sales.
- (9.)Single family dwellings to include site built homes, modular homes, Class A and Class B manufactured homes on an un-subdivided lot not to exceed two dwelling units per lot and a maximum density of one single family home per five areas.
- (10.)Cemeteries.
- (11.)Private kennel.
- (12.)Private non-commercial recreational areas.

C. Accessory Uses

- (1.)Living Quarters of persons employed on the premises.
- (2.)A private garage, workshop, parking area, or stable.
- (3.)Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.
- (4.)Temporary buildings for uses incidental to construction work that is incidental to a permitted use.

D. Conditional Use Permits

- (1.)Schools; cultural, administrative or public buildings.
- (2.)Churches and other places of worship expected to exceed three thousand (3,000) gallons of wastewater per day, including parish houses and Sunday schools, but excluding overnight shelters and temporary outdoor revivals.
- (3.)Temporary roadside stands for non-agricultural commercial sales.
- (4.)Commercial mills, oil drilling, quarries and gravel pits, temporary sawmill for cutting timber grown on the premises;
 - a) Provided that any lot or tract of land containing such uses is not less than ten (10) acres in area.
 - b) That the location of any power-driven or power-producing machinery affixed to the real estate shall comply with distance of five hundred (500) feet from any R Zoning District.
- (5.)Bed and Breakfast
- (6.)Golf Course with clubhouse and driving range as accessory uses.
(Miniature golf courses are not included)
- (7.)Major or Multiple-Use Subdivisions
- (8.)Private commercial recreational area

ZONING AND SUBDIVISION REGULATIONS

- (9.) Commercial cemeteries, including mausoleums and crematories provided that the new cemetery contains an area not less than twenty (20) acres.
- (10.) Hospitals and sanitariums, including institutions for contagious disease and the insane, addiction disorders, and penal or correctional institutions.
- (11.) Airports and landing fields, subject to provisions of the Missouri State Statutes.
- (12.) Rifle, skeet, trap and pistol ranges and similar uses provided that the physical layout of such uses (firing line, targets, range, etc.) shall be located a minimum of one thousand (1,000) feet from any R Zoning District.

E. Height Density and Yard Requirements

- (1.) All lots and tracts of property created after the effective date of these regulations shall have a minimum width dimension of two hundred (200) feet measured through the building area of the lot (between the front and rear setbacks) measured perpendicular to the centerline of the lot.
- (2.) The maximum height of any non-farm structure shall be fifty (50) feet above the finished grade.
- (3.) Lots and tracts located in the A – Agricultural Zoning District may include the area of road right-of-way.
- (4.) Minimum yard setback requirements:
 - a) Minimum front setbacks:
 - i) Forty (40) feet from any publicly maintained roadway
 - ii) Thirty (30) feet from any privately maintained roadway
 - b) Minimum side corner yard setback – Twenty (20) feet
 - c) Minimum side yard setback – Twenty (20) feet
 - d) Minimum rear yard setback – Forty (40) feet

ZONING AND SUBDIVISION REGULATIONS

Section 2.02 A-R - AGRICULTURAL/RESIDENTIAL

A. Purpose of District

- (1.) This district provides for some low density residential use of acreages without changing the predominant rural character of the land. Residential uses would be regulated by density and sewerage disposal requirements

B. Permitted Uses

- (1.) Single-family dwellings to include site built homes, modular homes, Class A and B manufactured homes. Maximum density of one (1) single-family dwelling per three acres.
- (2.) This includes the raising of crops, livestock, orchards, or forestry, or to seasonal or temporary impoundments used for rice farming or flood irrigation.
- (3.) Private nursery and greenhouse operations.
- (4.) Hunting, fishing and propagation of wildlife.
- (5.) Cemeteries.
- (6.) Private kennel
- (7.) Private non-commercial recreational areas.
- (8.) Group homes, if the maximum residential density does not exceed a total of ten (10) persons.
- (9.) Churches, schools, public buildings, structures, and properties of recreational, cultural, administrative or public service that have a minimum lot area of five (5) acres.

C. Accessory Uses

- (1.) Accessory use buildings and structures customarily incidental to the aforesaid permitted uses.
- (2.) Living quarters of persons employed on the premises that are not rented or otherwise used as separate dwelling.
- (3.) Temporary buildings for uses that are incidental to construction work, which will be removed at the completion of or abandonment of the construction work.
- (4.) Day care homes, if not more than six (6) children are kept.

D. Conditional Use Permits

- (1.) Schools; cultural, administrative or public buildings.

ZONING AND SUBDIVISION REGULATIONS

- (2.) Churches and other places of worship expected to exceed three thousand (3,000) gallons of wastewater per day, including parish houses and Sunday schools, but excluding overnight shelters and temporary outdoor revivals.
- (3.) Bed and Breakfast
- (4.) Golf Course with clubhouse and driving range as accessory uses. (Miniature golf courses are not included)
- (5.) Major or Multiple-Use Subdivisions
- (6.) Private commercial recreational area
- (7.) Commercial cemeteries, including mausoleums and crematories provided that the new cemetery contains an area not less than twenty (20) acres.
- (8.) Commercial kennels, animal hospitals, veterinary clinics or private kennels.
- (9.) Day Care Homes, if not more than ten (10) children are kept with a maximum of two (2) overlap.
- (10.) Special events that are non-commercial or non-profit in nature.

E. Heights Density and Yard Requirements

- (1.) All lots and tracts of property created after the effective date of these regulations shall have a minimum width dimension of one hundred fifty (150) feet measured through the building area of the lot (between the front and rear setbacks) measured perpendicular to the centerline of the lot.
- (2.) All lots and tracts of property created after the effective date of these regulations shall have a minimum area of three (3) acres.
- (3.) The maximum height of any non-farm structure shall be fifty (50) feet above the finished grade.
- (4.) Lots and tracts located in the AR – Agricultural/Residential Zoning District may include the area of road rights-of-way.
- (5.) Minimum yard setback requirements.
 - a) Minimum front setbacks:
 - i) Forty (40) feet from any publicly maintained roadway.
 - ii) Thirty (30) feet from any privately maintained roadway.
 - b) Minimum side corner yard setback – Thirty (30) feet.
 - c) Minimum side yard setback – Twenty (20) feet.
 - d) Minimum rear yard setback – Twenty (20) feet.

ZONING AND SUBDIVISION REGULATIONS

ZONING AND SUBDIVISION REGULATIONS

Section 2.03 P-1 – PARKS

A. Purpose of District

- (1.) This zone provides for open space and recreation use. It is intended for trails, conservation area, public picnic facilities, and other green space uses.

B. Permitted Uses

- (1.) National, state, and local public parks and reserves, to include park, public access areas, and public game area.
- (2.) Those areas where floodplains, wetlands, conservations lands, and other public and private no-build areas exist or are established.
- (3.) Public game area (baseball, softball, soccer, etc.) that do not involve significant impervious surface areas.
- (4.) Fishing and propagation of wildlife.
- (5.) Special events that are non-profit or non-commercial in nature.

C. Accessory Uses

- (1.) Any accessory uses, buildings or structures customarily incidental to the aforesaid permitted uses.
- (2.) Public buildings and structures incidental to the aforesaid permitted uses.

D. Conditional Use Permits

- (1.) Private non-commercial recreational areas
- (2.) Public golf course

E. Height, Density and Yard Requirements

- (1.) The maximum height of any structure shall fifty (50) feet above the finished grade.
- (2.) At least seventy-five percent (75%) of any property with the P-1 Zoning District designation must be maintained as green space.
- (3.) Lots and tracts located in the P-1 Parks Zoning District may include the area of road rights-of-way.
- (4.) Minimum yard setback requirements.
 - a) Minimum front yard setback – Fifty (50) feet
 - b) Minimum side corner yard setback – Thirty (30) feet
 - c) Minimum side yard setback – Twenty (20) feet
 - d) Minimum rear yard setback – Fifty (50) feet

ZONING AND SUBDIVISION REGULATIONS

Section 2.04 P-2 - COMMERCIAL PARKS

A. Purpose of District

- (1.) Commercial use parks, such as those rented by church groups requiring higher traffic volumes and overnight facilities would be permitted in this district. Other examples include golf courses, driving ranges, and those allowing limited overnight stays.

B. Permitted Use

- (1.) Any use included as a permitted use in the P-1 Zoning District.
- (2.) Camping facilities (church, youth, commercial) that provide the necessary water and sanitary facilities for over-night occupation, but only limited provision for structural sleeping facilities (cabins or recreational vehicles).
- (3.) Public and private golf courses including pro shop.
- (4.) Commercial recreational facilities (snow ski, wild animal parks, dude ranch, or similar venues that include substantial green or open spaces).

C. Accessory Uses

- a) Accessory uses, buildings and structures customarily incidental to the aforesaid permitted uses
- b) Public buildings and structures incidental to the aforesaid permitted uses.
- c) Living quarters for persons employed on the premises that are not rented or otherwise used as a dwelling unit (primarily for security purposes).

D. Conditional Use Permits

- a) Private lakefront recreational developments (any development that involves docks, seawalls, or shoreline amendments).
- b) Amusement rides and mechanical recreational facilities.
- c) Special events.

E. Height, Density and Yard Requirements

- (1.) All tracts and lots of property created after the effective date of these regulations shall have a minimum area of five (5) acres.
- (2.) The maximum height of any structure shall be fifty (50) feet above the finished grade.
- (3.) At least seventy-five per cent (75%) of any property within the P-1 Zoning District designation must be maintained as green space.

ZONING AND SUBDIVISION REGULATIONS

- (4.) Lots and tracts located in the P-2 Parks Zoning District may include the area of road rights-of-way.
- (5.) Minimum yard setback requirements:
 - a) Minimum front yard setback – Forty (40) feet
 - b) Minimum side corner yard setback – Twenty (20) feet
 - c) Minimum side yard setback – Twenty (20) feet
 - d) Minimum rear yard setback – Forty (40) feet

Section 2.05 R-1-SINGLE FAMILY RESIDENTIAL

A. Purpose of District

- (1.) This zoning is intended for single family detached dwellings. It is intended for low density family oriented neighborhoods both existing and future developments.
- (2.) Provision is also made for educational, recreational, and religious uses that are customarily associated with residential uses.

B. Permitted Use

- (1.) Single-family dwellings to include site built homes and modular homes.
- (2.) Public, private and parochial schools.
- (3.) Public parks, playgrounds, swimming pools, community centers, athletic fields and recreational buildings therein. Commercial endeavors are prohibited unless they are approved by the Village and are conducted in conjunction with an event or activity taking place at the location.
- (4.) Non-commercial agriculture uses.
- (5.) Temporary buildings to house offices, equipment or other functions incidental to construction and development activities. These temporary structures shall be removed within eleven (11) months from date of permit for their placement.

C. Accessory Uses

- (1.) Customary accessory structures that include garages, carports, gazebos, fireplaces and similar accessory uses.
- (2.) Boat Docks.
- (3.) Garage workshops for private uses.
- (4.) Noncommercial studios and workshops.
- (5.) Noncommercial nurseries, greenhouses and gardens.

ZONING AND SUBDIVISION REGULATIONS

- (6.) Home based businesses that do not employ more than one (1) employee, not related to the resident, space used by business cannot exceed twenty-five percent (25%) of residence and the business cannot change the external appearance of the home.
- (7.) Patios, decks, and similar structures.
- (8.) Private swimming pools and recreational facilities i.e. basketball court and tennis courts. Swimming pools shall not be placed in the front setback off the road (non lake front homes) or back setback off the road (lake front home).

D. Conditional Use Permits

- (1.) Cemeteries, not including mausoleums and crematories, provided that the new cemetery contains an area not less than five (5) acres.
- (2.) Churches and other places of worship including overnight shelters and excluding temporary outdoor revivals.
- (3.) Educational facilities of general instruction including cultural, administrative, and/or public buildings.
- (4.) Model homes in Major Subdivisions or Planned Unit Developments.
- (5.) Day care homes, if not more than ten (10) children are kept in addition to the resident family and subject to state licensing requirements.
- (6.) Fraternal or private clubs (including country clubs).
- (7.) Bed and Breakfast.
- (8.) Neighborhood or local retail store that meets the following restrictions:
 - a) Involves indoor sales of general goods.
 - b) Does not involve the sale of fuel or alcohol
 - c) Located a minimum of two hundred (200) feet from an existing residential structure or residential subdivision lot
 - d) Does not exceed ten thousand (10,000) square feet in gross floor space.
- (9.) Special events that are non-commercial or non-profit in nature.

ZONING AND SUBDIVISION REGULATIONS

E. Height, Density, and Yard Requirements

- (1.) All lots of property, excluding those for utility facilities and accessory use lots, created after the effective date of these regulations shall have a minimum road frontage dimension of fifty (50) feet and a width dimension of seventy (70) feet measured through the building area of the lot in at least one location (between the front and rear setbacks) measured perpendicular to the centerline of the lot. On cul-de-sacs and curves the minimum road frontage measurement may be measured along the arc of the setback, although actual road frontage cannot be reduced below twenty-five (25) feet in this manner.
- (2.) All tracts of property created after the effective date of these regulations shall have a minimum lot area of eight thousand five hundred (8,500) square feet. All lots must be connected to village sewer system.
- (3.) The maximum height of any non-farm structure shall be fifty (50) feet above the finished grade.
- (4.) The minimum size of any residential structure in the R-1 Zoning District shall be one thousand (1000) square feet.
- (5.) Lots and tracts located in the R-1 Low Density Residential Zoning District shall not include the area of road rights-of-way.
- (6.) Minimum yard setback requirements:
 - a) Minimum front yard setback – Twenty-five (25) feet.
 - b) Minimum side corner yard setback – Fifteen (15) feet.
 - c) Minimum side yard setback – Ten (10) feet.
 - d) Minimum rear yard setback – Fifteen (15) feet.

Section 2.06 R-2 - MEDIUM DENSITY RESIDENTIAL

A. Purpose of District

- (1.) This zoning permits higher density residential uses such as duplexes, villas, town homes and fourplexes.

B. Permitted Uses

- (1.) Any use included as permitted uses in R-1 District.
- (2.) Residential structures with four (4) or fewer dwelling units such as duplexes, villas, town houses, fourplexes and other similar residential structures

ZONING AND SUBDIVISION REGULATIONS

(3.)Bed and breakfast.

C. Accessory Uses

- (1.)Any use included as an accessory use in R-1 District
- (2.)Any accessory uses buildings or structures customarily incidental to the aforesaid permitted uses.
- (3.)Day care home if not more than six (6) children are kept in addition to any resident children.

D. Conditional Use Permits

- (1.)Any use listed as a conditional use permit under the provisions of the R-1 Zoning District that have not been addressed as a principal permitted use.
- (2.)Class B Manufactured Home
- (3.)Children's day care center provided that not more than ten (10) children are kept with not more than a two (2) child overlap that meets state licensing requirements.
- (4.)Rest or nursing homes for convalescent patients provided that no more than twelve (12) patients are kept.
- (5.)Boarding house with no more than three (3) rooms used for boarding.

E. Height, Density, and Yard Requirements

- (1.)All tracts and lots of property, excluding those for utility facilities and accessory use lots, created after the effective date of these regulations shall have a minimum road frontage dimension of fifty (50) feet and a width dimension of seventy (70) feet measured through the building area of the lot in at least one location (between the front and rear setbacks) measured perpendicular to the centerline of the lot. On cul-de-sacs and curves the minimum road frontage measurement may be measured along the arc of the setback, although actual road frontage cannot be reduced below twenty-five (25) feet in this manner.
- (2.)All tracts and lots of property created after the effective date of these regulations shall have a lot area eight thousand five hundred (8,500) square feet. All lots must be connected to Village water and sewer systems.

ZONING AND SUBDIVISION REGULATIONS

- (3.)The maximum height of any non-farm structure shall be fifty (50) feet above the finished grade.
- (4.)The minimum size of any residential units in the R-2 Zoning District shall be seven hundred fifty (750) square feet.
- (5.)Lots and tracts located in the R-2 Medium Density Residential Zoning District shall not include the area of road rights-of-way.
- (6.)Minimum yard setback requirements:
 - a) Minimum front yard setback – Twenty-five (25) feet.
 - b) Minimum side corner yard setback – Fifteen (15) feet.
 - c) Minimum side yard setback – Ten (10) feet.
 - d) Minimum rear yard setback – Fifteen (15) feet.
- (7.)Zero lot lines will be considered during the permit procedures.

Section 2.07 R-3 - HIGH DENSITY RESIDENTIAL

A. Purpose of District

- (1.)This zoning permits higher density multi-family use such as apartment complexes and condominiums.

B. Permitted Uses

- (1.)Any use included as a permitted uses in R-2 District
- (2.)Residential structures with five (5) or more dwelling units such as apartments, condominiums and other similar structures.
- (3.)Institutional (nursing, rest, convalescent homes as well as educational or religious facilities) on a site not less than five (5) acres and provided that less than fifty percent (50%) of the site can be covered with impervious surfaces.
- (4.)Day care center for children or adults provided that not more than ten (10) children or adults are kept with no more than two (2) person overlap. These centers must be licensed as required.

C. Accessory Uses

- (1.)Any use included as an accessory use in R-2 District.
- (2.)Any accessory uses buildings or structures customarily incidental to the aforesaid permitted uses.
- (3.)Property management or sales office.
- (4.)Model unit or dwelling
- (5.)Storage and parking areas to serve residents.

D. Conditional Use Permits

ZONING AND SUBDIVISION REGULATIONS

- (1.) Any use listed as a conditional use permit under the provisions of the R-2 Zoning District that have not been addressed as a principal permitted use.
- (2.) Children's day care center provided that not more than twenty (20) children are kept with no more than a five (5) child overlap that meets state licensing requirements.

E. Height, Density, and Yard Requirements

- (1.) All lots of property, excluding those for utility facilities and accessory use lots, created after the effective date of these regulations shall have a minimum road frontage dimension of fifty (50) feet and a width dimension of seventy (70) feet measured through the building area of the lot in at least one location (between the front and rear setbacks) measured perpendicular to the centerline of the lot. On cul-de-sacs and curves the minimum road frontage measurement may be measured along the arc of the setback. Although actual road frontage cannot be reduced below twenty-five (25) feet in this manner.
- (2.) All tracts of property created after the effective date of these regulations shall have a minimum area of ten thousand (10,000) square feet. Multi-family units will be allowed a density of seventeen (17) units per acre when all the conditions of this code are met.
- (3.) The maximum height of any structure shall be sixty-five (65) feet above the average finished grade.
- (4.) The minimum size of any residential dwelling unit in the R-3 Zoning District shall be five hundred (500) square feet.
- (5.) Lots and tracts located in the R-3 High Density Residential Zoning District shall not include the area of road rights-of-way.
- (6.) Minimum yard setback requirements.:
 - a) Minimum front yard setback – Twenty-five (25) feet.
 - b) Minimum side corner yard setback – Fifteen (15) feet.
 - c) Minimum side yard setback – Ten (10) feet.
 - d) Minimum rear yard setback – Fifteen (15) feet.
- (7.) Zero lot lines will be considered during the permit procedures. See Section 2.15 for additional requirements.

ZONING AND SUBDIVISION REGULATIONS

ZONING AND SUBDIVISION REGULATIONS

Section 2.08 R-4 - MANUFACTURED HOME PARKS

A. Purpose of District

- (1.) This zoning is intended for manufactured home parks. It is intended for dwellings with central water systems and appropriate sewer facilities.
- (2.) Provision is also made for such educational, recreational, and religious uses as are customarily associated with residential uses to provide the basic elements of a balanced and attractive area.

B. Permitted Uses

- (1.) Any use included as a permitted uses in R-2 District.
- (2.) Class A manufactured Homes.

C. Accessory Uses

- (1.) Any use included as an accessory use in R-2 District.
- (2.) Any accessory uses buildings or structures customarily incidental to the aforesaid permitted uses.
- (3.) Property management or sales office.
- (4.) Storage and parking areas to serve residents.

D. Conditional Use Permits

- (1.) Any use listed as conditional use permit under the provisions of the R-2 Zoning District that have not been addressed as principal permitted use.

E. Height, Density, and Yard Requirements

- (1.) Any manufactured home park development that is approved and established after the effective date of the regulations shall meet the following standards.
- (2.) No manufactured home parks shall be constructed on a parcel of property, which has an area of less than five (5) acres.
- (3.) All manufactured home parks shall provide a minimum of a twenty-five (25) foot wide landscaped buffer strip along all roads that border the development.
- (4.) Tornado Shelters (Safe Room) must be provided within a reasonable distance of all manufactured homes.

ZONING AND SUBDIVISION REGULATIONS

- (5.) All manufactured home parks shall provide a combined storage/parking area of at least two hundred (200) square feet in area for each manufactured home space in the development. This storage parking area is intended to provide space for the residents of the park to store boats, recreational vehicles, extra vehicles, etc.
- (6.) The residential density of a manufactured home park shall be specifically related to the existing topography and ability of the site to contain dwelling units in compliance with all required standards. In no case shall the density exceed eight (8) dwelling units per acre.
- (7.) The following separations shall be followed within all manufacture home parks:
 - a) Minimum of a fifty (50) feet front yard measured from the centerline of the internal roadways.
 - b) Minimum of a thirty-five (35) feet side corner yard measure from the centerline of the internal roadways.
 - c) Minimum of a fourteen (14) foot side yard separation including appurtenances.
 - d) Minimum of a twenty (20) foot rear yard separation including appurtenances.
- (8.) Manufactured home parks with more than twenty-four (24) spaces shall maintain a minimum common usable open space of ten percent (10%) of the gross area of the development.
- (9.) Only one (1) manufactured home will be allowed per site. Park Model units are not to be placed like a manufactured home.
- (10.) The minimum size of any residential dwelling unit in the R-4 Zoning District shall be eight hundred eighty (880) square feet.

Section 2.09 C-1 - OFFICE/LOW IMPACT COMMERCIAL

A. Purpose of District

- (1.) This zoning is intended for light commercial use. Neighborhood business uses providing personal services and professional offices. These uses generally have a square footage restriction to provide optimum buffering from heavier uses and residential neighborhoods.
- (2.) The principal use of land is to provide an area for smaller structures in a landscaped setting.

[50]

ZONING AND SUBDIVISION REGULATIONS

B. Permitted Use

- (1.) Residential dwelling where the structure is commercial and living quarters are provided for the owner/employees of the commercial use.
- (2.) Office and administrative uses such as government offices, professional offices, financial offices, real estate offices and other similar uses.
- (3.) Personal service establishments including beauty parlors, barber shops, dry cleaning and laundry pickup, shoe repair, self-service laundromats, funeral homes, service stations, and other similar uses.
- (4.) Restaurants, cafes, and soda fountains.
- (5.) Retail establishments located within a completely enclosed building and that do not exceed ten thousand (10,000) square feet in area.
- (6.) Day care center for children or adults provided that not more than twenty (20) individuals are kept with no more than a five (5) person overlap, that meets state licensing requirements.
- (7.) Churches and other places of worship including overnight shelters and temporary outdoor revivals.
- (8.) Educational facilities of general instruction including cultural, administrative, and/or public building.
- (9.) Emergency medical transportation stations.
- (10.) Fire Stations.
- (11.) Medical clinics to include doctor's offices.
- (12.) Miniature golf or go-cart track.

C. Accessory Uses

- (1.) Any accessory uses, buildings or structures customarily incidental to the aforesaid permitted uses.
- (2.) Single-family dwelling to include site built home, modular home, Class A manufactured home, provided that the residential unit is occupied by the owner and operator or a full-time employee of the principal permitted use.
- (3.) Sufficient parking and loading sites required to serve the principal use.

D. Conditional Use Permits

ZONING AND SUBDIVISION REGULATIONS

- (1.) Banking and financial institutions with drive-up or drive through facilities.
- (2.) Restaurants with drive-up or drive through service or that have outdoor dining area
- (3.) Restaurants, clubs, bars, or that include dancing and/or live entertainment
- (4.) Convenience store with outdoor fuel sales.
- (5.) Medical clinic with pharmacy.
- (6.) Commercial kennel without veterinary clinic.

E. Height, Density, and Yard Requirements

- (1.) The maximum height of any structure shall be fifty (50) feet above the average finished grade.
- (2.) All lots of property created after the effective date of these regulations shall have a minimum road frontage dimension of eighty (80) feet.
- (3.) A maximum of seventy-five percent (75%) of the development site shall be covered with impervious cover (roofs, parking, sidewalks, etc.)
- (4.) Lots and tracts located in the C-1 Office/Low Impact Commercial Zoning District shall not include the area of road rights-of-way.
- (5.) Minimum yard setback requirements:
 - a) Minimum front yard setback – Fifty (50) feet
 - b) Minimum side corner yard setback – Twenty (20) feet
 - c) Minimum side yard setback – Twenty (20) feet
 - d) Minimum rear yard setback – Twenty (20) feet
- (6.) All C-1 Districts that border developed R-1, R-2, R-3, R-4, A, A-R, P-1 or P-2 districts will be required to provide a fifty percent (50%) visual buffer, or screen, under fall and winter foliage conditions.
- (7.) Zero lot lines will be considered during the permit procedures. See Section 2.15 or additional requirements.

Section 2.10 C-2 - GENERAL COMMERCIAL

A. Purpose of District

ZONING AND SUBDIVISION REGULATIONS

- (1.) This is a heavier density commercial zone with higher traffic volumes and square footage requirements. Auto repair, car sales and service, and hotels are examples. Establishments provide retail services at the community level and the residents and citizens from a more than local distance.

B. Permitted Use

- (1.) Any use included as a principal permitted use in the C-1 Zoning District except as herein modified.
- (2.) Automobile, truck, trailer, farm implement, boat sales, and marine supply establishments for display, hire, sales, repair and including sales lots, provided that all operations, other than display and sales, shall be contained within a completely enclosed building.
- (3.) Motor vehicle repair and service to include drive-up service, but with no outdoor storage of wrecks, vehicle parts, or salvaged materials.
- (4.) Banks and financial companies, including drive-in type, department and variety stores, specialty shops, studios, including commercial broadcasting schools.
- (5.) Bar, restaurant, cocktail lounge, liquor store, billiard parlor, pool hall, bowling alley, and similar uses.
- (6.) Camper or RV Park.
- (7.) Drive-In eating and drinking establishments, including entertainment and dancing.
- (8.) Indoor theaters.
- (9.) Hotels, motels, and other lodging enterprises.
- (10.) Carpenter shops, electrical, plumbing and heating shops, printing, publishing, or lithographing shops, funeral or mortuary, furniture upholstery provided that any such use be conducted within a completely enclosed building.
- (11.) Pet shop, animal hospital, veterinary clinic or kennel
- (12.) Skating rinks, dance halls, arcades, bakery, laundry, or commercial greenhouses.
- (13.) Outdoor advertising structure.
- (14.) Commercial Marina

C. Accessory Uses

ZONING AND SUBDIVISION REGULATIONS

- (1.) Any accessory uses, buildings or structures customarily incidental to the aforesaid permitted uses.

ZONING AND SUBDIVISION REGULATIONS

D. Conditional Use Permits

- (1.) Drive-In theaters, commercial baseball fields, swimming pools, golf driving ranges, livery stables and riding academies, amusement parks, massage parlors, health care, night clubs, or recreational uses including water slides, race tracks or similar uses.
- (2.) Single-family dwelling to include site built home, modular home, Class A or Class B manufactured home, provided that the residential unit is occupied by the owner and operator or a full-time employee of the principal permitted use.
- (3.) Self-storage facilities.

E. Height, Density, and Yard Requirements

- (1.) The maximum height of any structure shall be fifty (50) feet above the finished grade.
- (2.) All tracts and lots of property created after the effective date of these regulations shall have a minimum road frontage dimension of eighty (80) feet.
- (3.) All tracts and lots of property created after the effective date of these regulations shall have a minimum area of twelve thousand (12,000) square feet.
- (4.) A maximum of seventy-five percent (75%) of the development site shall be covered with impervious cover (roofs, parking, sidewalks, etc.).
- (5.) Lots and tracts located in the C-2 General Commercial Zoning district shall not include the area of road rights-of-way.
- (6.) Minimum yard setback requirements:
 - a) Minimum front yard setback – Fifty (50) feet
 - b) Minimum side corner yard setback – Twenty (20) feet
 - c) Minimum side yard setback – Zero (0) feet
 - d) Minimum rear yard setback – Zero (0) feet
- (7.) All C-2 Districts that border developed R-1, R-2, R-3, R-4, A, A-R, P-1 or P-2 Districts will be required to provide a fifty percent (50%) visual buffer, or screen, under fall and winter foliage conditions.

ZONING AND SUBDIVISION REGULATIONS

Section 2.11 C-3 - HIGH IMPACT COMMERCIAL

A. Purpose of District

- (1.) High impact commercial with high traffic as well as large square footage requirements characterize this zone. Uses that require buffering such as concrete mixing fit this classification.

B. Principal Permitted Uses

- (1.) Any use included as a principal permitted use in the C-2 Zoning District except as herein modified.
- (2.) Big Box retailers
- (3.) Convention Centers
- (4.) Drive-In theaters
- (5.) Arenas, water parks, race tracks and other such entertainment venues.
- (6.) Shopping centers, hospitals and sanitariums
- (7.) Building Material sales yard, to include concrete mixing
- (8.) Retail lumber yard
- (9.) Stone and concrete monument and statuary sales yard
- (10.) Dock/Lift assembly sites. Not to include salvage operations

C. Accessory Uses

- (1.) Any accessory use or structure customarily accessory and incidental to the listed principal permitted uses.

D. Conditional Use Permits

- (1.) Gaming or gambling facilities
- (2.) Any use listed as a permitted use in the C-3 High Impact Commercial Zoning District that qualifies as a lake frontage development must be reviewed as a conditional use permit to address the special issues concerning such a location.

E. Height, Density, and Yard Requirements

- (1.) The maximum height of any structure shall be one hundred twenty (120) feet above the average finished grade.
- (2.) All tracts and lots of property created after the effective date of these regulations shall have a minimum road frontage dimensions of sixty (60) feet.

ZONING AND SUBDIVISION REGULATIONS

- (3.) All lots of property created after the effective date of these regulations shall have a minimum area of twelve thousand (12,000) square feet.
- (4.) A maximum of seventy-five percent (75%) of the development site shall be covered with impervious cover (roofs, parking, sidewalks, etc.).
- (5.) Lots and tracts located in the C-3 High Impact Commercial Zoning District shall not include the area of road rights-of-way.
- (6.) Minimum yard setback requirements:
 - a) Minimum front yard setback – Forty (40) feet
 - b) Minimum side corner yard setback – Twenty (20) feet
 - c) Minimum side yard setback – Zero (0) feet
 - d) Minimum rear yard setback – Zero (0) feet
- (7.) All C-3 Districts that border developed R-1, R-2, R-3, R-4, A, A-R, P-1 or P-2 Districts will be required to provide a fifty percent (50%) visual buffer, or screen, under fall and winter foliage conditions.

Section 2.12 I – INDUSTRIAL

A. Purpose of District

- (1.) This zone provides for light manufacturing, sewage treatment facilities, transfer stations, and metal storage requiring some heavy machinery and when planned properly would minimize effects on residential districts.

B. Permitted Uses

- (1.) Warehouse Distribution Centers (break, bulk, and transportation)
- (2.) Dry cleaning facilities
- (3.) Recycling center and transfer station
- (4.) Light manufacturing uses.
- (5.) Truck or bus terminal.
- (6.) Water and sewage treatment plants.
- (7.) Commercial power generation plants.
- (8.) Warehousing (not to include self storage).
- (9.) Salvage operations.
- (10.) Food processing and packaging facilities

C. Accessory Uses

ZONING AND SUBDIVISION REGULATIONS

- (1.) Any accessory use or structure customarily accessory and incidental to the listed principal permitted uses including product sales.
- (2.) Smoke stacks, water towers, and other facilities that exceed the normal heights limits, but are a normal and expected structure to serve the principal permitted use.

D. Conditional Use Permits

- (1.) Any use not previously listed as a principal permitted use in any other district or that does not more properly belong to another district considering the intensity of the use and any characteristics of the districts.
- (2.) Any use listed as a permitted use in the I Industrial Zoning District that qualifies as a lake frontage development must be reviewed as a conditional-use permit to address the special issues concerning such a location.

E. Height, Density, and Yard Requirements

- (1.) The maximum height of any structure, excluding utility structures, shall be one hundred twenty (120) feet above the average finished grade.
- (2.) All tracts and lots of property created after the effective date of these regulations shall have a minimum road frontage dimension of one hundred (100) feet.
- (3.) Lots and tracts in the I-Industrial Zoning District shall not have a minimum lot size.
- (4.) A maximum of eight-five percent (85%) of the development site shall be covered with impervious cover (roofs, parking, sidewalks, etc.).
- (5.) Lots and tracts located in the I-Industrial Zoning District shall not include the area of road rights-of-way.
- (6.) Minimum yard setback requirements:
 - a) Minimum front yard setback – Fifty (50) feet
 - b) Minimum side corner yard setback – Twenty-five (25) feet
 - c) Minimum side yard setback – Twenty (20) feet
 - d) Minimum rear yard setback – Forty (40) feet

ZONING AND SUBDIVISION REGULATIONS

- (7.) All I-Industrial Districts that border developed C-1, C-2, R-1, R-2, R-3, R-4, A, A-R, P-1, or P-2 Districts will be required to provide a fifty percent (50%) visual buffer, or screen, under fall and winter foliage conditions.

ZONING AND SUBDIVISION REGULATIONS

Section 2.13 PUD – PLANNED UNIT DEVELOPMENT

A. Purpose of District

- (1.) A Planned Unit Development District is a district option that provides a degree of flexibility to large scale developments that would normally be the case in a single zoning district. The intent is to provide the ability to mix land uses, modify regulatory design standards and develop a particular theme. This provides advantages to the developer but also to the community by ensuring an enhancement of the development area with a cohesive or unified nature of such a large development. A PUD District shall have a minimum area of twenty (20) acres unless the commission determines that topographic or other circumstances warrant a smaller area.
- (2.) The use of the land shall be in general conformance with the permitted uses of the zoning district in which the proposed PUD is to be located.

B. Intent

- (1.) To permit flexibility in site design by taking into consideration varying topographic conditions present within the proposed site.
- (2.) To achieve more efficient use of the land, which can result from larger scale or multiple use developments.
- (3.) To encourage the provision of open space and other amenities that will create quality developments.
- (4.) To protect and preserve scenic assets and natural features and to have these features incorporated in the development.
- (5.) To foster a more stable community by providing a variety and balance of housing types and living environments.
- (6.) To encourage and permit variety in the location of buildings, roads, parking facilities, and other infrastructure activities.
- (7.) To increase the safety of pedestrians and vehicular traffic by reducing the number of traffic conflict points within a development.

C. Application Procedure

ZONING AND SUBDIVISION REGULATIONS

- (1.) Pre-Application Conference - The developer must schedule a pre-application conference with the Planning Administrator. Sufficient graphical representation of the proposed development must be brought to this meeting as to provide a significant level of discussion. At a minimum the plans must show the topography, existing natural and built features, planned infrastructure, proposed structures and land uses, and what variations from the existing zoning district are proposed. This conference is required but it is not a regulatory proceeding and is intended as a service to the developer.
- (2.) Application – The application for a PUD is processed using the forms and procedure that is used for a Conditional-Use Permit. The significant difference is in the required submittals that must be provided at the time the application is presented. Additionally the fees will be a combination of those required for a Conditional-Use Permit plus a Preliminary Plat. The following is a listing of the minimum submittal requirements:
 - a) Completed Application.
 - b) Development (or Area) Plan
 - c) Property Ownership information (Warranty Deed)
 - d) Complete legal description of the property involved in the proposal.
 - e) Detailed written description of the proposed development
- (3.) Development (or Area) Plan – The plan is a combination of the graphical and written description of the proposed Planned Unit Development. At a minimum it must include:
 - a) Name of the proposed “PUD” project.
 - b) Scale, date, north arrow, and developer’s name.
 - c) A key map showing the “PUD” in relation to the surrounding area.
- (4.) Existing – A graphical representation of the proposed development and the area within two hundred (200) feet of the project that depicts; names of subdivisions, layout of all streets (with names if existing), right-of-way widths, easements, sidewalks, location and size of existing infrastructure (sewer, water, storm water, etc.).

ZONING AND SUBDIVISION REGULATIONS

- (5.) Proposed – A graphical representation of the proposed development depicting all structures, land-uses, infrastructure improvements, amenities, open space, lot layout, basic dimensions, and any other information necessary to clearly represent the proposal.
- (6.) Topography with at least a five (5) foot contour interval. Identify the location of any significant topographic features (springs, streams, lake, sinkholes, etc.). Identify those features to be retained and incorporated into the development.
- (7.) The substance of any covenants, grants of easements, development controls or restrictions, or other devices proposed to be imposed upon the use of land, buildings and structures, and facilities.
- (8.) Proposed phasing plan or stages of development.
- (9.) The number, size, and location of all lots, land-uses, and structures must be clearly represented.
- (10.) Residential Data:
 - a) Estimated total and type of residential units.
 - b) Amount of land to be dedicated to each residential land-use.
 - c) Proposed setbacks, height requirements, and lot sizes, must be listed with clear representation that they do or do not differ from those require by the Zoning and Subdivision Regulations.
- (11.) Commercial Data:
 - a) Estimated total building square footage by land-use type.
 - b) Percentage of building coverage by land-use type.
 - c) Total parking and loading/unloading areas to be provided
 - d) Proposed setbacks, heights requirements, and lot sizes, must be listed with clear representation that they do or do not differ from those required by the Zoning and Subdivision Regulations.
- (12.) The planning commission will review the proposed Planned Unit Development using the same hearing procedure as that used for a Conditional Use Permit. The Public Hearing may be held jointly with the public hearing on any other zoning change and/or Conditional Use Permit or other requested variances that result from the proposed development.

ZONING AND SUBDIVISION REGULATIONS

- (13.) Due to the complex nature of a “PUD” the Planning Commission shall not have the option to move a request of this nature to “old Business” and vote a decision at the same public hearing it is reviewed. The Review Committee is to be given the opportunity to review and make recommendation on all “PUD” request.
- (14.) At the Decision Hearing the Planning Commission shall either approve or deny the Development (or Area) Plan. The decision to approve can include any conditions of approval deemed necessary by the Planning Commission. In the event that the decision is for denial of the Area Plan a clear statement of the reasons for denial must be made and the developer will have the ability to request a one- month stay in the decision to provide opportunity to revise the plan. In this event the Planning Commission shall have the right to approve or deny the revised plan or to allow further revisions to the plan.
- (15.) If the Area Plan is approved by the Planning Commission, the applicant shall review the Area Plan in its approved form. The Applicant and the owner(s) of record shall provide to the Planning Administrator a signed and notarized statement that the approved Area Plan shall be binding on the applicant and the owner(s) of record and upon their heirs, successors, and assigns. The Planned Unit Development shall not be considered to be in an approved status until this statement is submitted.
- (16.) Development of the “PUD” shall proceed using the standard procedures for construction and the development of subdivisions. Final plats will be prepared and submitted in the same manner as for any other development and such Zoning and Construction Permits as are necessary shall be acquired.

D. Standards for Area Plan Approval

- (1.) The minimum land area for a PUD project is twenty (20) acres. It is possible for the Planning Commission to address a smaller area as a PUD, but only when the topographic limits of the property strongly lend itself to such a decision (for example a peninsula of land surrounded by lake).

ZONING AND SUBDIVISION REGULATIONS

- (2.)The use of land shall be in general conformance with the permitted uses of the zoning district, in which the proposed development is to be located and conforms to the adopted Village Master Plan or represents land-use policy, which in the Planning Commission's opinion, is a logical and acceptable change in the Master Plan. The Planning Commission may authorize the incorporation of any of the possible Conditional-Use Permit land-uses from the zoning district it is located in within a Planned Unit Development as long as each such use is clearly delineated and conforms to appropriate controls.
- (3.)The average density of development within the PUD shall remain the same as would be permitted if the area were to be developed in a conventional manner. Average density is to be calculated as the total square footage of covered area divided by the total gross land area of the property. However, the development (buildings and lots) so permitted may be clustered and located irrespective of the normal yard setback requirements in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents.
- (4.)The proposed development shall be adequately served by public facilities and services such as; highways, streets, easements, drainage courses, storm water retention and detention facilities, water and sanitary facilities, in a manner acceptable to the Planning Commission. All such facilities will be required to be permitted by the appropriate agency.
- (5.)Each phase of the development (or stage of development) shall be required to follow the approved Area Plan.
- (6.)Open space, individual properties, and all other elements of the PUD are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and to the surrounding land. All created open spaces shall be permanently secured as such to the satisfaction of the Planning Commission.

ZONING AND SUBDIVISION REGULATIONS

- (7.)The location of the proposed land-uses, layout of the site, and its relation to streets providing access to it, shall be such the traffic to, from, and within the development, and concentration of persons in connection therewith, will not be hazardous or inconvenient to the project or neighborhood. In applying this standard of the Planning Commission should consider among other things, convenient routes for pedestrian traffic (especially children), and the relationship of the project to thoroughfares and street intersections, and the general character and intensity of the existing and potential development in the area.
- (8.)When considering the development as a whole the Planning commission may authorize the combination of land-uses on lots or within buildings so long as such combinations of use are reasonable and serve the residents and general public. An example of this may be the establishment of a community center on a large project where some light commercial uses would exist at street level yet the upper floors of the same structures could be higher density residential land-uses. In all cases where allowing a land-use would be interpreted as a change in the zoning district the approval must be addressed through a public hearing and the final decision made by the Board of Trustees.

E. Effect of Area Plan Approval

- (1.)The approval by the Planning Commission of the Area Plan shall assure the applicant that provided that all land development, platting and construction is diligently pursued in compliance to the development plan all approvals, permits, and final plats will be forthcoming.
- (2.)The approval of a PUD is considered valid as long as the phasing plan or stage plan is followed and the development is completed in a timely manner. With due regard to acquiring all necessary permits and the effect of weather, any development that sits idle and/or has not had a final plat recorded for two (2) years will be considered expired and a new review process will be required. The Planning Administrator may extend this period in one year increments if the circumstances warrant such an extension.
- (3.)Approval of the PUD shall be recognized as the developer's right to construct the development.

ZONING AND SUBDIVISION REGULATIONS

F. Amendment of a PUD Project

- (1.) Minor Modifications – Any proposed change in a PUD that constitutes a minor alteration can be approved by the Planning Administrator. No reduction of open space, increase in the number of lots, increase in the intensity of use, or any change in land-use, can be considered a minor change.
- (2.) Any proposed alteration in a PUD that exceeds what could be considered a minor change by the Planning Administrator must be submitted to the Planning Commission for administrative review and approval. The change does not have to be advertised or dealt with through a public hearing. The amendment will be submitted to the Review Committee for review and recommendation to the Planning Commission who will review and decide to approve or deny the amendment.
- (3.) If the Planning Administrator or the Planning Commission decides that the amendment is of sufficient magnitude as to significantly alter the nature or character of the development the amendment will be required to be submitted to the Planning Commission for public hearing in the same manner as a Conditional-Use Permit.

Section 2.14 LMU – LAKEFRONT MIXED USE DISTRICT

A. Purpose of District

- (1.) The intent of this district is to provide a broad range of lakefront commercial and residential land uses. It can also be used for theme development use within a waterfront parcel. A LMU District must contain a minimum of five (5) acres.
- (2.) Permitted Uses. Single-family, two-family and multi-family residential land uses, marine-related commercial operations, lakefront eating places and similar water-related uses are permitted.
- (3.) High density and yard requirements:

ZONING AND SUBDIVISION REGULATIONS

- a) Single-family
 - i) Minimum lot area – Six thousand Five hundred (6,500) square feet
 - ii) Minimum lot width – Sixty (60) feet
- b) Two-family
 - i) Minimum lot area - Three thousand Five hundred (3,500) feet per family
 - ii) Minimum lot width – Sixty-five (65) feet
 - iii) Minimum lot width (corner lot) – Eighty (80) feet
- c) Multi-family
 - i) Minimum lot area – Seven thousand Five hundred (7,500) or Two thousand Five hundred (2,500) square feet per family, whichever is larger
 - ii) Minimum lot width – Seventy (70) feet
 - iii) The Board of Adjustment may increase the intensity of use for multi-family dwellings by one residential unit, if all the following conditions are met:
 - There is sufficient land area on the site to meet all other requirements, including parking and setbacks.
 - The additional unit permits a more economical design (e.g., an eight-plex rather than a seven-plex); and
 - The variance may be used to achieve an even number of units only.
 - iv) Multi-family uses shall not cover more than forty percent (40%) of the lot area.
- d) Commercial
 - i) Minimum lot area - Six thousand (6,000) square feet
 - ii) Minimum lot width – Sixty (60) feet
- e) Height Regulations
 - i) Maximum structure height – Forty-five (45) feet
- f) Yard Regulations
 - i) Residential-single-family, two-family and multi-family
 - Front Yard – Twenty feet (20) feet
 - Side Yard – Ten (10) feet
 - Rear Yard – Fifteen (15) feet
 - ii) Commercial

ZONING AND SUBDIVISION REGULATIONS

- Front Yard – Twenty-five (25) feet
 - Side Yard – Ten (10) feet
 - Rear Yard – Twenty (20) feet
- g) Parking and Loading Regulations. Any new structures and any structures converted to two-family residential, multi-family residential or commercial shall comply with the requirements of Zoning Regulations on Parking.
- h) Sign Regulations. Signs must conform to all aspects of the Village Sign Ordinance.
- i) Use Limitations.
- i) Single-family and two-family residential. Minimum floor area: minimum of eight hundred sixty-five (865) square feet of habitable floor area per family.
 - ii) Multi-family residential. Minimum floor area: same as single-family; except that for multi-family residential units, there shall be five hundred seventy-five (575) square feet of private habitable floor area per family provided there are common activity areas such as laundry areas, and eight hundred sixty-five (865) square feet per family provided there are no common activity areas.
 - iii) Commercial.
 - No outdoor storage except the display of merchandise for sale to the public shall be permitted. Any merchandise stored outside which is determined by the Zoning Administrator as material which is not for sale to the public shall be screened or enclosed to the extent that it cannot be seen from off the property.
 - Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
 - iv) Site Plan Review. Two-family and multi-family residential development and commercial development shall be subject to site plan review requirements and procedures.

Section 2.15 LFC-1-LAKE FRONT LOW IMPACT COMMERCIAL

ZONING AND SUBDIVISION REGULATIONS

A. **Purpose of District**

- (1.) This zoning is intended for light commercial use along the lake front.

ZONING AND SUBDIVISION REGULATIONS

B. Permitted Use

- (1.) Residential dwelling where the structure is commercial and living quarters are provided for the owner/employees of the commercial use.
- (2.) Restaurants, cafes, and soda fountains.
- (3.) Retail establishments located within a completely enclosed building and that do not exceed five thousand (5,000) square feet in area.
- (4.) Churches and other places of worship including overnight shelters and temporary outdoor revivals.
- (5.) Educational facilities of general instruction including cultural, administrative, and/or public building.
- (6.) Emergency medical transportation stations.
- (7.) Fire Stations, and fire boats.
- (8.) Lodging rental units.

C. Accessory Uses

- (1.) Any accessory uses, buildings or structures customarily incidental to the aforesaid permitted uses.
- (2.) Single-family dwelling to include site built home, modular home, Class A manufactured home, provided that the residential unit is occupied by the owner and operator or a full-time employee of the principal permitted use.
- (3.) Sufficient parking and loading sites required to serve the principal use.

D. Conditional Use Permits

- (1.) Banking and financial institutions with drive-up or drive through facilities.
- (2.) Restaurants with drive-up or drive through service or that have outdoor dining area.
- (3.) Restaurants, clubs, bars, or that include dancing and/or live entertainment.
- (4.) Convenience store with outdoor fuel sales.

E. Height, Density, and Yard Requirements

- (1.) The maximum height of any structure shall be fifty (50) feet above the average finished grade.

ZONING AND SUBDIVISION REGULATIONS

- (2.) All lots of property created after the effective date of these regulations shall have a minimum road frontage dimension of eighty (80) feet.
- (3.) A maximum of forty percent (40%) of the development site shall be covered with impervious cover (roofs, parking, sidewalks, etc.)
- (4.) Lots and tracts located in the LFC-1 Lake Front Low Impact Commercial Zoning District shall not include the area of road rights-of-way.
- (5.) Minimum yard setback requirements:
 - a) Minimum front yard setback – Twenty-five (25) feet
 - b) Minimum side corner yard setback – Ten (10) feet
 - c) Minimum side yard setback – Ten (10) feet
 - d) Minimum rear yard setback – Ten (10) feet
- (6.) Zero lot lines will be considered during the permit procedures.

Section 2.16 LLC-2 – LAKE FRONT GENERAL COMMERCIAL

A. Purpose of District

- (1.) This is a heavier density commercial lake front zone with higher traffic volumes and square footage requirements. Boat repair, boat sales and service, and hotels are examples. Establishments provide retail services at the community level and the residents and citizens from a more than local distance.

B. Permitted Use

- (1.) Any use included as a principal permitted use in the LFC-1 Zoning District except as herein modified.
- (2.) Boat sales, and marine supply establishments for display, hire, sales, repair and including sales lots provided that all operations, other than display and sales shall be contained within a completely enclosed building.
- (3.) Boat repair and service, with no outdoor storage of wrecks, vehicle parts or salvaged materials.
- (4.) Bar, restaurant, cocktail lounge, liquor store, billiard parlor, pool hall, bowling alley, and similar uses.
- (5.) Camper or RV parks.

ZONING AND SUBDIVISION REGULATIONS

- (6.) Drive-In eating and drinking establishments, including entertainment and dancing.
- (7.) Indoor theaters.
- (8.) Hotels, motels, and other lodging enterprises.
- (9.) Skating rinks, dance halls, arcades, bakery, laundry, or swimming pools.
- (10.) Outdoor advertising structure.
- (11.) Commercial Marina
- (12.) Personal service establishments including beauty parlors, barber shops, laundry facilities, self-service laundromats, and other similar uses.
- (13.) Miniature golf or go-cart tract.
- (14.) Boat storage facilities.
- (15.) Recreational uses including water slides.

C. Accessory Uses

- (1.) Any accessory uses, buildings or structures customarily incidental to the aforesaid permitted uses.

D. Conditional Use Permits

- (1.) Drive-In theaters, commercial baseball fields, golf driving ranges, livery stables and riding academies, amusement parks, massage parlors, health care, night clubs.
- (2.) Single-family dwelling to include site build home, modular home, Class A manufactured home, provided that the residential unit is occupied by the owner and operator or a full-time employee of the principal permitted use.

E. Height, Density, and Yard Requirements

- (1.) The maximum height of any structure shall be sixty-five (65) feet above the finished grade.
- (2.) All tracts and lots of property created after the effective date of these regulations shall have a minimum road frontage dimension of eighty (80) feet.
- (3.) All tracts and lots of property created after the effective date of these regulations shall have a minimum area of twelve thousand (12,000) square feet.

ZONING AND SUBDIVISION REGULATIONS

- (4.) A maximum of forty percent (40%) of the development site shall be covered with impervious cover (roofs, parking, sidewalks, etc.)
- (5.) Lots and tracts located in the LFC-2 Lake Front General Commercial Zoning district shall not include the area of road rights-of-way.
- (6.) Minimum yard setback requirements:
 - a) Minimum front yard setback – Twenty-five (25) feet
 - b) Minimum side corner yard setback – Ten (10) feet
 - c) Minimum side yard setback – Ten (10) feet
 - d) Minimum rear yard setback – Ten (10) feet

Section 2.17 LFC-3 – HIGH IMPACT LAKE FRONT COMMERCIAL

A. Purpose of District

- (1.) High impact commercial with high traffic as well as large square footage requirements characterize this zone.

B. Principal Permitted Uses

- (1.) Any use included as a principal permitted use in the LFC-2 Zoning District except as here modified.
- (2.) Convention Center.
- (3.) Arenas, water parks, race tracks and other such entertainment venues
- (4.) Shopping centers.
- (5.) Dock/Lift assembly sides. Not to include salvage operations.
- (6.) Medical clinics to include doctor's offices.

ZONING AND SUBDIVISION REGULATIONS

Section 2.18 CONDITIONAL USE PERMIT

A. Purpose

- (1.)The purpose and intent of a Conditional Use Permit is to allow certain uses that are not normally permitted under conventional zoning provisions. A Conditional Use shall be approved if the application is found to be in compliance with the approval criteria in this section further conditions may be placed on the Conditional Use Permit by the Planning Board to ensure that the Conditional Use will have a positive economic, fiscal, public safety, environmental, aesthetic, and social impact on the Village. The Planning Board shall make findings of fact based on the evidence presented by the applicant, Village Staff, and the public, respecting whether the Conditional Use is or is not in compliance with the approval criteria of this section.
- (2.)No structure, building or land requiring a conditional use permit shall be used, constructed, altered or expanded unless a conditional use permit specifically required by this chapter has been authorized by the Planning Board and issued by the Village
- (3.)Any use that was lawfully established prior to the adoption, extension or application of the chapter and is now permitted by this chapter subject to a conditional use permit may continue in the same manner and to the same extent as conducted prior to said adoption or extension of this chapter. A conditional Use permit shall be secured from the Planning Board before the use of structure or building in which said use is conducted may be altered, added to, enlarged, expanded or moved from one location to another on the lot on which said use is located.
- (4.)Structures or buildings devoted to any use which is permitted under the terms of his chapter subject to the securing of a conditional use permit, may not be altered, added to, enlarged, expanded or moved from one location to another on the lot without securing a new conditional use permit.

ZONING AND SUBDIVISION REGULATIONS

B. Procedure

- (1.) Applications for conditional use permits for uses specifically authorized for conditional consideration in the district use regulations shall be made to the Village. The Village shall refer the application to the Planning and Zoning Commission for investigation and public hearing. The Village shall notify adjoining property owners within one hundred eighty-five (185) feet by first class mail not less than fifteen (15) days prior to the hearing date. Following a public hearing, the Planning and Zoning Commission shall vote on a recommendation to either approve or deny the request. A record of the recommendation shall be forwarded to the Board of Trustees and shall include the wording of the motion and the action taken. Upon receipt of a recommendation from the Planning and Zoning Commission, the Board of Trustees within forty-five (45) days of receipt from the Planning and Zoning Commission either approve or deny the request or continue the application in order to conduct its own public hearing. Should the Planning and zoning Commission fail to forward a report of their action to the Board of Trustees within sixty (60) days of the date of referral to the Planning and Zoning Commission, it shall be assumed that the Planning and Zoning Commission has recommended approval of the request.
- (2.) Before authorizing the issuance of such a conditional use permit, the Board of Trustees must determine:
 - a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.
 - c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.
 - d) All necessary facilities will be available, including but not limited to utilities, roads, road access and drainage.
 - e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

[75]

ZONING AND SUBDIVISION REGULATIONS

- f) The establishment of a conditional use permit will not hinder the flow of traffic or result in an increase in traffic beyond the capability of the affected roads. This will include the provision of points of access to the subject property.
 - g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located the Board of Trustees shall find that there is a public necessity for the conditional use permit.
- (3.) Any approved conditional use permit must be utilized within six months of approval by the Board of Trustees, unless a longer period of time is approved for initial utilization. Failure to exercise an approved permit within this period of time will automatically invalidate the permit. An invalidated permit can only be renewed by reapplication and approval as outlined herein. If a use authorized by conditional use permit ceases for twelve (12) months, said permit shall become void.
- (4.) In the event that it appears to the Village that the holder of a conditional use permit is making use of the permit or premises in violation of the permit or is permitting the others to use the permit or premises in violation of the permit, the Planning and Zoning Commission may file a written complaint with the Board of Trustees which for cause shown, shall have authority to revoke the permit. The Village shall send a copy of the complaint to the holder of the permit by first class mail to the last known address at least fifteen (15) days prior to a scheduled public hearing to consider revocation of a permit. The Board of Trustees must find by a preponderance of the evidence that violations(s) of one or more conditions of the permit has occurred and must find cause as to why the permit should be revoked. If the Board of Trustees finds that one or more conditions have been violated, upon hearing the evidence of the Planning and Zoning Commission and the permittee, it may revoke the permit. Failure of the permittee to appear at the Board of Trustees hearing or to present evidence shall not constitute grounds to avoid revocation of the permit. The Planning & Zoning Commission may, in their discretion, dismiss the complaint prior to hearing if they determine that the violation(s) alleged in the complaint has been corrected.

ZONING AND SUBDIVISION REGULATIONS

(5.) Applications shall include the following minimum information, and failure to provide any of the required material will result in the rejection of the application:

- a) The name, address and telephone number of the property owner and the potential buyer or lessee of the property.
Corporate applicants shall list the names, titles, and addresses of the officers and the Board of Directors of the Corporation. A copy of the Corporate Certificate of Good Standing with the State of Missouri shall be attached.
- b) A legal description of the property and proof of ownership.
- c) The present zoning of the land included in the request.
- d) The present use of the land included in the request
- e) The size of tract included in the request, broken down either by acreage or square feet.
- f) The zoning of land within one hundred eighty-five (185) feet of the land included in the request.
- g) The proposed use of land if the permit is approved with the description as complete as possible.
- h) The classification of conditional use requested, the reason or the justification for the request being summated and a sketch of the tract of land showing approximate size, use and location of any existing or proposed structures, that will be built if the permit is approved, on the property including wastewater systems and wells.
- i) The signature of the property owner or his authorized agent and the signature of any potential buyer or lessee or his authorized agent. In the absence of the signature of the owner, the applicant shall attach a written power of attorney signed by the owner.
- j) The names and addresses of all property owners owning land within one hundred eighty-five (185) feet of the property under consideration.
- k) A nonrefundable check in the amount of five hundred dollars (\$500.00).
- l) The floor plan and front elevation view of any existing or proposed structure.

(6.) Once granted, a conditional use permit, with its terms and conditions shall:

[77]

ZONING AND SUBDIVISION REGULATIONS

- a) Run with the lot, building, structure, or use and shall not be altered by change of ownership. If new owner does not use said property in accordance with the conditional use permit the permit will be revoked.
- (7.) It is the applicant's responsibility to demonstrate to the Planning and Zoning commission and the Board of Trustees by competent and substantial evidence that the requirements of the standards for granting a conditional use permit set forth in this section are satisfied.

ZONING AND SUBDIVISION REGULATIONS

Section 2.19 MINIMUM YARD DIMENSION REQUIRMENTS

Zoning District	Min Lot Width	Min Lot Size	Min Dwell. Sq. Ft.	Front Setback	Side Setback	Side Corner Setback	Rear Setback	Max. Height
A	200			40/30	20	30	40	50
A-R	150	3AC		40/30	20	30	20	50
P-1				50	20	30	50	50
P-2		5AC		40	20	20	40	50
R-1	70	8500	1000	25	10	15	15	50
R-2	70	8500	750	25	10	15	15	50
R-3	70	10000	500	25	10	15	15	65
R-4								
C-1	80		N/A	50	20	20	20	50
C-2	80	12000	N/A	50	0	20	0	50
C-3	100	12000	N/A	40	0	20	0	120
I	100			50	20	25	40	120
LFC-1	80	12000	N/A	25	10	10	10	50
LFC-2	80	12000	N/A	25	10	10	10	65
LFC-3	60	12000	N/A	25	10	10	10	120

Foot Minimum Yard/Square Requirements

ZONING AND SUBDIVISION REGULATIONS

- A. The minimum lot requirements must be provided in the district indicated. Measurements for lot widths and lot area are from the property lines without regard to any easements.
- B. Although uses authorized in an R-1 District may be constructed in an R-2 or R-3 District and uses authorized in an R-2 District may be constructed in an R-3 District such structures must comply with the minimum yard requirements (setbacks) of the highest use district. For example, if a single-family residence is constructed in an R-3 district, it must comply with the setback requirements for an R-1 District of twenty-five (25) feet front yard, fifteen (15) feet back yard and ten (10) feet side yard.
- C. For the purpose of determining setbacks, the measurements shall be from the property line, road easement, road right-of-way, or the six hundred sixty (660) foot contour line of the Lake of the Ozarks (whichever is most restrictive) to the structure or any appurtenances with any overhangs to be included as defined by a vertical line to the ground front the outer edge of the structure. Setbacks are measured to the eaves of overhang not the foundation walls.

Section 2.20 EXCEPTION TO LOT AREA AND WIDTH

- A. Where a lot of record at the time of the effective date of this ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own another parcel or tract adjacent hereto, said lot may nevertheless be used for a single-family dwelling or for any non-dwelling use permitted in the district in which it is located.

Section 2.21 EXCEPTIONS TO YARD REQUIREMENTS

- A. Service station pumps may occupy required yards provided that they are not less than fifteen (15) feet from all lot lines.
- B. A detached accessory building, maximum of two hundred (200) square feet, all of which is located in a rear yard, may be erected no closer than three (3) feet to a side of the rear property lot line.

Section 2.22 HEIGHT REGULATIONS

- A. Maximum height limits established for buildings and structures are as follows:

[80]

ZONING AND SUBDIVISION REGULATIONS

(1.) Fifty (50) feet in the R-1 and R-2 Districts

B. Television and radio antenna structures may be authorized to greater heights provided:

(1.) The height of the structure does not exceed the lesser of the width or depth of the property as determined by a line bisecting said structure and measured from one (1) side of the property line to the other or from the front property line to the rear at the shortest distance there-between, said height not to exceed a maximum height of one hundred (100) feet.

(2.) The setback for the central vertical position of the antenna structure shall be a minimum of twenty (20) feet from all property lines for structures up to thirty-five (35) feet in height and then shall increase by one (1) foot for every three (3) feet. Guy wires and anchors may be located within such required yards.

(3.) The construction shall be of such a type as may be required by the Zoning Inspector (ZI) to form a safe and durable structure. Generally towers meeting specifications such as Rohn Towers will be accepted.

(4.) "Antenna Structure" is defined as the rigid portion of the assembly which receives or transmits radio energy and the mast or tower upon which said assembly is mounted, excluding non-rigid items such as wire, cable transmission lines, guy wires or guy wire anchors.

(5.) Antenna structures shall conform to all other applicable federal, state and local codes and ordinance,

(6.) If an antenna structure is erected to such height that if the structure falls it will fall upon any surrounding property, the written approval of the surrounding property owner(s) must be obtained.

(7.) Church spires, belfries, monuments, water towers, chimneys, stacks and flagpoles may be erected to such height as may be authorized by the Planning and Zoning Commission.

C. Buildings in the R-3, C-1, C-2, and I Districts may exceed the allowable height in the applicable zoning district height provided the width of each front side or rear yard is increased by one (1) foot for each foot of heights which exceeds the listed allowable height.

ZONING AND SUBDIVISION REGULATIONS

- D. Signs of all types in the C-2 Highway Commercial District shall conform to the Village Sign Ordinance.

Section 2.23 OFF-PREMISES ADVERTISING

- A. Off-premise advertising is governed by Village Ordinance amended and is incorporated herein by reference.

Section 2.24 OFF-STREET PARKING REQUIREMENTS

- A. All developments in all zoning districts shall provide a sufficient number of off street parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.
- B. The presumptions established by the article are that:
 - (1.) Any and all developments must comply with the parking standards set forth in Section 2.24, paragraph E, Table of Parking Requirements, and
 - (2.) Any development that does meet these standards is in compliance. However, the Table of Parking Requirements is only intended to establish a presumption and should be flexibly administered.
- C. When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded, while fractions in excess of one-half (1/2) shall be counted as one parking space.
- D. The Village recognizes that the Table of Parking Requirements cannot and does not cover every possible situation that may rise. Therefore, in cases not specifically covered the permit issuing authority is authorized to determine the parking requirements using the following table as a guide.

ZONING AND SUBDIVISION REGULATIONS

E. TABLE OF PARKING REQUIREMENTS:

USE	PARKING REQUIREMENT
Single-family dwellings, site built, and modular	2 spaces per dwelling unit plus one space per room rented out.
Two family dwellings	2 spaces for each dwelling unit, except that one-bedroom units require only one space.
Multi-family dwellings	2 spaces for each dwelling unit plus 1 space for any lockout bedroom.
Nursing, rest or convalescent home	3 spaces for every five beds except for uses exclusively serving children under 16, in which case 1 space for every three beds shall be required.
Bed and breakfast, hotels, & motels	2 spaces for the resident unit plus 1 space for each room to be rented plus any additional space for restaurant or other facilities.
Home occupations	4 spaces for offices of physicians or dentists, 2 spaces for attorneys, 1 space for all other.
Convenience stores and adult book stores	1 space per 150 square feet of gross floor area.
Sales and rental of goods, merchandise, and equipment, wholesale sales	1 space per 400 square feet of gross floor area.
Offices	1 space per 200 square feet of gross floor area.
Banks	1 space per 200 square feet of area within main building plus reservoir land capacity equal to 5 spaces per drive-thru window (10 spaces if window serves two stations).
Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembly of goods, merchandise and equipment and similar uses	1 space per 400 square feet of gross floor area.
Educational uses	2 spaces per classroom in elementary schools, 5 spaces per classroom in high schools.
Educational institutions	1 space per 150 square feet of gross floor area

ZONING AND SUBDIVISION REGULATIONS

Churches and other religious worship centers	1 space for every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above the residential uses plus 1 space for every 200 square feet of gross floor area designed to be used neither for services nor residential purposes.
Philanthropic uses and Fraternal or private clubs	1 space per 300 square feet of gross floor area.
Recreational, amusement, and entertainment facilities	1 space for every three persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion; example, tennis courts or bowling alleys) plus 1 space per 200 square feet of gross floor area used in a manner not susceptible to such calculation.
Indoor movie theater	1 space for every four seats
Miniature golf course, driving ranges, skateboard park, water slide, and similar uses	1 space per 300 square feet of area plus 1 space per 200 square feet of building gross floor area; driving range-1 space per tee plus 1 space per 200 square feet in building gross floor area; Par Three Course- 2 spaces per golf hole plus 1 space per 200 square feet of building gross floor area.
Boarding stable	1 space per horse that could be kept at eh stable when occupied to maximum capacity.
Hospital	2 spaces per bed or 1 space per 150 square feet of gross floor area, whichever is great.
Restaurants, bars, and nightclubs	1 space per 100 square feet of gross floor area, plus 1 space for every four outside seats an reservoir lane capacity equal to 5 spaces per drive-in window.
Adult cabaret	1 space per 100 square feet of gross floor area.
Motor vehicle related sales, rental, services to include installation of parts, repair, maintenance, as well as mobile home sales, all terrain vehicles sales and	1 space per 200 square feet of gross floor area.

ZONING AND SUBDIVISION REGULATIONS

service	
Self storage units	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).
Veterinarian clinics and kennels	1 space per 200 square feet of gross floor area.
Laundromats and dry cleaners	1 space per 200 square feet of gross floor area.
Open air markets	1 space per 1,000 square feet of lot area used for sales, storage, or display.
Funeral Homes	1 space per 100 square feet of gross floor area
Preschool and/or day care facilities	1 space per employee plus 1 space per 200 square feet of gross floor area
Bus station	1 space per 200 square feet of gross floor area.

ZONING AND SUBDIVISION REGULATIONS

Section 2.25 OBSTRUCTION OF VIEW (SIGHT TRIANGLE)

- A. At street intersections nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 ½) feet and eight (8) feet above the grades of the outside edge of the street surface of the intersecting streets, measured from the point of intersection of the centerline of the streets, ninety (90) feet in each direction along the centerline of the streets. The Village Engineer shall establish sight distance triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials (AASHTO).

Section 2.26 NON-CONFORMING USES

- A. Nothing contained in this chapter shall require any change in the plans, construction or designated use of a building for which the building footings are in place at the time of the passage of this ordinance.
- B. Continued and Discontinued Use. The lawful use of land or of a building existing at the time this ordinance is adopted may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout such portions of buildings as are arranged or designed for such use, provided no structural alterations are made therein. When a non-conforming use has been discontinued for six (6) months or more it shall not be re-established. If changed to a conforming use or more restricted use, a non-conforming use may not thereafter be reestablished. If by amendment to this ordinance any property is hereafter transferred to a more restricted district by a change in the district boundaries or the regulations and restrictions in a district are made more restrictive, the provisions of this chapter relating to the non-conforming use of buildings or premises occupied or used at the time of the passage of such amendment shall apply.

ZONING AND SUBDIVISION REGULATIONS

- C. **Repairs and Restoration:** Repairs and improvements may be made to a non-conforming building or structure provided that no alterations shall be made, except those required by law or ordinance, unless the building or structure is changed to a conforming or more restricted use; provided that the Planning and Zoning Commission and the Board of trustees, in case of evident hardship, may permit an enlargement of a non-conforming use not exceeding fifty percent (50%) of the ground floor area of the building. Nothing in this ordinance shall be taken to prevent the restoration, within one year (1), of a nonconforming building destroyed to the extent of not more than one hundred percent (100%) of its reasonable value by fire, explosion, act of god or public enemy, provided that when such restoration becomes involved in litigation, the time required for such litigation shall not be counted as a part of the one year (1) allowed for reconstruction. Alterations may be made to residences and customary accessory buildings located in the commercial zone even though they are a non-conforming use. Enlargement may not exceed fifty percent (50%) of existing square foot area.
- D. Any planned unit district the plat for which has been duly recorded as the effective date of this ordinance shall be within the scope of Section 1.21 as a nonconforming use. The plat for any such district that has not been recorded by such date or for which changes are subsequently sought shall be required to meet the provisions of this ordinance. Any person, firm or corporation engaged in the dividing or subdividing of land into lots or parcels for the purpose of conveyance or lease within the scope and application of these regulations shall be known as the developer.

Article 3. ADMINISTRATION

Section 3.01 ENFORCEMENT OF THE CHAPTER

- A. **Zoning Inspector (ZI):** There is hereby created the position of Zoning Inspector (ZI). The Chairmen of the Board of Trustees, with the concurrence of the Trustees shall designate a Village employee as the ZI.

ZONING AND SUBDIVISION REGULATIONS

B. Duties: The ZI shall:

- (1.) Enforce the provisions of this ordinance
- (2.) Receive applications required by this ordinance and issue permits.
- (3.) Examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of the law are complied with.
- (4.) Enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for.
- (5.) Make, when the interests of the Village so require, investigations in connection with matters referred to in this ordinance.
- (6.) Issue such notices or orders in accordance with these regulations as may be necessary for the purpose of enforcing compliance with this ordinance or other laws.

C. Rules:

- (1.) The ZI may establish rules consistent with this chapter to carry into effect its provisions subject to the approval of the Planning and Zoning commission.

D. Records:

- (1.) The ZI shall keep careful and comprehensive records of applications, of permits issued, of inspections made, of reports rendered and of notices or orders issued and make quarterly reports to the Planning and Zoning Commission and the Board of Trustees.

ZONING AND SUBDIVISION REGULATIONS

E. **Permits:**

- (1.)**Building Permits:** It shall be unlawful to construct, alter, repair in excess of three thousand dollars (\$3,000.00), remove or demolish or to commence the construction, alteration, removal or demolition of a building or structure without first filing, with the ZI, an application in writing and obtaining a formal building permit. Repairs pertaining to structural work, such as, reconfiguring a structure that impact on load bearing walls, changes the size of the structure and the like shall require a permit. Work in the nature of painting, removing and replacing a roof, changing or adding kitchen cabinets or changing or adding gutters would not require a permit. Permits shall not be required for one story detached structures that do not exceed two hundred (200) square feet or as otherwise provided for in Section R105.2, Building of the International Residential Building Code for 2006.
- (2.)**Land Use Permits:** A land use permit must be obtained from the ZI for any use of land on which no building or structure is to be erected. Temporary vending and fireworks stands are examples.
- (3.)**Application for a Permit:** An application for a permit shall be submitted in such form as the ZI may prescribe. Such application shall be accompanied by payment of such fees as the governing body may establish. There shall also be filed a plot diagram in form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction, type and extent of repair or, in the case of demolition, of such construction as is to be demolished, and of all existing buildings. Where no building or structure is to be erected, the applicant shall state on the application for a permit the nature of the proposed use of the land.

ZONING AND SUBDIVISION REGULATIONS

- (4.) **Commencement of Construction:** Any building permit issued hereunder shall provide that commencement of the construction, alteration removal or demolition of the building or structure covered by the permit shall commence within three (3) months from the date of the issuance of said permit and that all work contemplated by said permit shall be completed within one (1) year from the date of issuance of said permit.
- (5.) **Extension of Permit:** For good cause shown, the ZI may extend any permit granted hereunder for a period of up to ninety (90) days both from start date and the expiration of the one (1) year period set forth in subparagraph above.
- (6.) **Issuance of Building Permit:** The ZI may issue a building permit only after any required plat receives final approval.
- (7.) **Issuance of Occupancy Permit:** The ZI may issue an occupancy permit for a residence only after all necessary infrastructures for the residence is constructed and authorized to be placed in service.

F. **Amendments to Applications:**

- (1.) Nothing in this section shall prohibit the filing of amendments to an application at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

G. **Action on Application:**

- (1.) If the ZI finds no objection to the application and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the ZI shall approve such application and issue a permit for the proposed work with thirty (30) days of receipt of the application. If the ZI's examination reveals otherwise, the ZI will reject such application noting the findings in a report to be attached to the application and deliver a copy to the applicant.

ZONING AND SUBDIVISION REGULATIONS

H. **Condition of the Permit:**

(1.) All work performed under a permit issued by the ZI shall conform to the approved application and plans and approved amendments thereto. The location of all new construction as shown on the approved plot diagrams, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement. It shall be unlawful to change the use of the land for which a land use permit has been issued until a revised land use permit has been obtained.

I. **Revocation:**

- (1.) The ZI may revoke a permit or approval issued under the provisions of this chapter in case:
- a) The work performed under the permit is not in conformance with the permit or condition of the permit as specified in Subsection H above, or
 - b) There has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
- (2.) Prior to such revocation of any permit or approval, the ZI shall provide written notice by certified mail return receipt to the applicant of the reason(s) for the contemplated revocation and inform the applicant that the applicant has ten (10) calendar days from three (3) days after the post office date stamps the certified mail to correct the problem(s).

ZONING AND SUBDIVISION REGULATIONS

Section 3.02 BOARD OF ADJUSTMENT

- A. **Appointment, Term Vacancies, Organization:** The Chairmen of the Board of Trustees, with the concurrence of the Trustees, shall provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of Sections 89.010 to 89.140 RSMO, may provide that the Board of Adjustment may determine and vary their application in harmony with their general purpose and intent in accordance with general or specific rules therein contained. The Board of Adjustment shall consist of five (5) members, who shall be residents of the Village. The membership of the first (1st) 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 Chairmen with the concurrence of the Board of Trustees upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant by the Chairmen with the concurrence of the Board of Trustees.

ZONING AND SUBDIVISION REGULATIONS

B. Procedure: The board shall organize and elect a chairman, vice chairman, and secretary from its membership to serve for a term of one year. The board shall then adopt rules for its own governance in accordance with this chapter. All members of the Board shall have equal voting rights. Meetings shall be held at the call of the chairman and at such times as the board deems advisable. The chairman, or in the absence of the chairman the vice chairman, may administer oaths. The board may compel the attendance of witnesses. All meetings of the board shall be open to the public. The secretary shall keep minutes of the proceedings, indicating the vote of each member on each question, or if absent or failing to vote, so note. Also, the secretary shall keep records of the board's examination and other official actions, all of which are to be immediately files in the office of the board and become public record. The secretary shall conduct all official correspondence and supervise the clerical work of the board. Three (3) members of the board shall constitute a quorum. The board shall act by resolution; and the concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the board from which there has been an appeal.

C. Power of the Board: The board shall have the following powers:

- (1.)To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the ZI or in the endorsement of this ordinance.
- (2.)To hear and decide all matters referred to it or upon which it is required to pass under this chapter.
- (3.)In passing upon appeals where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance, to vary or modify the application or any of the regulations or provisions of this chapter relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of the chapter shall be observed, public safety and welfare secured and substantial justice done.

ZONING AND SUBDIVISION REGULATIONS

D. **Appeal to the Board of Adjustment:** Appeal to the board may be taken by any person aggrieved or by an officer, department, board or bureau of the Village affected by any decision. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the ZI and with the board a notice of appeal specifying the grounds thereof and providing the board a list of current property owners within an area determined by lines drawn parallel to a one hundred eighty-five (185) foot distance from the boundaries of the property impacted by the appeal. In no event shall said appeal be filed more than 30 calendar days from the date the decision appealed from was made. A fee of five hundred (\$500.00) dollars shall accompany each notice of appeal, and said sum shall be deposited in the general revenue fund. The ZI 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 actions appealed from, unless the ZI certifies to the board after the notice of appeal shall have been filed with the ZI that by reason of facts stated in the certificate a stay would, in the ZI's opinion, cause immediate peril to life or property. The board shall fix a time for the hearing of the appeal within thirty (30) days following its receipt, give public notice thereof, and by letter sent first (1st) class mail to property owners as provided by applicant or by a publication one (1) time in a local newspaper of general circulation in the Village, not less than five (5) nor more than fifteen (15) days prior to the date of said hearing. Any party may appear in person, by agent, or by attorney.

ZONING AND SUBDIVISION REGULATIONS

- E. **Decision of the Board:** the board shall render decisions only on appeals from an action of the ZI. The board shall take action only when it has determined that permit has been incorrectly issued or denied, when it has determined that the chapter has been incorrectly interpreted or when the appellant proves undue and unnecessary hardship due to a provision or provisions herein contained as applied to a specific lot or tract. In case an unnecessary or undue hardship due to peculiar characteristics of a specific lot or tract is proven, as distinguished from a mere grant of a privilege, the board may issue a variance signed by the chairman, and set out any condition or conditions to be met. A copy of the variance shall be sent to the ZI, the Planning and Zoning Commission and the board of Trustees. The ZI shall issue a building permit setting out the terms of the variance. In no case shall the board issue a variance or an order permitting a use to be placed in a district in which it is not permitted in this chapter. In all cases, the spirit and intent of this chapter shall be observed, public safety and welfare secured and substantial justice done. In exercising the above mentioned powers, the board may, in conformity with the provision of this chapter, reverse, affirm, wholly or partly or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. If the board grants all of the relief requested by the appellant, the Village shall refund the fee without interest.
- F. **Appeal from decision of the Board:** Any person or persons jointly or severally aggrieved by any decision of the board or any officer, department or board of the Village may present to the circuit court of the county in which the property is located, a petition duly verified setting forth that such decision is illegal, in whole or in part and specifying the grounds of the illegality. Such petition must be presented to the court within thirty (30) days after the filing of the decision in the office of the board.

ZONING AND SUBDIVISION REGULATIONS

Section 3.03 PLANNING AND ZONING COMMISSION- MEMBERSHIP-TERMS-VACANCY- REMOVAL

- A. The Planning and Zoning Commission of the Village appointed by the Chairman, with the concurrence of the Board of Trustees, shall consist of not more than fifteen (15) nor less than seven (7) members, including the Chairmen, if the chairman elects to serve, a member of the Board of Trustees, selected by the board, and not more than thirteen (13) nor less than five (5) citizen members. The citizen members of the commission shall serve without compensation. All members of the Commission shall have equal voting rights. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first (1st) appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Chairman, with the concurrence of the Board of Trustees, may remove any citizen member for cause stated in writing and after public hearing.

Section 3.04 AMENDMENTS TO THE ZONING ORDINANCE

- A. **Application for Amendment:** Applications for amendment, revision or change of the Village Zoning District Map may be made by an person or his/her agent, who owns the land sought to be rezoned. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner. Such application shall be made upon forms prescribed by the commission and duly filed with the commission. Applications for amendment, revision or change of any of the rules, regulations or provisions of the text of the Village Zoning Ordinance, other than the Zoning District Map, may be made by any interested person on forms prescribed by the commission and duly filed with the commission.
- B. **Fee:** A fee of five hundred dollars (\$500.00) shall accompany each application of an amendment, except for those amendments, introduced by a member of the Board of Trustees or the commission, and said sum shall be deposited in the Village general revenue fund and shall not be refundable.

ZONING AND SUBDIVISION REGULATIONS

- C. **Hearing:** Immediately upon receipt of such application, the Commission shall note thereon the date of filing and make a permanent record thereof. All such applications shall be set down for hearing before the Commission not later than thirty (30) days from the date of the filing. Any such hearing may, for good cause at the request of the applicant or in the discretion of the commission, be continued. At least fifteen (15) days prior to the hearing, notice of the time and place of such hearing shall be published in a newspaper of general circulation within the Village. Upon the final hearing of such application, the commission shall approve or deny it; and a report of such action together with a recommendation for final approval or denial, shall be made in writing by the commission to the Board of Trustees. The Board of Trustees shall approve or deny the application either upon review of the record made before the Commission or after conducting such further hearing as the Board of Trustees may deem appropriate.
- D. **Amendment by Commission or Board of Trustees:** Recommendations for revision or amendment of this chapter, including the zoning district map, may also be made by the Commission upon its own motion for final determination by the Board of Trustees. Likewise, the Board of Trustees may revise, modify or amend this ordinance, including the zoning district map upon its own motion provided however; such proposed changes shall first be submitted to the Commission for recommendations and a report. In either case, final action thereon shall be taken by the Board of Trustees only upon notice and hearing, as provided herein.
- E. **Protest of Amendment:** In case a protest against such revision or amendment is presented, duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such revision or amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all of the members of the Board of Trustees.

ZONING AND SUBDIVISION REGULATIONS

Section 3.05 INTERPRETATION AND CONFLICT WITH OTHER LAWS

- A. In interpreting and applying the provisions of this chapter, the provisions shall be held to be the minimum requirements for the promotion of the health, safety, or general welfare of the people of the Village of Sunrise Beach. Whenever this ordinance requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or less number of stories, or imposes higher standards than are required by any other statute or local ordinance or regulation, the regulations of this ordinance shall govern. Whenever the provisions of any other statute or local ordinance or regulation requires a greater building or less number of stories or requires a greater percentage of lot to be left unoccupied or imposes other higher standards than are required by this ordinance, the provision of such other ordinance or regulation shall govern.

Section 3.06 VIOLATION AND PENALTY

- A. Remedies: 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 this chapter, the Village Attorney in addition to other remedies, may institute any appropriate action or proceedings to enjoin such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

ZONING AND SUBDIVISION REGULATIONS

B. **Penalties:** The owner or general agent of a building or premises where a violation of any provision of the regulations of this ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person commits, takes part or assists in any such violation shall be guilty of a violation of a Village ordinance punishable by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) for each and every day that such violation continues, but if the offense be willful, on conviction thereof, the punishment shall be fine of not less than one hundred dollars (\$100.00) or not more than five hundred (\$500.00) for each and every day that such violation shall continue or by imprisonment for up to ninety (90) days for each and every day such violation shall continue or by both such fine and imprisonment. Any such person who, having been served with an order to remove any such violation or violations, shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of this chapter in the respect named in such order, shall also be subject to a fine of two hundred fifty dollars (\$250.00).

ZONING AND SUBDIVISION REGULATIONS

DIVISION II – SUBDIVISION REGULATIONS

Article 4. GENERAL PROVISIONS

Section 4.01 JURISDICTION

- A. The rules and regulations governing plats of subdivisions of land and lot splits contained herein shall apply within the corporate limits of the Village in accordance with the provision of RSMo. Section 89.300.

Section 4.02 PURPOSE OF SUBDIVISION REGULATIONS

- A. The rules and regulations set out herein are intended to serve the following purposes:
- B. To assist orderly, efficient and integrated development within the territorial jurisdiction of the Village;
 - (1.)To promote the health, safety, morals and general welfare of the residents of the Village;
 - (2.)To ensure conformance of subdivision plans with the public improvement plans of the Village and its suburbs; and
 - (3.)To assure equitable handling of all subdivision plans by providing uniform procedures and standards for observance both by the sub divider and the Planning and Zoning Commission.
- C. The rules and regulations set out in this article pertain to development of subdivisions within the Village and may impose greater of different restrictions than are currently imposed in the corresponding zoning regulations.

Section 4.03 DEFINITIONS

- A. For the purpose of interpreting this chapter, words and terms defined in Section 1.02 of this title are applicable to this Chapter and are incorporated herein by reference.

Section 4.04 COMPLIANCE

ZONING AND SUBDIVISION REGULATIONS

- A. Any owner of any tract of land who subdivides that tract of land and who violates any of the provisions of this regulation shall be guilty of an ordinance violation as provided for in Section 3.06.

Section 4.05 RECORDING

- A. Any owner of any tract of land situated within the corporate limits of the Village who subdivides it shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the Office of the Recorder of Deeds of Morgan or Camden County dependent upon which county the land is located. Such owner or proprietor shall provide a digital copy of such plat to the ZI in such electronic format as the ZI may require.

Section 4.06 APPROVAL

- A. No plat of a subdivision shall be recorded unless and until it has been submitted and approved by the Commission and Board of Trustees in accordance with the regulations set forth in this ordinance.

Section 4.07 PREPARED BY PROFESSIONAL LAND SURVEYOR

- A. A plat shall be surveyed by a registered professional surveyor, duly licensed by the state, who shall endorse upon each such plat a certificate signed by him/her to set forth the owner of the land subdivided and the place of record of the last instrument in the chain of the title, and shall cause his/her seal to be affixed on the face of the plat

Section 4.08 SUBDIVISION AND SALE OF ALL OR PART THEREOF

ZONING AND SUBDIVISION REGULATIONS

- A. Sale without final plat prohibited. No person, firm or corporation proposing to make or having made a subdivision within the territorial jurisdiction of these regulations shall close on the sale of any subdivision or any part thereof, until he, she or it has obtained from the Planning and Zoning Commission approval of the final plat of the proposed subdivision and the approval made a matter of public record by filing with the recorder's office. Any subdivision plat duty recorded as of the effective date of this ordinance shall be within the scope of Section 2.26 as a non-conforming use. The plat for any subdivision that has not been recorded by such date or for which changes are subsequently sought shall be required to meet the provisions of this ordinance.

ZONING AND SUBDIVISION REGULATIONS

- B. Subdivision of land may be of two types:
- (1.)**Simplified Form:** The process of dividing one parcel of land into two or more lots or other division of land generally for the purpose of resale with no specific development planned at that time.
 - (2.)**Complete Forms:** The process of dividing one parcel of land into two or more lots for resale or otherwise with the intent to develop such land with residential, commercial or industrial development as a part of the subdivision process.

Section 4.09 FEES AND DEPOSITS

- A. Any person, firm or corporation proposing to make a subdivision within the territorial jurisdiction of these regulations shall pay fees to the Village Clerk in accordance with the fee schedule. (See Attachment 1)
- B. No fee shall be charged for land to be dedicated to the public.
- C. The fee shall be payable in advance of processing the plat.
- D. The applicant is responsible for payment of any county recording fees, legal fees for review by the Village Attorney and any other professional fees required for review prior to approval, such as engineering, mapping or surveying.

Article 5.PROCEDURE

Section 5.01 PROCEDURE

- A. In planning and developing a subdivision the developer shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in Article 9 of this ordinance, and with the rules and regulations concerning required improvements set forth in Article 10 of this ordinance and in every case shall comply with the following procedures.

ZONING AND SUBDIVISION REGULATIONS

Section 5.02 PRE-APPLICATION PROCEEDING – PLANNING AND ZONING COMMISSION REPRESENTATIVE

- A. Not less than forty-five (45) days before preparing and submitting the preliminary plat to the Planning and Zoning Commission, the developer or his/her surveyor shall consult with the ZI of the Planning and Zoning Commission, while the plat is in sketch form, to ascertain the location of proposed highways, primary or secondary thoroughfares, collector street, parkways, parks, playgrounds, school sites and other community facilities or planned developments and to acquaint himself/herself with the commission's requirements. During pre-application proceedings the general features of the subdivision, its layout facilities and required improvements shall be determined to the extent necessary for preparation of the preliminary plat. Information and data, as may be necessary, and copies of such documentation shall be furnished by the developer.

Section 5.03 PRELIMINARY PLAT

- A. The developer shall prepare a preliminary plat of the proposed subdivision which shall conform with the requirements set forth in Article 6 of this ordinance at least two (2) weeks prior to the meeting of the Planning and Zoning Commission at which action is desired.

Section 5.04 CHECKING AND REVIEWING

- A. The preliminary plat shall be checked by the Planning and Zoning Commission as to its conformity with the comprehensive plan of the Village and as to the plat's compliance with the standards of this code. Requirements and principles hereinafter prescribed and with recommendations of the Commission's representative for compliance with all applicable requirements of the Village, county, state, or federal departments and agencies, concerned and with applicable regulations of public utility companies.

Section 5.05 FINAL PLAT

ZONING AND SUBDIVISION REGULATIONS

- A. Upon completion of all required subdivision improvements and compliance with any conditions or requirements imposed by the Commission, the developer shall file with the Commission three copies of the final plat of the subdivision.

Section 5.06 APPROVAL, DISAPPROVAL OR MODIFICATION BY PLANNING AND ZONING COMMISSION

- A. The commission shall within forty-five (45) days after receipt of the final plat, determine whether the plat should be approved, approved with modifications, or disapproved and shall within said forty-five (45) days give notice to the sub dividers of its determination. If approved, the Commission shall so note on the face of the plat and shall thereupon forward said plat to the Board of Trustees notifying the sub dividers of its action. If approved with modification or if disapproved, the Commission shall attach the original of said plat a statement of the reasons for such action and shall forthwith return the original of said plat to the sub divider, retaining one (1) copy thereof for its record.

Section 5.07 APPEAL

- A. If the final plat is returned to the sub divider as provided in Section 5.06 preceding said sub divider may appeal the decision to the Board of Trustees and the decision of the majority of the Board at the meeting to which such appeal is made shall be final.

Article 6. PRELIMINARY PLAT REQUIREMENTS

Section 6.01 NUMBER OF COPIES AND REQUIRED SCALE

- A. Three (3) black or blue line prints of the preliminary plat of the proposed subdivision shall accompany an application in writing to the Commission. The horizontal scale of the preliminary plat shall be one hundred (100) feet or less to the inch, and the vertical scale of street and sewer profiles ten (10) feet or less to the inch.

Section 6.02 VICINITY SKETCH

ZONING AND SUBDIVISION REGULATIONS

- A. A vicinity sketch at a maximum scale of four hundred (400) feet to the inch shall be drawn on or shall accompany the preliminary plat. The sketch shall show:
- (1.) All existing subdivisions and the street and tract lines or acreage parcels of land
 - (2.) The nearest existing highway or thoroughfares, streets and alleys in neighboring subdivisions or unplatted property involved in producing the most advantageous development of the entire neighborhood.
 - (3.) Section, township and range.
 - (4.) Any corporation or ad hoc district liens, such as school or ambulance districts, etc.

Section 6.03 REQUIRED INFORMATION ON PLAT

- A. The preliminary plat shall clearly show the following features and information:
- (1.) **Subdivision Name and Key:** The proposed name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision in the Village.
 - (2.) **Designation:** The tract designation according to real estate records of the recorder of the county where located and the tax parcel number or each tract shown on the plat to be subdivided.
 - (3.) **Owners of Record:** The names and addresses of the owner or owners of record, the developer and the engineer or surveyor.
 - (4.) **Abutting Owners:** The name of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.
 - (5.) **Boundary Lines:** The boundary lines, accurate in scale, of the tract to be subdivided.
 - (6.) **Streets – Other Features:** The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, and important features within the tract such as existing permanent buildings; large trees and watercourses; railroad lines; corporation and township lines; utility lines, etc.
 - (7.) **Utilities:** Existing and proposed sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto with pipe size and grades indicated.
 - (8.) **Proposed Design – Street, Drainage, Etc:**

ZONING AND SUBDIVISION REGULATIONS

- a) The layout, names and widths of proposed streets, alleys and easements;
 - b) The location and approximate sizes of catch basins, culverts and other drainage structures;
 - c) The layout, numbers and approximate dimensions of proposed lots. Proposed street names shall be established to the satisfaction of the Planning and Zoning Commission representative. The approval obtained from the local U.S. Postmaster and 911 addressing shall not duplicate or closely approximate any existing or platted street names in the Village, except extensions of existing streets.
- (9.) **Zoning:** Zoning boundary lines if any; proposed uses of property and proposed front yard setback liens.
- (10.) North-point, scale, date, title.
- (11.) **Deed Restrictions:** Copies of any private restrictions to be included in the deeds are to be attached to the preliminary plat.

Article 7.FINAL PLAT

Section 7.01 FINAL PLAT REQUIREMENTS

- A. In addition to all of the standard requirements for a preliminary plat as indicated in Article 6 of this ordinance, the altered or additional requirements contained below will be required as part of the final plat.

Section 7.02 NUMBER OF COPIES AND REQUIRED SCALE

- A. Two (2) black line or blue line prints of the final or record plat of the subdivision, or of any part of a larger subdivision, shall be submitted to the Planning and Zoning Commission by the developer together with a written application for approval on forms provided by the Planning and Zoning Commission. The plat shall be drawn at a scale of one hundred (100) feet or less to the inch. Said scale shall be indicated on the plat graphically.

ZONING AND SUBDIVISION REGULATIONS

Section 7.03 BEARINGS –DISTANCES

- A. True bearings and distances shall be to the nearest established street bounds, other established survey lines or other official monuments, which monuments shall be located or accurately described on the plat. Other established survey or corporation lines shall be accurately monument-marked and located on the plat and their names shall be lettered on them. The length of all arcs-radii, points or curvature and tangent bearings; all easements and rights of way, when provided for or owned by public services (with all limitations of the easement rights definitely stated on the plat); and all lot lines with dimensions in feet and hundredths and with bearings and angles to minutes if other than right angles to the street and alley lines shall be located and accurately described on the plat.

Section 7.04 MONUMENTS

- A. The accurate location and material of all permanent reference monuments shall be identified on the plat.

Section 7.05 LOTS AND BLOCK NUMBERS

- A. Lots shall be arranged in numerical order. In tracts containing more than one (1) block, the blocks shall be likewise placed in numerical order. In the case of a re-subdivision of lots in any block, such re-subdivided lots shall be designated by their original number or they shall be designated numerically, beginning with the number following the highest lot numbered in the block.

Section 7.06 DEDICATED PROPERTY

- A. Suitable sites for parks, schools, playgrounds and any other public requirements should be carefully considered and indicated on the preliminary plat, so that it can be determined which of such sites should be indicated on the final plat and when and in what manner such areas will be acquired by the Village. Attention is called to the advantages on a large tract of dedicating a reasonable percent of the property for such use. These would be conditions for a conditional use permit.

ZONING AND SUBDIVISION REGULATIONS

Section 7.07 SURVEYOR'S CERTIFICATE

- A. Affidavit and certificate by a qualified registered professional surveyor shall be provided to the effect that he/she has fully complied with the requirements of these regulations and the subdivision laws of the State of Missouri governing surveying, dividing and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; and that the plat represents a survey by him/her and that all monuments indicated thereon actually exist and their location size and material are correctly shown.

Section 7.08 TAX PAID CERTIFICATE

- A. A certificate shall be issued by the authorized Village and county officials to the effect that there are no unpaid taxes due and payable at the time of plat approval and no unpaid current special assessments, whether or not due and payable at the time of plat approval, on any of the lands included in the plat, and that all outstanding taxes and current special assessments have been paid on all property dedicated to public use.

ZONING AND SUBDIVISION REGULATIONS

Article 8. MODIFICATION AND EXCEPTIONS

Section 8.01 LOT-SPLITS

- A. Any proposed lot-splitting shall be submitted to the Commission as required in Article 6 and 7 of this ordinance for review.

Section 8.02 MODIFICATION – UNDUE HARDSHIP

- A. In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, literal compliance with any requirement of these regulations would cause practical difficulty or exceptional and undue hardship, the Commission may modify such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided, however, that such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable general development or welfare of the neighborhood and the community in accordance with the comprehensive plan and the zoning ordinance. Any modification thus granted should be included in the minutes of the Commission setting forth the reasons, which in the opinion of the Commission justified the modification. Any modification granted which is later determined to be in violation of any state or federal regulation, statute, requirement or order shall be void. The applicant assumes all such risks in making the request for a modification.

ZONING AND SUBDIVISION REGULATIONS

Article 9.SUBDIVISION DESIGN STANDARDS AND REQUIREMENTS

Section 9.01 PHYSICAL PROBLEM AREAS

- A. In order to protect the health, safety, and general welfare of the people, the Planning and Zoning Commission will reject any proposed subdivision located in an area subject to periodic flooding. Whenever a subdivision is proposed to be located in an area having poor drainage or other adverse physical characteristics and impairment and such condition(s) is brought to the attention of the Commission, the Commission may approve the plat, provided the developer binds himself/herself legally to make such improvements or take such measures as, in the judgment of the Commission, will render the subdivision substantially safe and otherwise acceptable for the intended use. In this case the developer shall post with the commission a surety performance bond, payable to the Village or other security acceptable to the Commission sufficient to cover the cost of such improvements as estimated by the Commission. Such determinations by the Commission shall not constitute a warranty or guarantee that these measures will remedy the condition(s).

Section 9.02 COMPREHENSIVE PLAN – COMPLIANCE

- A. The subdivision layout shall conform to the official comprehensive plan. Unless otherwise approved by the Board of Trustees, provision must be made for the extension of main arterials as designated by the Commission and other major or collector streets must provide free circulation within the subdivision and be open to the public.

Section 9.03 STREET AND BLOCK LAYOUT

- A. The system of streets designated for the subdivision, except in unusual cases where land use will not justify it or in other unusual cases, shall connect with streets already dedicated in adjacent subdivisions; and where no adjacent connections are platted shall in general be the reasonable projections of streets in nearest subdivided tracts, and shall be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith.

ZONING AND SUBDIVISION REGULATIONS

Section 9.04 STREET RIGHT OF WAY REQUIREMENTS AND UTILITY EASEMENTS

- A. The following shall be the minimum street right of way requirements and utility easements:
- (1.) **Highways and major arterials:** Highways and major arterials as specified in the official transportation plan and not less than seventy-two (72) feet in any case.
 - (2.) **Collector Streets:** Sixty (60) feet.
 - (3.) **Minor Collectors:** Forty (40) feet.
 - (4.) **Minor Streets, Dead-End Streets and Cul-De-Sac Streets:** All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of one hundred (100) feet, unless the Planning and Zoning Commission approves a “T” or “Y” shaped gravel space in place of the required turning circle.
 - (5.) **Alleys:** Alleys, where platted, shall have a minimum width of twenty (20) feet.
 - (6.) **Utility Easements:**
 - a) General widths of utility easements, where required except as provided for in Subsection 2 below, shall be at least ten (10) feet wide along front, rear, or side lot liens. Easements of adequate width shall be provided for open drainage channels, where required.
 - b) Developments:
 - i) In any case in which a developer installs or causes the installation of water, sewer, electrical, power, telephone, cable television or other utility and intends that such service shall be owned, operated, or maintained by a public utility or any entity other than the developer the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such service.
 - ii) All planned residential, commercial, industrial, or PUD districts or any other development that involve a recorded final plat shall provide the following utility easements:

ZONING AND SUBDIVISION REGULATIONS

- Along any state, county, private or subdivision road a fifteen (15) foot wide easement shall be established. Where the development is located on both sides of a right-of-way, the utility easements shall be located on both sides of the roadway.
 - Along any side or rear property line, other than those adjacent to a roadway, a minimum of seven and one-half (7 ½) feet of utility easement shall be established. Where two lots are adjacent this will create a total utility easement of fifteen (15) feet.
- iii) In all un-subdivided developments, utility easements shall either be established by a recorded instrument similar to the requirements of Subsection 2; or it shall be established that the entire common or open space area within the development is available as a general utility easement.
- iv) No building or structure shall be permitted within the boundaries of any general utility easement. Utility easements that are owned or controlled by a single entity can only be built in with specific permission of that entity.

Section 9.05 MINIMUM PAVEMENT AND SIDEWALK WIDTHS

- A. Minimum pavement widths, required to be installed at the subdivision developer's expense, shall be as follows:
- (1.) **Major arterial and Collector Streets:** Twenty-four (24) feet. In the case of a major thoroughfare or collector street requiring pavements wider than twenty-four (24) feet, the matter of financial and other arrangements for installing such wider pavements at the time the developer will make the improvements shall be taken up by the developer with the officials having jurisdiction.

ZONING AND SUBDIVISION REGULATIONS

- (2.)**Minor, Local, Dead-End and Cul-De-Sac Streets:** Twenty-four (24) feet. The driving surfaces of a turning circle at the end of a dead-end street shall have a minimum outside diameter of one hundred (100) feet a “T” or “Y” shaped driving surface, when approved by the Planning and Zoning Commission in place of a turning circle, shall extend entirely across the width of the street right-of-way, except for sidewalk space, and shall be at least ten (10) feet wide with the flared portion rounded by minimum radii of twenty (20) feet.
- (3.)**Alleys and Service Drives:** Twenty (20) feet.
- (4.)**Conveyance of Streets:** Streets the developer intends to convey to the Village for maintenance purposes shall meet the requirements of Village Ordinance as amended.

Section 9.06 STREET GRADES AND CURVES

- A. Except where unusual or exceptional conditions exist and subject to the approval of the Commission, the grades of streets shall not exceed the following:
 - (1.)**Highways and Major Arterials:** Ten percent (10%)
 - (2.)**Collector Streets:** Fifteen percent (15%)
 - (3.)**Minor and Local Collector, Service Drives and Alleys:** Eighteen percent (18%)
 - (4.)**Pedestrian Ways and Crosswalks:** Twelve percent (12%). All curbs shall be ramped twelve (12) inches for each inch of vertical height.
 - (5.)**Minimum Grade:** In no event shall the minimum grade of any street or alley be less than four-tenth of one percent (.4%)
 - (6.)**Radii of Curvature:** The radii of curvature on the centerline shall not be less than four hundred (400) feet for major arterials and one hundred (100) feet for collector and minor streets.

Section 9.07 LOT DIMENSIONS, SHAPES AND POSITION

- A. The size, shape and orientations of lots shall be appropriate for the location and physical character of the proposed subdivision and for the typed of development contemplated in compliance with the applicable zoning ordinance or regulations.

ZONING AND SUBDIVISION REGULATIONS

- (1.)**Depth:** Excessive depth in relation to width shall be avoided (a proportion of one (1) to one (1) or two (2) to one (1) will normally be considered appropriate, except in the case of narrow lots).
- (2.)**Street Access:** Every lot shall abut on a street, subject to the requirements of Section 9.03.
- (3.)**Width:** Lots for residential purposes shall have sufficient width at the building setback lines to permit compliance with side yard or distance requirements of the applicable zoning ordinance or regulations and still be adequate for a building of practicable width.
- (4.)**Double-Frontage:** Unless otherwise provided herein, double-frontage lots and reversed frontage lots shall be avoided.
- (5.)**Side Lot Lines:** Where practicable side lot lines shall be approximately at right angles to the right of way of the street on which the lot faces.
- (6.)**Corner Lots:** Corner lots for residential use shall be platted wider than interior lots to permit compliance with the yard and setback requirements for the applicable section of this ordinance.
- (7.)**Minimum Lot Size:** Where not otherwise determined by applicable section of this ordinance, the minimum lot size for residential purposes shall be eight thousand five hundred (8,500) square feet with a minimum frontage of seventy (70) feet.
- (8.)**No Utilities:** Where public sanitary facilities and or water are not accessible, the lot size shall be determined in accordance with the requirements of Article 2 of this ordinance.

Article 10. IMPROVEMENTS INSTALLATION REQUIREMENTS

Section 10.01 IMPROVEMENTS INSTALLED – HOW

- A. All improvements required under these regulations shall be constructed in accordance with the specifications and under the supervision of the designated Village official in the manner prescribed below. All required improvements must be completed prior to approval of the final plat or the closing of the sale of any subdivision lot.

ZONING AND SUBDIVISION REGULATIONS

ZONING AND SUBDIVISION REGULATIONS

Section 10.02 PERFORMANCE BOND

- A. In lieu of constructing the improvements referred to above, the developer may furnish the Commission with a corporate surety performance bond with a surety acceptable to the Commission, payable to the Village or other security acceptable to the Commission, sufficient to cover the developer's proportion of the costs, as estimated by the developer's consultant and approved by the Commission of any or all of the improvements immediately after final approval of the preliminary plat in which event the Commission may approve the final plat prior to the completion of construction of the required improvements.

Section 10.03 STREET CONSTRUCTION

- A. All streets constructed after the effective date of this ordinance shall be either concrete or asphalt pavement and shall conform to the specifications in Village Ordinance, as amended. However, if streets are within an approved PUD, the developer shall be required to pave fifty percent (50 %) of the streets after twenty-five percent (25%) of the lots are sold and the remainder after fifty percent (50%) of the lots are sold. Streets not initially required to be paved shall be graded to the full width of the driving surface and shall have a minimum of four (4) inches of compacted gravel surface. If curb and gutters are not installed, the streets must be adequately ditched and culverts installed under driveways to provide adequate street drainage. For requirements for streets that the developer intends to turn over to the Village for maintenance, see Village Ordinance , as amended.

Section 10.04 WATER SUPPLY

- A. All subdivisions created after this date of this code shall be connected to the municipal water system of the Village in accordance with Village ordinances.

Section 10.05 STORM DRAINAGE

- A. Every subdivision shall provide a storm water drainage and retention system that complies with the requirements of the Missouri Department of Natural Resources and which is adequate to serve the area being platted.

ZONING AND SUBDIVISION REGULATIONS

Section 10.06 SEWERAGE

- A. **Village Sewerage-Available:** The Developer of a subdivision must comply with Village Ordinances regarding sewer and sanitation. The subdivision shall be provided by the developer with a complete sanitary sewer system connected with the municipal sewer main and include a service connection for each lot. Appropriate easements shall be provided to the Village to connect to the Village's sewer line. The developer is responsible for obtaining easements to cross any property for which the Village does not have an easement or does not own. Such system and connection shall comply with Village ordinances and the regulations of the Department of Natural Resources and Clean Water Commission.
- B. **Village Sewerage-Not Available:** Where a public sanitary sewer system is not reasonably accessible in the opinion of the Village Engineer the developer shall install sewers in conformity with the requirements of the Village Engineer and the Missouri Department of National Resources. Where immediate connection is not possible, and until such connection to the municipal sewer system with the sewer system in the Village can be made, the use of temporary private sewer treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with the regulations and requirements of the Village.

Section 10.07 STREET LIGHTING – STREET NAME SIGNS

- A. **Lighting:** Provisions shall be made by the developer for adequate lighting of public streets within the proposed subdivision
- B. **Street Signs:** Street name signs shall be installed in accordance with the specifications of the Commission, its representative or the 911 addressing system.

Section 10.08 ELECTRIC AND TELEPHONE LINES

- A. Easements for poles or underground conduits for electric light, telephone lines, cable TV and internet service shall be provided along front, rear and side lot lines, where required and or needed.

ZONING AND SUBDIVISION REGULATIONS

ZONING AND SUBDIVISION REGULATIONS

Section 10.09 MONUMENTS CONSTRUCTION

- A. Permanent and other monuments shall be in accordance with the specifications established by the Commission.
- B. **Surveying Standards:** All subdivision land surveys shall meet the requirement of the current minimum standards for property boundary surveys adopted by the Missouri Department of Natural Resources 10 CSR 302.010.

Section 10.10 CONSTRUCTION PLANS

- A. Construction plans, including the following, for improvements to be installed shall be prepared by a qualified registered professional engineer licensed in the State of Missouri and submitted in accordance with the specifications of the Commission. No improvements shall be installed until and unless said plans have been received and approved by the ZI and Village Engineer.
 - (1.)**Centerline Profile:** The centerline profile of each proposed street, with tentative grades indicated.
 - (2.)**Street Cross-Section:** The cross-section of each proposed street, showing drainage plans, with grades and sizes indicated.
 - (3.)**Sewer Plans and Profiles:** The plans and profiles of proposed sewers and storm drainage plans, with grades and sizes indicated, with method of sewage or storm water disposal consistent with Village master plans.
 - (4.)**Water Distribution Plan:** A plan of the proposed water distribution system, showing pipe sizes and the location of valves consistent with Village master plans.

Section 10.11 INSPECTION

- A. Prior to starting any of the work covered by the above plans after their written approval from the Planning and Zoning Commission has been obtained, the developer shall make arrangements to provide for inspection of the work sufficient, in the opinion of the designated Village official, to assure compliance with the plans and specifications as approved.

ZONING AND SUBDIVISION REGULATIONS

Section 10.12 COMPLETION OF CONSTRUCTION

- A. The construction of all improvements required by these rules and regulations, for which a bond has been posted, shall be completed within two (2) years from the date of approval of the final plat by the Commission, unless good cause can be shown for the granting of an extension of time by authority of the Commission.

Section 10.13 MAINTENANCE AFTER APPROVAL

- A. The developer shall maintain and keep in good repair all required improvements for a period of one (1) year from the date the constructed improvements are approved by the Planning and Zoning Commission.

Section 10.14 MODIFICATIONS

- A. Where unusual or exceptional factors or conditions exist, the Planning and Zoning Commission may modify any of the provisions of these regulations on written application by the developer. The developer's application shall set forth the reasons for such requested modification and shall be attached to all copies of the construction plans. The Planning and Zoning Commission shall notify the Board of Trustees of any such modifications.

Section 10.15 SEVERIBILITY

- A. The invalidity of any section, clause, sentence or provision of this ordinance shall not effect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ZONING AND SUBDIVISION FEES

ZONING CHANGE REQUEST	\$500.00
CONITIONAL USE PERMIT	\$500.00
PLANNED UNIT DEVELOPMENT (PUD)	\$500.00
PUD MODIFICATION	
Minor (less than 25%)	\$100.00
Major (greater than 25%)	\$250.00
PRELIMINARY PLAT	\$100.00+ \$10.00/LOT
FINAL PLAT	INCLUDED ABOVE
PLAT AMENDMENT	\$50.00
MINOR PLAT/LOT SPLIT	\$100.00
BOARD OF ADJUSTMENT HEARING	\$500.00