

Chapter 46 – Zoning Code and Subdivision Regulations

I. TITLE, APPLICATION AND PURPOSE

**SECTION 46.010: TITLE**

This Chapter shall be known and may be cited as "The City of Moscow Mills, Missouri, Zoning and Subdivision Regulations.

**SECTION 46.015: APPLICATION**

The legislative body of all Cities is empowered to zone "for the purpose of promoting health, safety, morals or the general welfare of the community." "Such regulations shall be...designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with...a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality."

**SECTION 46.020: PURPOSE**

In order to promote the health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure proper use of land; to facilitate adequate and economical public improvements and services; and to lessen or avoid congestion on the public streets; the following regulations and zones are imposed throughout the corporate limits of the City of Moscow Mills, Missouri.

**SECTION 46.025: EXEMPTION**

The City of Moscow Mills shall be exempt from the zoning and subdivision regulations contained in this Chapter with respect to any property owned and/or operated by the City of Moscow Mills.

II. DISTRICT BOUNDARIES AND MAPS

**SECTION 46.030: PURPOSE**

In order to regulate and restrict the location and use of buildings and land for residential, trade, industry, and other purposes; to regulate and restrict the location, height and size of yards and other open spaces and the density of population, the following zoning districts are hereby established.

**SECTION 46.035: ZONES**

Be it ordained by the Governing Body of the City of Moscow Mills, Missouri, that the following zones and regulations be imposed within the incorporated limits of said City:

- "A-1" Agricultural District,
- "P-1" Public Park Ground District.
- "R-1" Single-Family Residential District.
- "R-1(A)" Single-Family Residential District.
- "R-2" Two-Family Residential District.
- "R-3" Multiple-Family Residential District.
- "R-1M" Mobile/Manufactured Home Residential District.
- "R-1MOD" Modular Housing District.
- "R-S" Senior Residential District.
- "S-D" Special Old Town District

- "C-1" Neighborhood Commercial District.
- "C-2" Community Commercial District.
- "C-3" General Commercial District.
- "C-4" Regional Shopping Center District.
- "C-O" Professional Office District.
- "CPD" Commercial Planned District.
- "I-1" Light Industrial District.
- "I-2" Heavy Industrial District.

**SECTION 46.040: ZONING DISTRICT MAP**

The Zoning Districts are bounded and defined as shown on a map entitled "Zoning District Map for the City of Moscow Mills, Missouri", adopted by the Board of Aldermen, identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning map referred to in Ordinance Number 509 of the City of Moscow Mills, including any subsequent amendments, additions, or modifications", together with the adopting date of the Ordinance, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Chapter.

**SECTION 46.045: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, the following rules shall apply:

1. Where district boundaries on the Zoning District Map are indicated approximately following the centerlines of streets, streams, highways, or railroads, such boundaries shall be deemed to be located at such midpoints.
2. Where district boundaries are so indicated that they approximately follow lot lines or section lines, center section lines, quarter section lines, quarter/quarter section lines; such lines shall be construed to be said boundaries.
3. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the City of Moscow Mills unless otherwise indicated.

**III. COMPLIANCE WITH REGULATIONS**

**SECTION 46.050: COMPLIANCE**

Except as hereinafter provided:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered:
  - To exceed the height;
  - To accommodate or house a greater number of families;
  - To occupy a greater percentage of lot area; or
  - To have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.
3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Chapter shall be included as a part of a yard or other open space similarly required for another building.

**IV. DEFINITIONS**

**SECTION 46.055: DEFINITIONS AND RULES OF CONSTRUCTION**

- A. Rules Of Construction. For the purposes of this Chapter, certain rules of construction apply to the text, as follows:
1. Words in the singular number include the plural and the plural the singular, unless the context clearly indicates the contrary.
  2. Words used in the present tense include the future and past tenses, and the future the present.
  3. The word "shall" is always mandatory. The word "may" is permissive.
  4. The word "building" includes the word "structure" and "structure" includes "building".
  5. The words "designed for" includes the words "used for" and "used for" includes "designed for".
  6. The word "dwelling" includes the word "residence" and "residence" includes "dwelling".
  7. Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meaning and customary usage.

B. For the purposes of this Chapter, certain terms and words are hereby defined as follows:

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

**ACCESSORY USE:** A use customarily incidental, subordinate to, and located on the same lot as the principal use.

**ADMINISTRATIVE OFFICER:** An officer or individual having specific authority to administer the regulations of this Article.

**ADULT ORIENTED BUSINESS, BOOKSTORE, VIDEO STORE, OR PEEP SHOW:** A business establishment which, as its principal purposes, offers for sale, rental, display, or viewing for any form of consideration any one (1) or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, computer disks, or other visual representations which depict or describe "sexual activities" or "anatomical areas".
2. Instruments, devices, or paraphernalia which are designed for use in connection with "sexual activities".
3. Business establishment where for any form of consideration, films, motion pictures, video cassettes, slides, computer disks, or similar photographic reproductions are regularly shown which are characterized by the depiction of "sexual activities" or "anatomical areas".
4. A business establishment where for any form of consideration dancing or viewing of live nude or semi-nude men or women is conducted.
5. Such uses as described above shall not be considered "adult" for the purpose of being required to locate within an industrial zoning district if the following criteria are met:
  - a. The sale of merchandise is an accessory use to a non-adult oriented business.
  - b. All merchandise is packaged for sale and use off of the premises with no "adult"

oriented activity taking place on the premises.

- c. The area is completely screened from public view and occupies no more than twenty-five percent (25%) of the general sales area of the business.

**AGRICULTURAL USE:** The growing of crops or the raising of livestock or poultry in such a manner that they are incidental to the acreage farmed, provided however, that such land shall consist of at least ten (10) acres in one (1) parcel or in continuous parcels under common ownership or operation. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall the raising of fur-bearing animals, riding academies, livery or boarding stables or animal shelters be so considered.

**ALLEY:** A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

**ALTERATION:** As applied to a building or structure means a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

**ANIMALS, DOMESTIC:** Shall include dogs, cats, birds, fish, potbellied pigs, ferrets, hedgehogs, rodents, snakes and amphibians, and other animals typically sold in a retail pet store.

**ANIMALS, FARM:** Shall include, but not be limited to, horses, chickens, cattle, ducks, pigs, alpaca, and llama.

**APARTMENT:** A room or suite of rooms within a building, provided with separate cooking facilities and intended as a single-dwelling unit.

**AUTOMOBILE/VEHICLE MINOR REPAIRS:** Repairs such as changing oil; spark plugs, tires, or air/oil filters; adjusting brakes; replacing carburetors; repairing or switching tires; replacing the alternator; or repairs of a similar nature.

**AUTOMOTIVE/VEHICLE MAJOR REPAIRS:** All repairs other than minor repairs.

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

**BICYCLE PATH:** A paved area a minimum of six (6) feet in width designed specifically for the movement of pedestrians and non-motorized cyclists.

**BLOCK:** A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad right-of-way, public walks, parks or green strips, rural land or drainage channels or a combination thereof.

**BOARD OF ADJUSTMENT:** A body of persons which may determine and vary this Chapter in accordance with the rules contained within the Board of Adjustment Section of this Chapter.

**BOARD OF ALDERMEN:** The Governing Body of the City of Moscow Mills, Missouri.

**BOAT:** All types of boats designed to be used in or on water, plus the normal equipment to transport the same on the highway.

**BUILDING:** Any structure used or intended for supporting or housing any use or occupancy.

**BUILDING, ACCESSORY:** A building customarily incidental, subordinate to and located on the same lot with the main building. Any building that is customarily incidental to an agricultural use is an accessory building, even though it may not be located in the same immediate area as the main building. Accessory buildings shall not be inhabited as a living unit.

**BUILDING, DETACHED:** A building surrounded by open space.

**BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING LINE:** A line parallel to the street right-of-way line beyond which a building shall not extend closer to the street.

**BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUILDING, TEMPORARY:** Any building not designed to be permanently located at the place where it is, or where it is intended to be, temporarily placed or affixed.

**CELLAR:** That portion of the building which is partly or completely below grade and having an external entrance only.

**CHILD:** An individual who is under the age of seventeen (17), and the word "children" means and includes more than one (1) such individual.

**CITY:** City of Moscow Mills, Missouri, and its agencies, departments, agents and employees acting within their respective areas of authority.

**COMMERCIAL:** A business whose principal purpose is designed for profit.

**COMMERCIAL VEHICLE:**

1. Any licensed motor vehicle, truck, or bus designed to carry passengers, freight, and/or merchandise for the purpose of this Chapter; said vehicle shall be a vehicle licensed by the State at a gross vehicular weight in excess of twelve thousand (12,000) pounds or in any case exceeding twenty-four (24) feet in length; or
2. Any licensed motor vehicle, truck, or bus designed to carry passengers, freight, and/or merchandise including any vehicle larger than a standard full size passenger/conversion van or one-half (1/2) ton pickup truck. Commercial vehicles shall include, but not be limited to; "panel" delivery trucks, "cube trucks", dump trucks, street cleaners, or other vehicles/equipment typically designed for delivery, hauling, or construction purposes.

3. Standard size passenger vans and pickup trucks used for commercial purposes shall be maintained in an orderly fashion with all materials, equipment, and accessories screened from public view. Ladders shall be exempt from such screening requirements.

**COMMISSION:** The Planning and Zoning Commission of the City of Moscow Mills.

**COMMON LAND OR GROUND:** That land set aside for open space or recreational use for the owners of the residential lots in a subdivision and which is transferred by the developer in fee simple absolute title by a deed or instrument of dedication or conveyance to trustees whose trust indenture shall provide that common land be used for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his/her interest in the common land except as an incident of the ownership of a regularly platted lot. Common ground shall not be construed to mean public open space.

**COMMUNICATIONS TOWER:** A self-supported structure of at least thirty (30) feet, other than a building or water tower/tank, which supports communication (transmitting or receiving) equipment utilized by commercial, governmental (except the City of Moscow Mills), or other public and quasi-public users. This does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the Federal Communications Commission, or antennas on the roof of buildings or water towers.

**COMPREHENSIVE PLAN:** A long-range master plan for area development including studies of land use, traffic volume and flow, schools, parks, and other public buildings and as defined by the Missouri State Statutes.

**CONDOMINIUM:** A form of ownership in which the interior space of a living unit is held by an individual owner, with all individual owners sharing in the ownership of common areas.

**CONDUCTING, MAINTAINING OR OPERATING A MANUFACTURED OR MOBILE HOME PARK:** Permitting, or allowing a mobile home or a manufactured home or homes to be parked, kept, stored, camped, maintained or to remain upon any lot, parcel or tract of real property within a minimum ten (10) acre tract of real property within the City for any fee, charge, rent, price or other valuable consideration which in any way directly or indirectly emanated from, or is paid by, the owner(s) or occupant(s) of such manufactured or mobile home(s) to the owner, occupant or manager of such real estate.

**CORRECTIONAL INSTITUTION:** A generic term describing prisons, jails, reformatories and other places of correction and detention.

**DAY CARE:** Care of a child away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Day care is a voluntary supplement to parent responsibility for the child's protection, development and supervision. Day care may be given in a day care home or a day care center.

**DAY CARE CENTER:** A facility other than the provider's living quarters, where care is provided for children for any part of the twenty-four (24) hour day.

**DAY CARE FACILITY:** A day care home or a day care center, whether known or

incorporated under another title or name.

**DAY CARE FACILITY, ADULT** The care of an adult away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Day care is a voluntary supplement to the person's regular home activities and/or a designated guardian's responsibility for the person's protection, development, and supervision. Day care may be given in a day care home or day care center subject to any applicable regulations or approvals.

**DAY CARE HOME:** A family home, occupied as a permanent residence by the day care provider, conducted or maintained by any person who advertises or holds himself/herself out as providing care for less than five (5) children or adults during the daytime, and in which family like care is given and who are not related to the day care provider, for any part of the twenty-four (24) hour day.

**DEDICATION:** The allocation of land within a development for a pedestrian/bike trail and/or open space, for the enjoyment of the residents of the City or the residents of the development.

**DENSITY:** The number of dwelling units located on an acre of land, in which the land area excludes all but that land devoted to living facilities, the accessory uses thereon, and the required open space thereon.

**DENSITY, GROSS:** The ratio between the total number of dwelling units on a zoning lot and the total zoning lot area measured in acres--result being the number of dwelling units per gross acre.

**DENSITY, NET:** The ratio between the total number of dwelling units on a zoning lot and that portion of the zoning lot upon which the dwelling units are actually located or proposed--the result being the number of dwelling units per net acre. In determining net density, all land area associated with and accessory to the dwelling unit, including private streets and driveways, off-street parking facilities and common open space and recreational facilities, shall be included in the calculation. Net density calculations exclude rights-of-way of publicly dedicated streets and non-residential structures, land uses and accessory facilities.

**DEVELOPER:** Any individual, firm or corporation by whom a tract will be subdivided into not less than two (2) parcels or lots and/or improved to the requirements of the Chapter.

**DEVELOPMENT:** The act of changing as well as the state of a tract of land after its function has been purposely changed by man, including, but not limited to, structures on the land and alterations to the land.

**DUMP:** A lot or land or part thereof used primarily for the disposal of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind by abandonment, dumping, burial, burning, or by any other means.

**DWELLING, ATTACHED:** A dwelling joined to two (2) other dwellings by party walls, or vertical cavity walls, and above-ground physically unifying horizontal structural elements.

**DWELLING, DETACHED:** A dwelling which is surrounded on all sides by open spaces on

the same zoning lot.

**DWELLING, SINGLE-FAMILY:** A detached building containing one (1) dwelling unit.

**DWELLING, TWO-FAMILY:** A building designed exclusively for occupancy by two (2) families living independently of each other, including a duplex (one (1) dwelling unit above the other), or a semi-detached dwelling (one (1) dwelling unit beside the other).

**DWELLING, TOWN HOUSE:** A building containing three (3) or more dwelling units having no common entrances or hallways with each dwelling unit having a front and rear entrance.

**DWELLING UNIT:** A room or group of rooms occupied or intended to be occupied as separate living quarters by a family.

**EASEMENT, UTILITY:** A grant by a property owner to a municipal utility, corporation or person engaged in the operation of an enterprise regulated by the Missouri Public Service Commission for the purpose of installation, improvement and maintenance of public utilities.

**EASEMENTS, ROAD MAINTENANCE AND IMPROVEMENTS:** A grant by a property owner to the City, County, or State for the purpose of road maintenance, improvement and widening.

**EFFICIENCY UNIT:** A dwelling unit consisting of one (1) room exclusive of bathroom, hallway, closets or dining alcove directly off the principal room.

**ELEEMOSYNARY:** Devoted to charitable purposes.

**ENGINEER, CITY:** The duly designated engineer of the City.

**ESCROW HOLDER/DEPOSITORY:** A financial institution whose deposits are Federally insured by the United States of America.

**FACADE:** The front or main part of the building facing a street.

**FAMILY:** Any number of persons related by blood or marriage, including adopted children, or a group not to exceed two (2) persons (excluding servants) not related by blood or marriage occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use.

**FARM:** A tract of land having thereon an agricultural use.

**FENCE:** A structure and/or materials consisting of wood (rails or stakes), vinyl, wire, masonry, vegetation (hedge) or other similar materials erected so as to provide a barrier or enclosure along the boundaries of a yard or lot. Such fence may or may not have openings for sidewalks and driveways within its vertical surface depending on its construction and use.

**FENCE, SIGHT-PROOF:** Any fence which substantially reduces the sight-distance for adjacent properties or the traveling public. These fence types include, but are not limited



to, wood stockade fence, vinyl fence, masonry fence, shadow-box fence or thick vegetation (hedges).

**FILLING STATION, PUBLIC GASOLINE:** Any area including any structure or structures thereon that is or are used or designed to be used primarily for the supply of gasoline or oil or other fuel for the propulsion of vehicles.

**FLOOD HAZARD BOUNDARY MAP (FHBM) AND FLOOD INSURANCE RATE MAP (FIRM):** An official map of the City of Moscow Mills on which the Flood Insurance Study has delineated the flood hazard boundaries and the zoning establishing insurance rates applicable to the City.

**FLOOD INSURANCE STUDY:** An official report provided by the Federal Insurance Administration containing flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

**FLOOR AREA:** The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Chapter, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

**FRONTAGE:** All property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the right-of-way line of the street, or if the street is dead-ended, then all the property abutting on one (1) side between an intersecting street and the dead-end of the street.

**GARAGE, PRIVATE:** An enclosed space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car is leased to a non-resident of the premises.

**GARAGE, PUBLIC:** Any garage that is not classified as a private garage and is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles. However, a "public garage" shall not be used for the storage of dismantled motor vehicles or junk cars.

**GRADE, FINISHED:** The elevation of the surrounding ground after landscaping has been completed.

**GRADE, ROAD, SEWERS:** The slope of a road specified in percent and shown on the road profile plan as required herein.

**GREENBELT:** A visual barrier composed of evergreen plants, trees, and grass arranged to form both a low-level and a high-level screen.

**GROUP HOME:** A facility providing twenty-four (24) hour consecutive care by an on-site staff for three (3) or more persons who by reason of age, physical, or mental disability require services furnished by a facility that provides shelter, board, storage, distribution of

medicines, counseling, and protective oversight, including care during short-term illness or recuperation.

HEREAFTER: After the time this Chapter becomes effective. HERETOFORE: Before the time this Chapter became effective.

HOME OCCUPATION: An occupation or profession which is customarily carried on entirely within the residential dwelling unit by a member of the family residing in the dwelling unit which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and which conforms to the standards and provisions provided in the Supplementary Regulations of this Chapter.

HOSPITAL: A building used for the diagnosis, treatment or other care of human ailments and having room facilities for overnight medical patients, a staff of physicians and nurses, surgical facilities, and other related services.

IMPROVEMENTS: Grading, sanitary and storm sewer, water mains, pavements, curbs and gutters, sidewalks, road signs, lights, trees and other appropriate improvements required to render land suitable for the use proposed.

JUNK YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

KENNEL: The use of land or buildings for the purpose of selling, breeding, boarding, or training dogs or cats; or the keeping of three (3) or more dogs over four (4) months of age, or the keeping of three (3) or more cats over four (4) months of age, or the keeping of no more than a total of three (3) adult dogs or adult cats. The word "selling" as herein used shall not be construed to include the sale of animals four (4) months in age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall selling be determined to include isolated sales of animals over four (4) months old by persons not operating a kennel as herein defined.

INDOOR: A facility where the primary holding pens for the animal and all associated noise, odors, and other activities associated with the business are primarily contained within a closed building.

OUTDOOR: A facility where the primary holding pens for the animal may be either inside or outside of a closed building. "Primary holding pens" shall include, but not be limited to, fenced pens, outside runs, and training areas.

LAUNDRY OR DRY CLEANING ESTABLISHMENT: A building or part thereof where employees provide a service of washing, cleaning, drying and ironing clothes or other articles.

LOADING SPACE: An off-street space on the same lot with the building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

LODGING ESTABLISHMENT: Any building, group of buildings, structure, facility, place, or places of business where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or

held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests.

LOT: Land occupied or to be occupied by a building, or unit group of buildings, and accessory buildings, together with such yards and lot area as are required by this Chapter, and having its principal frontage upon a street, or a place approved by the Commission.

LOT, AREA: The total horizontal surface area within the boundaries of a lot exclusive of any area designated for street purposes.

LOT, CORNER: A lot, or portion thereof, situated at the intersection of two (2) or more streets, having an angle of intersection of not more than one hundred thirty-five degrees (135°).

LOT, DEPTH: The average distances between the front and rear lot lines.

LOT, INTERIOR: Any lot other than a through or corner lot.

LOT LINE, FRONT: The line separating the lot from the right-of-way of the street on which it fronts.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line between the front yard and rear yard area.

LOT OF RECORD: A lot shown upon a plat or on a deed recorded in the office of the Recorder of Deeds of Lincoln County, Missouri.

LOT, THROUGH: A lot other than a corner lot which has a street on two (2) opposite sides of the lot.

LOT WIDTH: The horizontal distance between side lot lines, measured at right angles to the lot depth at the building lines.

MAJOR STREET PLAN: The official plan of highways, primary and secondary thoroughfares, parkways and other major streets, including collector streets, adopted by the Planning and Zoning Commission in the Comprehensive Plan of the City of Moscow Mills.

MICROBREWERY: A business establishment where the manufacturing of beverages, food sales, beverage sales, and on-site food and beverage service occurs on a regular basis. Public viewing of the beverage manufacturing may be a component of these operations.

MOBILE HOME OR MANUFACTURED HOME: Any structure with or without a permanent foundation used for living or sleeping purposes, and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile/manufactured home places thereon may be

moved from time to time at the convenience of the owner.

**MOBILE/MANUFACTURED HOME PARK:** Any area, tract, site or plot of land not less than ten (10) acres in total area whereupon mobile/manufactured homes as herein defined are placed or located and intended to be used, let, leased, rented or sold for dwelling purposes.

**MOBILE/MANUFACTURED HOME SPACE:** A plot of ground within a mobile/manufactured home park which is designed for, and designated as, the location for one (1) mobile/manufactured home and not used for any other purposes whatsoever other than the customarily accessory uses thereof.

**MODULAR HOME OR MODULAR DWELLING:** A factory-fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. This shall include major assemblies which are factory-fabricated and shall not include prefabricated panels, trusses, walls, and other prefabricated sub elements that are to be incorporated into a structure at the building site. These are factory-built structures which are certified by the manufacturer to be built to the State and local Building Code where the home will be located.

**MOTOR VEHICLE ORIENTED BUSINESS (MVOB):** Any commercial business which, by design, type of operation, and nature of business, has as one (1) of its functions, the provision of services to a number of motor vehicles or their occupants in a short time span for each, or the provision of services to the occupants of the motor vehicle while they remain in the vehicle. The list of such businesses include gasoline service stations, drive-in banks, drive-in restaurants, drive-in beverage sales and car wash operations. These examples are not intended as a comprehensive list of such businesses.

**MOTOR VEHICLE REPAIR SHOP:** A building, or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles.

**MULTIPLE-FAMILY ACCESS DRIVE:** A private way or driveway which affords a means of vehicular access to parking areas and bays and to abutting buildings in a multiple-dwelling unit subdivision or development.

**NON-CONFORMING USE:** A building, structure or use of land existing at the time of enactment of this Chapter, and which does not conform to the regulations of the district or zone in which it is situated or any amendment hereto.

**NURSING HOME (CONVALESCENT HOME AND REST HOME):** An establishment used as a dwelling place by the aged, infirm, chronically ill, or incurable afflicted persons, in which not less than three (3) persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or care of the sick or injured.

**OFFICIAL SUBMISSION DATE:** The date when a subdivision plat shall be considered submitted to the Planning and Zoning Commission, and is hereby defined to be the date of the meeting of the Planning and Zoning Commission at which all required surveys, plans and data are submitted.

**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 FLEA MARKET:** An open-air market used for the sale of antiques, crafts, art work, and second hand or other such products from a non-permanent structure.

**PARAPET OR PARAPET WALL:** That portion of a building wall that rises above the roof level.

**PARKING LOT:** A paved surface providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of three (3) or more vehicles. Such pavement structure shall be approved by the City Engineer.

**PARKING SPACE, AUTOMOBILE:** A paved surface providing a parking space for one (1) motor vehicle within a building or on a private or public parking area.

**PAVED SURFACE:** Any asphalt or concrete surface designed for the parking of and/or driving of vehicles upon.

**PAYDAY LOAN:** An unsecured loan under five hundred dollars (\$500.00) as defined in Chapter 408 of the Small Loan Act of the State Statutes of the State of Missouri.

**PERSON:** Any individual, firm, partnership, association, corporation, company or organization of any kind, or any lawful successor thereto or transferee thereof.

**PICKUP CAMPERS:** A structure designed primarily to be mounted on a pickup truck chassis and with sufficient equipment to render it suitable for use as temporary dwelling for travel, recreational, and vacation uses.

**PLANNED DEVELOPMENT AREA OR PLANNED UNIT DEVELOPMENT (PUD):** An area under common ownership where the various components of the development area are treated in a compatible manner. These components include, but are not limited to, landscaping, stormwater management, architectural style and erosion and siltation control. The approval of a planned development area plan is intended to encourage a more creative approach in the development of land which will result in a more efficient, aesthetic and desirable use of area; to permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, and off-street parking areas; and to utilize best the potential of sites characterized by special features of geography, topography, size or shape.

**PLAT:** A map, plan or layout of a City, township, section or subdivision indicating the location and boundaries of individual properties.

**PLAT, PRELIMINARY:** A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

**PLAT, RECORD:** A map of land subdivision prepared in form suitable for filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

**PROPERTY LINES:** The boundaries of a lot.

**PUBLIC BUILDING:** A building, or part thereof, owned or leased and occupied and used by an agency or political subdivision of the Federal, State, or local government.

**RECORD PLAT:** A map of land subdivision prepared with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land and which has been recorded in the office of the Recorder of Deeds of Lincoln County, Missouri.

**RECREATIONAL EQUIPMENT:** All types of boats and/or trailers as defined under this Chapter.

**RECREATIONAL VEHICLE:** A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other temporary occupancy, that meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath and toilet rooms.
2. It is built on a single chassis.
3. To simplify and distinguish a RV "Recreational Vehicle" from a "Manufactured Home".  
"Recreational Vehicle" has a State License Plate, and is regulated by (ANSI) American National Standards Institute.  
"Manufactured Home" has a HUD placard attached on every home, and is regulated by (HUD) Department of Housing and Urban Development.
4. Recreational Vehicles may only be used for dwelling purposes pursuant to the conditions described in Section 46.290.

**RIGHT-OF-WAY:** A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of the law.

**SANITARIUM:** Any premises where the residential prevention, evaluation, care, treatment, habilitation, or rehabilitation is provided for persons affected by mental disorders, mental illness, mental retardation, developmental disabilities, or alcohol or drug abuse, except the person's dwelling, a hospital, or any facility licensed pursuant to Chapter 197. RSMo.

**SIGNS:** See Article IX. Permanent Sign Regulations.

**SITE PLAN:** A drawing illustrating a proposed development and prepared in accordance with the specifications outlined in the various articles, procedures, and Sections of this Chapter.

**STORY:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and ceiling next above it.

**STREET:** Any public or private right-of-way which affords the primary means of access to abutting property.

**STREET, ARTERIAL:** A multi-lane facility designed for movement of a relatively large volume of traffic. Arterials provide connections between local and collector streets and the freeways.

**STREET, COLLECTOR:** A street located within a neighborhood or other integrated use area which collects from and distributes traffic to local streets, and connects arterial streets.

**STREET, CUL-DE-SAC:** A street or a portion of a street with only one (1) vehicular traffic outlet. The closed end has a turnaround.

**STREET, FRONTAGE OR SERVICE.** A minor street generally parallel to and adjacent to arterial streets and highways which provides access to abutting properties and protection from through traffic.

**STREET, MINOR:** A street intended to serve primarily as an access to abutting properties.

**STREET, PRIVATE:** A street not accepted by dedication or otherwise by the Board of Aldermen.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building or structure, including bearing walls, partitions, columns, beams, girders or similar parts of a building or structure, and any substantial change in the roof of a building.

**STRUCTURE:** Anything constructed or erected, which requires location on the ground, or attached to something having location on the ground.

**SUBDIVIDER:** A person, firm, corporation, partnership, or association who shall lay out any subdivision or part thereof as defined herein, either for himself/herself or others.

**SUBDIVISION:** The division or re-division of land into two (2) or more lots, tracts, sites, or parcels for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way or easement.

**SUBDIVISION MANAGERS:** The developer(s); the members of the board of managers; or subdivision trustees; or any other organizations whether incorporated; or not established by any subdivision indentures of covenants and restrictions which have as their duties, or its duties, any one or more of the following:

1. The management or ownership or control of the streets, thoroughfares, ways and lanes in a subdivision which are not public ways and have not been accepted by the City of Moscow Mills for maintenance, or ownership management or control of common ground or entrance monuments identifying the subdivision.
2. The enforcement of all restrictive covenants pertaining to land, common ground and lots within the subdivision.

**SUBDIVISION REGULATIONS:** Regulations as adopted by the Board of Aldermen regulating the subdivision of land.

**TATTOO ESTABLISHMENT:** A business which marks or colors the skin by pricking in coloring matter, or by the production of scars, so as to form indelible marks, letters, numbers, figures, pictures, or designs. No portion of this definition shall be applicable to

medical doctors such as plastic surgeons licensed by the State of Missouri, who perform such procedures as a part of their regular medical practice.

**TITLE LOAN:** A loan in which the lender retains physical possession of a certificate of title for the entire length of the title loan agreement and for all renewals or extensions thereof. The lender shall not be required to retain physical possession of the titled personal property.

**TRACT:** An area or parcel of land, which the developers intend to subdivide and/or improve, or to cause to be subdivided and/or improved pursuant to the requirements of this Chapter.

**TRAILER:** Any structure built on a chassis for licensing by the State as a trailer and designed for general hauling or recreational purposes.

**TRANSMISSION TOWER:** A structure designed for the support of one (1) or more antennae and including guyed towers, self-supporting (lattice) towers or monopoles, including towers or antennae contained within another structure (stealth towers), but not buildings. The term shall also exclude any support structure under sixty (60) feet in height owned and operated at the residence of an amateur radio operator licensed by the Federal Communication Commission. The height of a telecommunications tower shall be measured from the finished grade to top of the tower, excluding any elements with a cross-section of less than four (4) inches.

**USE:** The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

**USE PERMITTED:** A use which is permitted the zoning district in which it is located.

**USE PERMITTED UPON REVIEW AND APPROVAL:** A review conducted by the Planning and Zoning Commission whereby a use is permitted to occur in that district but only upon its approval and subject to those conditions placed upon it by the Commission.

**VARIANCE:** Relief from or variation of the provisions of these regulations, as applied to a specific piece of property.

**WAREHOUSE:** A place for the storage of merchandise or commodities.

**YARD:** An open space on a lot, which is unoccupied and unobstructed from the ground upward, exclusive of that portion dedicated for public streets, except as otherwise provided in this Chapter.

**YARD, FRONT:** A space extending across the entire front of a lot between the structure setback line as required by the regulations of a particular zoning district and the roadway right-of-way line.

**YARD MEASUREMENT:** In measuring a yard for the purpose of determining the width of a side yard or the depth of a front or rear yard; the horizontal distance between the side lot line, front lot line or rear yard, respectively, and a line parallel thereto and passing through the nearest point of the building shall be used.



**YARD, REAR:** A space opposite the front extending across the entire rear of a lot between the structure setback line as required by the regulations of a particular zoning district and the rear lot line.

**YARD, SIDE:** A space extending between the structure setback line as required by the regulations of a particular zoning district and the side lot lines measured between the front yard and the rear yard.

**ZONING DISTRICT MAP:** A map or maps with all notations, references, and symbols shown thereon depicting individual zoned districts in accordance with this Chapter.

**ZONING REGULATIONS:** The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols contained or to which reference is made.

## V. DISTRICT REGULATIONS

### AGRICULTURAL DISTRICT

#### SECTION 46.065 "A-1" AGRICULTURAL DISTRICT

- A. Purpose Of The District.** The purpose of this district is to provide a location for land situated on the fringe of the urban area within the jurisdictional limits of the City that is used for agricultural purposes, but will be undergoing urbanization in the foreseeable future. Therefore, the agricultural uses and activities should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The types of uses, area and intensity of land use which is authorized in this district, is designed to encourage and protect any agricultural use until urbanization is warranted and the appropriate changes in the district classification are made.
- B. Permitted Uses.** Only the following buildings, structures and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval:
1. Single-family dwellings.
  2. Agricultural uses and their accessory buildings.
  3. Public and private parks and open spaces.
  4. Public and private golf courses.
- C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.**
1. Churches or similar places of worship with accessory structures.
  2. Public schools and institutions of higher learning.
  3. A cemetery, airport, camp, hospital, sanitarium, or correctional facility.
  4. Rodeo or fairgrounds.
  5. Dog kennel.
- D. Building Height Requirements.** Not applicable.
- E. Lot Area Requirements.** Not applicable.
- F. Percentage Of Lot Coverage.** Not applicable.
- G. Yard Requirements.** Not applicable.

### PUBLIC PARK GROUND DISTRICT

#### SECTION 46.070: "P-1" PUBLIC PARK GROUND DISTRICT

- A. Purpose Of The District.** The purpose of this district is to provide for public and private

park ground and open space to enhance and preserve the City's recreational, scenic, and cultural areas in a natural state for use by the community.

- B. Permitted Uses.** Only the following buildings, structures, and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval:
  - 1. Park ground and open space.
  - 2. Recreational facilities (playground equipment, ballfields, swimming, picnicking, boating, fishing)
  - 3. Pedestrian walkways and bike paths.
  - 4. Wildlife habitats.
  - 5. Historic sites and buildings.
  - 6. Golf courses.
  - 7. Buildings, pavilions, and storage sheds associated with typical park and recreational facility uses.
- C. Building Height Requirements.** No building shall be erected or enlarged which exceeds two and one-half (2 1/2) stories in height or thirty-five (35) feet in height, unless approved by the Planning and Zoning Commission.
- D. Lot Area Requirements.** Not applicable.
- E. Percentage Of Lot Coverage.** Not applicable.
- F. Yard Requirements.** The principal building shall be set back a minimum of ten (10) feet from a property line.
- G. Architectural Requirements.** There are no specific architectural requirements, however, the architecture of the structures should complement the park setting in which they are located.

## SINGLE-FAMILY RESIDENTIAL DISTRICT

### SECTION 46.075: "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. Purpose Of The District.** The purpose of this district is to provide for low-density single-family development on lots where water and sewer service is available or planned for in the near future and other accessory uses compatible with the residential environment. Also, this district provides for specific uses which may be permitted upon review and approval by the Planning and Zoning Commission.
- B. Permitted Uses.** Only the following buildings, structures, and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval:
  - 1. Single-family dwellings.
  - 2. Group homes.
  - 3. Temporary buildings for uses incidental to construction work. Such buildings shall be immediately adjacent to said construction work and shall be removed upon completion or abandonment of the construction work.
  - 4. Other customary accessory uses and structures, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory structure shall be located on the same lot with the principal structure.
- C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.**
  - 1. Home occupations except those specifically prohibited in the Supplementary Regulations.
  - 2. Public and private schools and institutions of higher education.
  - 3. Public and quasi-public buildings including libraries and similar uses.
  - 4. Churches and related buildings to include dwelling(s) for those employed by the

Church.

5. Private recreational uses and related open spaces as may be affiliated with permitted residential developments.
6. Public park, playgrounds and similar activity areas including public recreation and service buildings.
7. Local public utility facilities.
8. Transmission towers or antennas if concealed within another structure (stealth towers), or attached to another structure.

**D. Special Use Permit Required.**

1. Mortuaries.
2. Single-user office in residential structure located on an arterial road or major collector road.
  - a. No modifications shall be made to the residential appearance of said structure without approval of the Planning and Zoning Commission.

**E. Building Height Requirements.** No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories, excluding the basement, or thirty-five (35) feet in height.

**F. Lot Area Requirements.** Every single-family lot shall have a width of not less than one-hundred (100) feet measured at the building line and an area of not less than the following:

1. Minimum lot size shall be twelve thousand (12,000) square feet, except as noted below. However, the number of permitted units shall not exceed one (1) dwelling unit per twelve thousand (12,000) square feet of net developable area.
2. Single-family dwellings not served by a sanitary sewer system shall meet requirements of State of Missouri Department of Natural Resources.
3. All other uses. Lot areas shall be approved by the Planning and Zoning Commission, except mortuaries shall have a minimum lot size of three (3) acres with minimum frontage of two hundred (200) feet and no access to subdivision streets.

**G. Percentage Of Lot Coverage.** All buildings including accessory buildings and paved areas (driveways, patios, but excluding swimming pools) shall not cover more than fifty percent (50%) of the area of the lot.

**H. Yard Requirements.**

1. The minimum yard requirements shall apply to each lot.
  - a. The minimum front yard depth (main entry) shall be forty (40) feet. Roof, canopy, and covered entranceways, including support posts, shall extend no more than four (4) feet over the front building line.
  - b. Each side yard width shall be a minimum of ten percent (10%) of lot width as measured at the front building line except lots which are on a cul-de-sac. However, in no case shall the side yard be less than twenty (20) feet.
  - c. Rear yard depth shall be a minimum of thirty-five (35) feet, except the rear yard depth on a corner lot may be twenty (20) feet. Swimming pools, decks and open-air porches shall be excluded from the thirty-five (35) feet and twenty (20) feet depth requirements, however, these structures shall not be closer than six (6) feet to the rear yard line. On irregularly shaped lots, when in doubt, the Administrative Officer shall make a determination as to what constitutes the rear yard setback line. However, in no case shall the rear yard depth be less than twenty (20) feet, nor shall the City require a rear yard depth of greater than thirty-five (35) feet.
  - d. Detached accessory buildings may not be used as dwelling units and shall be located in a rear yard. Detached accessory buildings shall be set back at least six (6) feet from the side and rear lot lines and shall not be located within a public easement. It shall also not be located nearer the front lot line than the main building. An accessory building attached in any structural manner to the principal

- structure must conform to the side and rear requirements for principal structures.
- e. Accessory buildings shall be separated by a distance of not less than ten (10) feet from any structure on the same lot. All detached accessory residential buildings shall not exceed one (1) story or fourteen (14) feet in height. Such residential accessory buildings shall occupy no more than thirty percent (30%) of the rear yard and shall not exceed five hundred (500) square feet in area. Pools, patios and decks shall be exempt from the ten (10) foot separation requirement.
  - f. Accessory structures, including garages and sheds, shall be architecturally compatible with the general residential area and the primary structure. Accessory structures which are greater than one hundred twenty (120) square feet shall not be constructed of metal, except aluminum siding.
  - g. Antennas shall be considered accessory structures and shall not exceed fifteen (15) feet in height when attached to a roof and thirty-five (35) feet above ground when installed in the ground. A maximum of one (1) antenna per lot shall be permitted.
  - h. Storage of building materials shall be within a residence, accessory building, or garage unless an active building permit has been issued.
2. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of the street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than twenty (20) feet from any roadway right-of-way line, nor shall a setback greater than fifty (50) feet be required. This Section shall not apply to subdivisions creating new streets or extending existing streets where no dwelling structures exist along such streets within the plat.

**I. Floor Area.**

1. All one-story residences shall contain a minimum of eighteen hundred (1,800) square feet of livable floor space above grade except as noted in Subsection (I)(3).
2. All two-story residences shall contain a minimum of two thousand (2,000) square feet of livable floor space above grade except as noted in Subsection (I)(4).
3. A minimum of twenty percent (20%) of all lots shown on a record plat are permitted to have a reduction in house size to permit a house containing a minimum of sixteen hundred (1,600) square feet of livable floor space above grade for a one-story house.
4. A maximum of twenty percent (20%) of all lots shown on a record plat are permitted to have a reduction in house size to permit a house containing a minimum of eighteen hundred (1,800) square feet of livable floor space above-grade for a two-story house.
5. No more than two (2) reducing sized houses are to be located adjacently along a street frontage.

**J. Miscellaneous Requirements.**

1. Garages. Within all single-family residential developments, all houses shall be constructed to originally include a two (2) car garage which shall be a minimum width of twenty (20) feet.
2. Special Use Permit landscape provisions. Where a special use is adjacent to any residential property or residentially zoned property, a continuous visual screen with a minimum height of eight (8) feet shall be provided on the rear and/or sides of the subject property lines within a ten (10) foot landscape buffer. Such screening shall consist of a solid fence or masonry wall of not less than eight (8) feet; a compact evergreen hedge or foliage screening may be approved as an alternative by the Planning and Zoning Commission.
3. Landscaping. All landscape materials including, but not limited to, trees and shrubs,

shall be maintained in a healthy fashion or shall be removed All landscape materials, including, but not limited to, soil, rock, timbers, mulch, and decorative stones, shall be stored within a residence, accessory building, or garage except during active project activity. Also, during active projects, materials shall not be stored so as to be hazardous or so as to cause a sight-distance problem. Active project activity shall be sixty (60) days after project initiation.

4. Entrances shall conform to the standards contained in the City of Moscow Mills Ordinances, Standards and Regulations.

## **SINGLE-FAMILY RESIDENTIAL DISTRICT**

### **SECTION 46.080: "R-1(A)" SINGLE-FAMILY RESIDENTIAL DISTRICT**

**A. Purpose Of The District.** The purpose of this district is to provide for low-density single-family development on lots where water and sewer service is available or planned for in the near future and other accessory uses compatible with the residential environment. Also, this district provides for specific uses which may be permitted upon review and approval by the Planning and Zoning Commission.

**B. Permitted Uses.** Only the following buildings, structures, and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval:

1. Single-family dwellings.
2. Group homes.
3. Temporary buildings for uses incidental to construction work. Such buildings shall be immediately adjacent to said construction work and shall be removed upon completion or abandonment of the construction work.
4. Other customary accessory uses and structures, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory structure shall be located on the same lot with the principal structure.

**C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.**

1. Home occupations except those specifically prohibited in the Supplementary Regulations.
2. Public and private schools and institutions of higher education.
3. Public and quasi-public buildings including libraries and similar uses.
4. Churches and related buildings to include dwelling(s) for those employed by the Church.
5. Private recreational uses and related open spaces as may be affiliated with permitted residential developments.
6. Public park, playgrounds and similar activity areas including public recreation and service buildings.
7. Local public utility facilities.
8. Transmission towers or antennas if concealed within another structure (stealth towers), or attached to another structure.

**D. Special Use Permit Required.**

1. Mortuaries.
2. Single-user office in residential structure located on an arterial road or major collector road.
  - a. No modifications shall be made to the residential appearance of said structure without approval of the Planning and Zoning Commission.

**E. Building Height Requirements.** No building shall be erected or enlarged to exceed two and one-half stories (2 1/2), excluding the basement, or thirty-five (35) feet in height.

**F. Lot Area Requirements.** Every single-family lot shall have a width of not less than fifty

(50) feet measured at the building line and an area of not less than the following:

1. Minimum lot size shall be eight thousand four hundred (8,400) square feet. However, the number of permitted units shall not exceed one (1) dwelling unit per eight thousand four hundred (8,400) square feet of net developable.
2. Single-family dwellings not served by a sanitary sewer system shall meet requirements of State of Missouri Department of Natural Resources.
3. All other uses. Lot areas shall be approved by the Planning and Zoning Commission, except mortuaries shall have a minimum lot size of three (3) acres with minimum frontage of two hundred (200) feet and no access to subdivision streets.

**G. Percentage Of Lot Coverage.** All buildings including accessory buildings and paved areas (driveways, patios, but excluding swimming pools) shall not cover more than fifty percent (50%) of the area of the lot.

**H. Yard Requirements.**

1. The minimum yard requirements shall apply to each lot.
  - a. The minimum front yard depth (main entry) shall be twenty-five (25) feet.
  - b. Each side yard width to be a minimum of ten percent (10%) of lot width. However, in no case shall the side yard be less than seven (7) feet.
  - c. Rear yard depth shall be a minimum of twenty-five (25) feet, except the rear yard depth on a corner lot may be fifteen (15) feet. Swimming pools, decks and open-air porches shall be excluded from the twenty-five (25) feet and fifteen (15) feet depth requirements, however, these structures shall not be closer than six (6) feet to the rear yard line. On irregularly shaped lots, when in doubt, the Administrative Officer shall make a determination as to what constitutes the rear yard setback line. However, in no case shall the rear yard depth be not less than fifteen (15) feet, nor shall the City require a rear yard depth of greater than twenty-five (25) feet.
  - d. Detached accessory buildings may not be used as dwelling units and shall be located in a rear yard. Detached accessory buildings shall be set back at least six (6) feet from the side and rear lot lines and shall not be located within a public easement. It shall also not be located nearer the front lot line than the main building. An accessory building attached in any structural manner to the principal structure must conform to the side and rear requirements for principal structures.
  - e. Accessory buildings shall be separated by a distance of not less than ten (10) feet from any structure on the same lot. All detached, residential accessory buildings shall not exceed one (1) story or fourteen (14) feet in height. Such residential accessory buildings shall occupy no more than thirty percent (30%) of the rear yard and shall not exceed five hundred (500) square feet in area. Pools, patios and decks shall be exempt from the ten (10) foot separation requirement.
  - f. Accessory structures, including garages and sheds, shall be architecturally compatible with the general residential area and the primary structure. Accessory structures which are greater than one hundred twenty (120) square feet shall not be constructed of metal, except aluminum siding.
  - g. Antennas shall be considered accessory structures and shall not exceed fifteen (15) feet in height when attached to a roof and thirty-five (35) feet above ground when installed in the ground. A maximum of one (1) antenna per lot shall be permitted.
  - h. Storage of building materials shall be within a residence, accessory building, or garage unless an active permit has been issued.
2. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of the street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet,

the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required. This Section shall not apply to subdivisions creating new streets or extending existing streets where no dwelling structures exist along such streets within the plat.

**I. Floor Area.** Every single-family detached dwelling hereafter erected shall contain a floor area, exclusive of garage space and area over open porches as follows:

1. For all lots contained on plats recorded after adoption of this ordinance, all houses shall contain a minimum of eleven hundred (1,100) square feet of livable floor space completely above grade.

**J. Miscellaneous Requirements.**

1. Garages. Within all single-family residential developments, all houses shall be constructed to originally include a two (2) car garage which shall be a minimum width of twenty (20) feet.
2. Special Use Permit landscape provisions. Where a special use is adjacent to any residential property or residentially zoned property, a continuous visual screen with a minimum height of eight (8) feet shall be provided on the rear and/or sides of the subject property lines within a ten (10) foot landscape buffer. Such screening shall consist of a solid fence or masonry wall of not less than eight (8) feet; a compact evergreen hedge or foliage screening may be approved as an alternative by the Planning and Zoning Commission.
3. Landscaping. All landscape materials including, but not limited to, trees and shrubs, shall be maintained in a healthy fashion or shall be removed. All landscape materials including, but not limited to, soil, rock, timbers, mulch, and decorative stones shall be stored within a residence, accessory building, or garage except during active project activity. Also, during active projects, materials shall not be stored so as to be hazardous or so as to cause a sight-distance problem. Active project activity shall be sixty (60) days after project initiation.
4. Entrances shall conform to the standards contained in the City of Moscow Mills Ordinances, Standards and Regulations.

## TWO-FAMILY RESIDENTIAL DISTRICT

### SECTION 46.085: "R-2" TWO-FAMILY RESIDENTIAL DISTRICT

**A. Purpose Of The District.** The purpose of this district is to delineate areas in the City for two-family dwellings or semi-detached dwellings. Within this district, said regulations shall apply to the use of land with the exclusive exception of ownership, specifically the requirement of a common lot for ownership purposes. This district is intended to preserve areas for low to moderate-density including single-family dwellings. Also, this district provides for specific uses which may be permitted upon review and approval by the Planning and Zoning Commission.

**B. Permitted Uses.** Only the following buildings, structures, and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval:

1. Two-family dwellings.
2. Single-family dwellings.
3. Group homes.
4. Temporary buildings for uses incidental to construction work. Such buildings shall be immediately adjacent to said construction work and shall be removed upon completion or abandonment of the construction work.
5. Other customary accessory uses and structures, provided such uses are incidental to

the principal use and do not include any activity commonly conducted as a business. Any accessory structure shall be located on the same lot with the principal structure.

**C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.**

1. Home occupations except those specifically prohibited in the Supplementary Regulations.
2. Public and private schools and institutions of higher education.
3. Public and quasi-public buildings including libraries and similar uses.
4. Churches and related buildings to include dwelling(s) for those employed by the Church.
5. Private recreational uses and related open spaces as may be affiliated with permitted residential developments.
6. Public park, playgrounds and similar activity areas including public recreation and service buildings.
7. Local public utility facilities.
8. Transmission towers or antennas if concealed within another structure (stealth towers), or attached to another structure.

**D. Special Use Permit Required.**

1. Mortuaries.
2. Single-user office in residential structure located on an arterial road or major collector road.

**E. Building Height Requirements.** No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories, excluding the basement, or thirty-five (35) feet in height.

**F. Lot Area Requirements.**

1. Each two-family dwelling shall be located on a common lot having an area of at least ten thousand (10,000) square feet and a width of eighty (80) feet measured at the building line.
2. All other uses. Lot areas shall be approved by the Planning and Zoning Commission, except mortuaries shall have a minimum lot size of three (3) acres with minimum frontage of two hundred (200) feet and no access to subdivision streets.
3. Unit area. All units on plats shall be a minimum of one thousand one hundred (1,100) square feet in area.

**G. Percentage Of Lot Coverage.** All buildings including accessory buildings and paved areas (driveways, patios, but excluding swimming pools) shall not cover more than fifty percent (50%) of the area of the lot.

**H. Yard Requirements.**

1. The minimum front yard depth (main entry) shall be twenty five (25) feet.
2. Each perimeter side yard width to be a minimum of ten percent (10%) of lot width but need not be more than seven (7) feet wide. The common interior lot line over which a building structure may be erected may have a zero (0) feet setback.
3. Rear yard depth shall be a minimum of twenty-five (25) feet, except the rear yard depth on a corner lot may be fifteen (15) feet.
4. Detached accessory buildings shall not be used as dwelling units and shall be located in a rear yard. Detached accessory buildings shall be set back at least six (6) feet from the side and rear lot lines and shall not be located within a public easement. Detached accessory buildings shall also not be located nearer the front lot line than the main building. An accessory building attached in any structural manner to the principal structure must conform to the side and rear requirements for principal structures.
5. Accessory buildings shall be separated by a distance of not less than ten (10) feet from any structure on the same lot. All detached residential accessory buildings shall not exceed one (1) story or fourteen (14) feet in height. Such residential accessory



buildings shall occupy no more than thirty percent (30%) of the rear yard and shall not exceed five hundred (500) square feet in area. Pools, patios and decks shall be exempt from the ten (10) foot separation requirement.

6. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of the street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required. This Section shall not apply to subdivisions creating new streets or extending streets where no dwelling structures exist along such streets within the plat.
7. All units shall include a two (2) car garage which shall be a minimum of twenty (20) feet in width.
8. Accessory structures, including garages and sheds, shall be architecturally compatible with the general residential area and the primary structure. Accessory structures that are greater than one hundred twenty (120) square feet shall not be constructed of metal, except aluminum siding.
9. Antennas shall be considered accessory structures and shall not exceed fifteen (15) feet in height when attached to a roof and thirty-five (35) feet above ground when installed in the ground. A maximum of one (1) antenna per lot shall be permitted.
10. Storage of building materials shall be within a residence, accessory building, or garage unless an active building permit has been issued.
11. Landscaping. All landscape materials including, but not limited to, trees and shrubs, shall be maintained in a healthy fashion or shall be removed. All landscape materials shall be stored within a residence, accessory building, or garage except during active project activity. Also, during active projects, materials shall not be stored so as to be hazardous or so as to cause a sight distance problem. Active project activity shall be sixty (60) days after project initiation.
- I. **Party Wall Agreement.** For any duplex structure having separate ownership of each side of the unit, a party wall agreement between the owners shall be filed with the Lincoln County Recorder of Deeds office. Said agreement is to provide for maintenance responsibilities and aesthetic considerations of the structure.
- J. Entrances shall conform to the standards contained in the City of Moscow Mills Ordinances, Standards and Regulations.
- K. Where a special use is adjacent to any residential property or residentially zoned property, a continuous visual screen with a minimum height of eight (8) feet shall be provided on the rear and/or sides of the subject property lines within a ten (10) foot landscape buffer. Such screening shall consist of a solid fence or masonry wall of not less than eight (8) feet; a compact evergreen hedge or foliage screening may be approved as an alternative by the Planning and Zoning Commission.

## MULTIPLE-FAMILY RESIDENTIAL DISTRICT

### SECTION 46.090"R-3" MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- A. **Purpose Of The District.** These districts are intended to establish zones within the City for multiple-family dwellings at a moderate to high density. The regulations of this district are designed to accommodate a higher intensity of land use in those areas appropriately served by central water/sewer systems, and roads and which abut or are adjacent to such other uses or structures which support or complement such an intensity of use. Within this district, said regulations shall apply, irrespective of ownership, to the use of land

specifically, but not limited to townhouses and apartments.

1. For the purposes of this Section, the multiple-family district is as follows:
  - a. "R-3" Multiple-Family Residential. Twelve (12) units or less per acre.

**B. Permitted Uses.**

1. Multiple-family dwellings.
2. Group homes.

**C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.**

1. All uses allowed in the "R-1" and "R-1(A)" Single-Family Residential Districts, and "R-2" Two-Family Residential District.

**D. Special Use Permit Required.**

1. Mortuaries.
2. Buildings that exceed twenty-eight (28) feet in height or two (2) stories.

**E. Building Height Requirements.** No building shall be erected or enlarged to exceed two (2) stories or twenty-eight (28) feet in height.

**F. Lot Width Requirements.**

1. For each multiple-family parcel, the minimum lot width shall be one hundred (100) feet as measured at the building line.
2. All other uses. Lot areas shall be approved by the Planning and Zoning Commission, except mortuaries shall have a minimum lot size of three (3) acres with a minimum frontage of two hundred (200) feet and no access to subdivision streets.

**G. Density Of Development And Related Lot Area Requirements.**

1. A minimum of one (1) acre is required to develop a multiple-family project in this zoning district.
2. For each development there shall not be more than eight (8) attached dwelling units in a row.
3. Unit area. All units on plans approved by the Planning and Zoning Commission shall be a minimum of eight hundred fifty (850) square feet in area for apartments and one thousand (1,000) square feet in area for condominiums and townhouses.

**H. Yard Requirements.**

1. The following minimum yard depths shall be provided for individual lots:
  - a. The minimum front yard depth (main entry) shall be twenty-five (25) feet. On the corner lot a fifteen (15) foot side building line may be permitted.
  - b. The minimum side yard width shall be no less than fifteen (15) feet.
  - c. Rear yard depth shall be a minimum of twenty-five (25) feet. However, in conjunction with attached single-family units, swimming pools, decks and open-air porches shall be exempt from the rear yard setback; these structures shall not be closer than six (6) feet to the rear yard line.
2. The following minimum distances shall be provided between principal buildings located on the same plot:
  - a. The side of a principal building shall not be located any closer than twenty (20) feet to the side of another principal building.
  - b. There shall be a minimum of forty (40) feet from the front or rear of a principal building to any other principal building.
3. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of the street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be

required. This Section shall not apply to subdivisions creating new streets or extending existing streets where no dwelling structures exist along such streets within the plat.

4. All units, except multi-unit buildings without individual unit entrances, shall include a two (2) car garage which shall be a minimum width of twenty (20) feet.

**I. Miscellaneous Requirements.**

1. Exterior lighting shall be provided throughout the development to promote the security and safety of the residents including parking, pedestrian, recreation, and open space area. Such lighting shall be designed to prevent glare onto adjacent properties or into the dwelling units.
2. Where an "R-3" Multiple-Family Residential District is adjacent to an "R-1", "R-1(A)" Single-Family or "R-2" Two-Family District, a landscaped greenbelt at least ten (10) feet in width shall be provided continuously on the back and/or sides of the multiple-family property lines and shall consist of the following:
  - a. An eight (8) foot high vinyl fence along the property line of the "R-3" Multiple-Family Residential District.
  - b. All landscaping shall be maintained in a healthy growing condition by the property owner and the green belt shall not be used for off-street parking facilities or for loading spaces.
3. Storage of building materials shall be within a residence, accessory building, or garage unless an active building permit has been issued.
4. Landscaping. All landscape materials including, but not limited to, trees and shrubs, shall be maintained in a healthy fashion or shall be removed. All landscape materials including, but not limited to, soil, rock, timbers, mulch, and decorative stones, shall be stored within a residence, accessory building, or garage except during active project activity. Also, during active projects, materials shall not be stored so as to be hazardous or so as to cause a sight- distance problem. Active project activity shall be sixty (60) days after project initiation.
5. Entrances shall conform to the standards contained in the City of Moscow Mills Ordinances, Standards and Regulations.
6. All exterior solid waste containers shall be screened from public view. All screening shall be six (6) feet in height and of masonry or vinyl fencing construction that matches or complements the primary building on-site.

**J. Screening And Landscaping.** See Supplementary Regulations Landscaping and Screening Requirements.

**K. Density Allowance.** In order to achieve the density equal to that prior to any dedication of land, the developer may request, and the Planning and Zoning Commission may grant, a reduction in the required side and rear yard requirements to compensate for such a dedication.

**L.** Where a special use is adjacent to any residential property or residentially zoned property, a continuous visual screen with a minimum height of eight (8) feet shall be provided on the rear and/or sides of the subject property lines within a ten (10) foot landscape buffer. Such screening shall consist of a solid vinyl fence or masonry wall of not less than eight (8) feet; a compact evergreen hedge or foliage screening may be approved as an alternative by the Planning and Zoning Commission.

**MANUFACTURED/MOBILE HOME DISTRICT**

**SECTION 46.095 "R-1M" MANUFACTURED/MOBILE HOME DISTRICT:**

**A. Purpose Of The District.** The purpose of this district is to provide a well-designed manufactured, or mobile home park, or subdivision where public utilities are available and to establish basic standards which will determine the character of the land use and its

effect upon the surrounding properties. The “R-1M” district shall be the only district within which a manufactured/mobile home park can be located.

**B. Permitted Uses:** Uses permitted within the district, “R-1M” are as follows:

1. Manufactured or mobile homes.
2. Public park, playgrounds and similar activity areas including public recreation and service buildings.
3. Churches and related buildings to include dwelling(s) for those employed by the Church.
4. Public and quasi-public buildings including libraries and similar uses.
5. Public and private schools and institutions of higher education.
6. Home occupations except those specifically prohibited in the Supplementary Regulations.
7. Local public utility facilities.
8. Transmission towers or antennas its concealed within another structure (stealth towers), or attached to another structure.
9. Licensed child care facilities.

**C. Permitted Accessory Uses:** The following accessory uses are permitted in the “R-1M” district.

1. Playground and recreational facilities.
2. Management quarters.
3. Laundry facilities.
4. Vending machines.
5. Public restrooms, including showers with pool facilities.
6. Private swimming pools.
7. Private parking lots for residents and guests (one space for every two homes).
8. Storage buildings incidental to management and operation of a manufactured or mobile home park.
9. Storage buildings on individual lots but not exceeding two-hundred (200) square feet conforming to existing Building Codes and only one per house.
10. Individual home porches, decks, garages or carports that are secured to the ground as directed by the Building Code.
11. Storage facility for additional vehicles, recreational vehicles, equipment, and or storage buildings for rent for residents for additional storage.
12. Storm and/or tornado shelters are required in a manufactured or mobile home park.

**D. Lot Area Requirements:** Minimum lot areas for manufactured or mobile homes in a park shall conform to the following standards:

1. An individual manufactured or mobile home space/lot shall have a minimum of seventy-five hundred (7,500) square feet for all sizes of manufactured or mobile homes.
2. The minimum space/lot width of any side shall be sixty (60) feet.
3. The minimum space/lot depth or longest side shall be one-hundred fifteen (115) feet.

**E. Setback And Yard Requirements:** The placement of manufactured or mobile homes in a park shall conform to the following standards:

1. A manufactured or mobile home shall not be set or placed less than twenty-five (25) feet from a public or private road.
2. A manufactured or mobile home shall not be set or placed less than ten (10) feet from the side yard line.
3. A manufactured or mobile home shall not be set or placed less than ten (10) feet from the rear yard line.
4. Not more than one manufactured or mobile home shall be placed or located on any one space or lot.

5. The minimum distance between manufactured or mobile homes shall be twenty (20) feet at any one point between the two.
6. No storage structure shall be located closer than twenty (20) feet to a manufactured or mobile home on another space or lot and no closer than ten (10) feet to the home on the same space or lot.
7. Each manufactured or mobile home, including all accessory buildings, garages, carports, decks and porches, shall cover no more than sixty percent (60%) of each home space or lot.

**F. Parking Requirements:** Two (2) off-street parking spaces shall be provided for each manufactured or mobile home space. Such spaces need not be located on the manufactured or mobile home space and if not, then shall be dedicated and designated for a particular manufactured or mobile home space. The parking pavement must be designed according to City of Moscow Mills Ordinances, Standards and Regulations and must consist of either concrete or asphalt surface.

**G. Design Standards Of The “R-1M” District:**

1. A manufactured or mobile home park shall not be less than ten (10) acres in total area and must have platted lots or spaces filed with the City of Moscow Mills.
2. The maximum density of a manufactured or mobile home park shall not exceed six (6) units per acre.
3. Each manufactured or mobile home space shall abut a local street within the park. All streets shall conform to the City of Moscow Mills Design Criteria and Standard Specifications for Street Construction.
4. There shall be a dense green buffer area surrounding the perimeter of the park, less access streets, of at least twenty (20) feet in width and landscaped with shrubs and trees on a soil berm not less than two (2) feet in height or more than three (3) feet in height unless it is required or approved by the Planning and Zoning Commission.
5. At least fifteen hundred (1,500) square feet of recreational space for each home space shall be platted and reserved within each park as common recreational space for the residents of the park. Such areas shall be adequately lighted for safety, landscaped, and free of hazards and developed in a manner for recreational activity. It shall be located so as to be freely accessible to the park residents. These spaces can be used for storm and/or tornado shelters throughout the park, if included in the original plat.
6. The manufactured or mobile home park and all occupied home spaces must be connected to public water and sewage systems approved by the City of Moscow Mills and Missouri Department of Natural Resources.
7. No manufactured or mobile home park shall permit the use of propane in place of natural gas.
8. All manufactured or mobile homes shall comply with the Federal Standards and Regulations (HUD) at the time of manufacturing. All homes shall be anchored according to State requirements and specifications at that time and will be subject to City Building Codes and inspection by a City Building Inspector.
9. All streets shall have sidewalks on at least one side of each street which may be located within the buffer zone and built according to the City of Moscow Mills construction guidelines.
10. Storm and/or tornado shelters are required for all mobile/manufactured home parks.

**H. Plans and Procedure For Approval:** All plans for a manufactured or mobile home park shall be submitted to the Planning and Zoning Commission for approval before any construction can commence. There shall be submitted eight copies of such plans. The plans shall include the following:

1. The plans must be drawn to a scale of not less than one (1) inch equals fifty (50) feet by

- a Registered Professional Engineer, professional land use planner, or Registered Land Surveyor.
2. The plans must have drawn thereon the following:
    - a. The location of the entire tract as to surrounding tracts.
    - b. An outboundary metes and bounds description.
    - c. Each manufactured or mobile home space with dimensions.
    - d. All proposed entrances, streets, exits, driveways, sidewalks, off-street parking and street lights, including the existing streets to be connected to and the dimensions therefore.
    - e. The location of buildings to be used for storage, management and resident use.
    - f. The location of recreational spaces.
    - g. The location and plans for the water supply, sewage disposal and electrical lighting.
    - h. The location and dimensions of the green buffer area or zone.
    - i. The owners of adjacent properties.
    - j. The elevations of the land.
    - k. The location of sanitary and refuse containers
    - l. The name of the present owner of the described land and any future owners and addresses and phone numbers.
    - m. The name, address and phone number of the company or person who drew the plans.

The Planning and Zoning Commission shall have the authority to impose reasonable restrictions, conditions and safeguards on any proposed manufactured or mobile home park development. This includes the installation and construction of storm and/or tornado shelters.

**I. Existing Manufactured Or Mobile Home Parks:** Any expansion of existing manufactured or mobile home parks on the effective date of this Ordinance shall comply with the provisions herein.

**J. Nonconformity.**

1. All existing occupied manufactured or mobile homes located on an individual lot shall be permitted to remain in place so long as occupied, but provided that they may not be replaced unless made to conform with the requirements of this Ordinance.

2. Yard setback requirements for storage structures placed on an existing individual space or lot of less than 7,500 square feet with an existing mobile home shall be not less than ten (10) feet to a manufactured or mobile home on another space or lot and not less than five (5) feet to the home on the same space or lot.

**MODULAR HOME DISTRICT**

**SECTION 46.100: "R-1MOD" MODULAR HOME DISTRICT**

**A. Purpose Of The District.** The purpose of this district is to provide for low-density single-family modular dwelling development on lots where water and sewer service is available or planned for in the near future and other accessory uses compatible with the residential environment. Also, this district provides for specific uses which may be permitted upon review and approval by the Planning and Zoning Commission. The R-1MOD Modular Home District is the only district in which modular homes are allowed.

**B. Permitted Uses.** Only the following buildings, structures, and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval:

1. Single-family dwellings including modular homes that meet the established design requirements.
2. Group homes.
3. Temporary buildings for uses incidental to construction work. Such buildings shall be immediately adjacent to said construction work and shall be removed upon completion or abandonment of the construction work.
4. Other customary accessory uses and structures, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory structure shall be located on the same lot with the principal structure.

**C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.**

Home occupations except those specifically prohibited in the Supplementary Regulations.

Public and private schools and institutions of higher education.

Public and quasi-public buildings including libraries and similar uses.

Churches and related buildings to include dwelling(s) for those employed by the Church.

Private recreational uses and related open spaces as may be affiliated with permitted residential developments.

Public park, playgrounds and similar activity areas including public recreation and service buildings.

Local public utility facilities.

Transmission towers or antennas if concealed within another structure (stealth towers), or attached to another structure.

**D. Special Use Permit Required.**

Mortuaries.

Single-user office in residential structure located on an arterial road or major collector road.

1. No modifications shall be made to the residential appearance of said structure without approval of the Planning and Zoning Commission.

**E. Building Height Requirements.** No building shall be erected or enlarged to exceed two and one-half stories, excluding the basement, or thirty-five (35) feet in height.

**F. Lot Area Requirements.** Every single-family lot shall have a width of not less than fifty (50) feet measured at the building line and an area of not less than the following:

- Minimum lot size shall be eight thousand four hundred (8,400) square feet. However, the number of permitted units shall not exceed one (1) dwelling unit per eight thousand four hundred (8,400) square feet of net developable.
- Single-family modular dwellings not served by a sanitary sewer system shall meet requirements of State of Missouri Department of Natural Resources.
- All other uses. Lot areas shall be approved by the Planning and Zoning Commission, except mortuaries shall have a minimum lot size of three (3) acres with minimum frontage of two hundred (200) feet and no access to subdivision streets.

**G. Percentage Of Lot Coverage.** All buildings including accessory buildings and paved areas (driveways, patios, but excluding swimming pools) shall not cover more than fifty percent (50%) of the area of the lot.

**H. Yard Requirements.**

1. The minimum yard requirements shall apply to each lot.
  - a. The minimum front yard depth (main entry) shall be twenty-five (25) feet.
  - b. Each side yard width to be a minimum of ten percent (10%) of lot width. However, in no case shall the side yard be less than seven (7) feet.
  - c. Rear yard depth shall be a minimum of twenty-five (25) feet, except the rear yard depth on a corner lot may be fifteen (15) feet. Swimming pools, decks and open-air porches shall be excluded from the twenty-five (25) feet and fifteen (15) feet depth

- requirements, however, these structures shall not be closer than six (6) feet to the rear yard line. On irregularly shaped lots, when in doubt, the Administrative Officer shall make a determination as to what constitutes the rear yard setback line. However, in no case shall the rear yard depth be not less than fifteen (15) feet, nor shall the City require a rear yard depth of greater than twenty-five (25) feet.
- d. Detached accessory buildings may not be used as dwelling units and shall be located in a rear yard. Detached accessory buildings shall be set back at least six (6) feet from the side and rear lot lines and shall not be located within a public easement. It shall also not be located nearer the front lot line than the main building. An accessory building attached in any structural manner to the principal structure must conform to the side and rear requirements for principal structures.
  - e. Accessory buildings shall be separated by a distance of not less than ten (10) feet from any structure on the same lot. All detached, residential accessory buildings shall not exceed one (1) story or fourteen (14) feet in height. Such residential accessory buildings shall occupy no more than thirty percent (30%) of the rear yard and shall not exceed five hundred (500) square feet in area. Pools, patios and decks shall be exempt from the ten (10) foot separation requirement.
  - f. Accessory structures, including garages and sheds, shall be architecturally compatible with the general residential area and the primary structure. Accessory structures which are greater than one hundred twenty (120) square feet shall not be constructed of metal, except aluminum siding.
  - g. Antennas shall be considered accessory structures and shall not exceed fifteen (15) feet in height when attached to a roof and thirty-five (35) feet above ground when installed in the ground. A maximum of one (1) antenna per lot shall be permitted.
  - h. Storage of building materials shall be within a residence, accessory building, or garage unless an active permit has been issued.
2. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of the street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required. This Section shall not apply to subdivisions creating new streets or extending existing streets where no dwelling structures exist along such streets within the plat.

#### **J. Miscellaneous Requirements.**

Design Standards. Every Modular home shall meet the "Design Standards for Modular Homes" requirements contained elsewhere in this Chapter.

Garages. Within all single-family residential developments, all houses shall be constructed to originally include a two (2) car garage which shall be a minimum width of twenty (20) feet.

Special Use Permit landscape provisions. Where a special use is adjacent to any residential property or residentially zoned property, a continuous visual screen with a minimum height of eight (8) feet shall be provided on the rear and/or sides of the subject property lines within a ten (10) foot landscape buffer. Such screening shall consist of a solid fence or masonry wall of not less than eight (8) feet; a compact evergreen hedge or foliage screening may be approved as an alternative by the Planning and Zoning Commission.

Landscaping. All landscape materials including, but not limited to, trees and shrubs, shall be maintained in a healthy fashion or shall be removed. All landscape materials



including, but not limited to, soil, rock, timbers, mulch, and decorative stones shall be stored within a residence, accessory building, or garage except during active project activity. Also, during active projects, materials shall not be stored so as to be hazardous or so as to cause a sight-distance problem. Active project activity shall be sixty (60) days after project initiation.

Entrances shall conform to the standards contained in the City of Moscow Mills Ordinances, Standards and Regulations.

## SENIOR RESIDENTIAL DISTRICT

### SECTION 46.102: "R-S" SENIOR RESIDENTIAL DISTRICT

**A. Purpose Of The District.** The purpose of the Senior Residential District is to encourage development of residential communities for persons fifty-five (55) years of age and older by allowing for a greater variety of uses and building types at a higher density than would normally be allowed and allowing greater flexibility in site planning so as to promote affordable housing and the preservation of open space within the development. It is intended that a senior residential district provide a range of housing types and facilities that are responsive to the needs of senior residents. The senior residential district should be a well-integrated development in terms of land use, functional systems, and major design elements such as buildings, roads, utilities, sewers, drainage systems and open space. Design standards should be supportive of a cohesive development while providing a sense of community for the residents.

**B. Permitted Uses.** Only the following buildings, structures, and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval:

1. This district allows adjoining housing units such as villas, similar to R-2 and R-3, with one car garages, for senior designated housing, in compliance with the Fair Housing Act.

**C. Building Height Requirements.** No building shall be erected or enlarged to exceed two (2) stories, excluding the basement, or twenty-eight (28) feet in height.

**D. Lot Width Requirements.**

1. For each multiple-family parcel, the minimum lot width shall be one hundred (100) feet as measured at the building line.
2. All other uses. Lot areas shall be approved by the Planning and Zoning Commission, except mortuaries shall have a minimum lot size of three (3) acres with a minimum frontage of two hundred (200) feet and no access to subdivision streets.

**E. Density Of Development And Related Lot Area Requirements.**

1. A minimum of one (1) acre is required to develop a residential senior project in this zoning district.
2. For each development there shall not be more than four (4) attached dwelling units in a row.
3. Unit area. All units on plans approved by the Planning and Zoning Commission in a Residential Senior District shall be a minimum of eight hundred fifty (850) square feet in area for apartments and one thousand (1,000) square feet in area for condominiums and townhouses.

**F. Yard Requirements.**

1. The following minimum yard depths shall be provided for individual lots:
  - a. The minimum front yard depth (main entry) shall be twenty-five (25) feet. On the corner lot a fifteen (15) foot side building line may be permitted.
  - b. The minimum side yard width shall be no less than fifteen (15) feet.
  - c. Rear yard depth shall be a minimum of twenty-five (25) feet. However, in conjunction with attached single-family units, swimming pools, decks and open-air porches shall be exempt from the rear yard setback; these structures shall not be closer than six (6) feet to the rear yard line.
2. The following minimum distances shall be provided between principal buildings located on the

same plot:

- a. The side of a principal building shall not be located any closer than twenty (20) feet to the side of another principal building.
  - b. There shall be a minimum of forty (40) feet from the front or rear of a principal building to any other principal building.
3. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of the street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required. This Section shall not apply to subdivisions creating new streets or extending existing streets where no dwelling structures exist along such streets within the plat.
4. All units, except multi-unit buildings without individual unit entrances, shall include a minimum one (1) car garage which shall be a minimum width of twelve (12) feet.

**G. Screening And Landscaping.** The Senior Residential District may be located adjacent to any other type of Residential or Commercial District, pursuant to screening requirements previously referenced in R-2 and R-3 Zoning Districts.

**H. Accessory Structures.**

1. All Residential Senior Districts may have such accessory structures as may be necessary to provide services for the residents. These can include, but are not limited to offices, laundry facilities, cafeteria/dining room, community meeting room, recreational areas and library.
2. Limited retail space may be provided to meet the needs of residents. Such space should take up no more than 5% of the total development.
3. Height Requirements.-Accessory structures may not exceed two (2) stories in height.
4. Set Back Requirements.-Accessory structures must follow the set-back requirements as previously referenced in this chapter.

**SPECIAL OLD TOWN DISTRICT**

**SECTION 46.105: "S-D" SPECIAL OLD TOWN DISTRICT**

**A. Purpose Of The District.** The purpose of this district is to preserve the integrity of Old Town as identified on the official Zoning District Map and to provide for improvement and development within Old Town consistent with the existing structures and uses. The regulations of this special district are intended to allow greater design flexibility in development and new construction than is permitted by the other district regulations. All improvement, development and construction after adoption of this Ordinance within the boundaries of Old Town shall allow for integrated uses within this district without rezoning each lot within this district. Each new building, structure or development will be approved on an individual basis depending on location and permitted use.

**B. Permitted Uses.** A building or lot shall be used only for the following purposes:

1. All uses permitted in "R-1", "R-1(A)", "R-2", "C-1", and "C-2" Districts.
2. Outdoor flea markets.
3. Single-family and two-family dwellings above the first (1st) floor of a building.

**C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.**

1. Hotels/motels, bed and breakfast establishments, boarding houses, and similar uses.
2. All uses upon review in the "R-1", "R-1(A)", "R-2", "C-1", and "C-2" Districts.

**D. Building Height.** No building shall be erected or enlarged to exceed thirty-five (35) feet or two and one-half (2 1/2) stories in height.

**E. Lot Area Requirements.**

1. Minimum lot size shall be seven thousand five hundred (7,500) square feet.
2. There shall be no other minimum setback requirements.

**F. Yard Requirements.** Since there were no planning and zoning regulations when Old Town was originally established, yard requirements shall be consistent with existing layouts and will require approval by the Planning and Zoning Commission on an individual basis.

**G. Parking Requirements.** The parking requirements for each development shall be as approved by the Planning and Zoning Commission in conjunction with site plan review and approval. Parking requirements shall be consistent with Ordinance requirements when possible, but shall be evaluated on an individual basis after evaluating existing conditions and space available.

**H. Signage.**

Signs shall be permitted as allowed in the "C-2" Community Commercial District. Informational signage shall be permitted within the public right-of-way to provide direction for businesses. The location and design of such signs shall be as approved by the Planning and Zoning Commission.

**NEIGHBORHOOD COMMERCIAL OR BUSINESS DISTRICT**

**SECTION 46.110:"C-1" NEIGHBORHOOD COMMERCIAL DISTRICT**

**A. Purpose Of The District.** The purpose of this district is to provide for attractive and convenient retail shopping facilities and services in close proximity to residential neighborhoods. These retail establishments will be located and designed for compatibility within the neighborhood setting.

**B. Permitted Uses.** Only the following buildings, structures, and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval:

1. Low-density business and professional offices (including law, insurance, accounting, data processing, photography, architects' and engineers' offices).
2. Low-density retail businesses serving neighborhood needs (including convenience and food shops where good/services, other than gasoline or vehicular fuel, are sold directly to the public for consumption elsewhere than on the premises), barber and beauty shops, tattoo and body piercing establishments, laundromats, dry cleaning services, and "quick print" type printing services.
3. Public, educational, governmental offices and libraries.
4. Medical/dental/optician offices.

**C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.**

1. State Licensed day-care centers.
2. Medical/dental/optician clinics.
3. Veterinary office, not including animal kennels.
4. Public and private schools and churches and related structures.
5. Transmission towers or antennas if concealed within another structure (stealth towers), or attached to another structure.

**D. Building Height Requirements.** No building shall exceed twenty (20) feet or one (1) story in height, except upon review and approval by the Planning and Zoning Commission.

**E. Lot Area Requirements.** There are no minimum lot area requirements in this district.

**F. Yard Requirements.**

1. Front yard. All buildings shall be set back from the street right-of-way line to provide a front yard having not less than thirty (30) feet in depth.

2. Side yard. Side yard width shall be ten (10) feet except when adjacent to a residential district, then twenty (20) feet is required.
3. Rear yard. Rear yard depth shall be fifteen (15) feet except when adjacent to a residential district, then twenty-five (25) feet is required.

**G. Screening and Landscaping.** See Supplementary Regulations Landscaping and Screening Requirements.

**H. Miscellaneous Requirements.**

1. All exterior solid waste containers and container racks or stands shall be screened from public view. All screening shall be six (6) feet in height and of masonry construction that matches or complements the primary building on the site. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Planning and Zoning Commission. Outside display of items for sale and outside storage of materials, equipment or stock shall be stored in an orderly fashion and shall be located as approved by the Planning and Zoning Commission.
2. All yards unoccupied with buildings or used as trafficways shall be landscaped with grass and shrubs and maintained in good condition the year-round.
3. All of the lot used for parking of vehicles and storage and display, and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with the City of Moscow Mills Ordinances, as amended.
4. Where a "C-1" Neighborhood Commercial District is adjacent to any residential zoning district, a landscaped greenbelt at least ten (10) feet in width shall be provided continuously on the back and/or sides of the commercial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid wood fence, or other type of screening with a minimum height of eight (8) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along the appropriate property line by the users of the "C-1" Neighborhood Commercial property. All landscaping shall be maintained in a healthy growing condition by the property owner and the greenbelt shall not be used for off-street parking facilities or for loading space.
5. No permanent outdoor storage shall be allowed in any "C-1" Neighborhood Commercial District.
6. Vehicles used in conjunction with the operation of a business shall be parked behind or next to the building housing the business, when feasible. When a rear or side parking space is not feasible, the vehicle shall be parked so as to not obstruct visibility of the shopping center entrances. Parking of commercial vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.
7. Entrances shall conform to the standards contained in the City of Moscow Mills Ordinances, Standards and Regulations.
8. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center. The submitted plan shall show such common areas.

**COMMUNITY COMMERCIAL OR BUSINESS DISTRICT**

**SECTION 46.115:"C-2" COMMUNITY COMMERCIAL DISTRICT**

**A. Purpose Of The District.** The purpose of this district is to provide sufficient space in appropriate locations for the sale of convenience goods and personal services. Due to the increased space requirements and traffic associated with these retail users, such uses will be limited to the intersection of collector and arterial streets. The district is to be considered the next step-up in land use from the neighborhood business district.

**B. Permitted Uses.** Only the following buildings, structures, and uses of parcels and lots are

permitted; all others are expressly prohibited except as permitted upon review and approval:

1. All uses permitted and those allowed upon review and approval by the Planning and Zoning Commission in the "C-1" Neighborhood Commercial District, except as otherwise noted.
2. A building which is planned to hold more than five (5) businesses.
3. General retail uses (including variety stores, decorating centers, craft supplies, book and stationery shops), and specialty item uses (including imported arts and crafts, novelties, and home furnishings). Pawnshops shall be excluded.
4. Financial and banking institutions (including drive-up facilities), real estate agencies and services but limited to branches of the bank or real estate company, and mortician/mortuaries.

**C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.**

1. Those planned units where an overall plan for the entire site is submitted.
2. Restaurants and food establishments (designed for consumption on the premises), including drive-in food establishments, taverns and bars, food stores and supermarkets.
3. Light automotive parts, service and repair facilities, and car washes
4. Veterinary office/animal hospital.
5. Rental and/or leasing of trucks and/or trailers for the express purpose of hauling of merchandise, snowmobiles and all-terrain vehicles (ATV).
6. Commercial vehicle storage when the vehicles are not related to the businesses on the subject lot.
7. Kennels, including interior and exterior areas, as defined by this Chapter.
8. Temporary businesses.
9. Dance studios, fitness/aerobics salons, martial arts studios and laser tag, paintball and other indoor entertainment activities.
10. Public and private schools and churches and related structures.
11. Transmission towers or antennas if concealed within another structure (stealth towers), or attached to another structure.
12. New and used computer equipment sales and computer software sales, fabrication and minor repairs.
13. Offices for construction, home builders, and landscapers.

**D. Special Use Permit Required.**

1. Convenience/food store with gasoline or petroleum products and services.

**E. Building Height.** No building shall be erected or enlarged to exceed thirty-six (36) feet or two and one-half stories in height, except upon review and approval by the Planning and Zoning Commission.

**F. Lot Area Requirements.** There are no minimum lot area requirements.

**G. Yard Requirements.**

1. Front yard. All buildings shall be set back from the street right-of-way line to provide a front yard having not less than thirty (30) feet in depth.
2. Side yard. Side yard width shall be ten (10) feet except when adjacent to a residential district, then twenty-five (25) feet is required.
3. Rear yard. Rear yard depth shall be fifteen (15) feet except when adjacent to a residential district, then twenty-five (25) feet is required.

**H. Screening And Landscaping.** See Supplementary Regulations Landscaping and Screening Requirements.

**I. Miscellaneous Requirements.**

1. All exterior solid waste containers and container racks or stands shall be screened

from public view. All screening shall be six (6) feet in height and of masonry construction that matches or complements the primary building on the site. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Planning and Zoning Commission. Outside display of items for sale and outside storage of materials, equipment or stock shall be stored in an orderly fashion and shall be located as approved by the Planning and Zoning Commission.

2. Where a "C-2" Community Commercial District is adjacent to any residential zoning district, a landscaped greenbelt at least ten (10) feet in width shall be provided continuously on the back and/or sides of the commercial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid vinyl fence, or other type of screening with a minimum height of eight (8) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along the appropriate property line by the users of the "C-2" Community Commercial property. All landscaping shall be maintained in a healthy growing condition by the property owner and the green belt shall not be used for off-street parking facilities or for loading space.
3. All yards unoccupied with buildings or merchandise or used as trafficways shall be landscaped with grass and shrubs and maintained in good condition the year-round.
4. All of the lot used for parking of vehicles and storage and display, and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with the City of Moscow Mills Ordinances, as amended.
5. All repair of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
6. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent streets, and shall not be of a flashing or intermittent type.
7. Vehicles used in conjunction with the operation of a business shall be parked behind or next to the building housing the business when feasible. When a rear or side parking space is not feasible, the vehicle shall be parked so as to not obstruct visibility of the shopping center entrances. Parking of commercial vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.
8. Temporary businesses, including plant sales and the sales of Christmas trees and holiday items, shall be located as approved by the Planning and Zoning Commission. All temporary businesses shall meet building setbacks of the underlying district.
9. Entrances shall conform to the standards contained in the City of Moscow Mills Ordinances, Standards and Regulations.
10. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center. The submitted plan shall show such common access.

## GENERAL COMMERCIAL OR BUSINESS DISTRICT

### SECTION 46.120: "C-3" GENERAL COMMERCIAL DISTRICT

- A. Purpose Of The District.** The purpose of this district is to establish areas along/and in close proximity to major arterials for commercial uses which generate high volumes of traffic during any given twenty-four (24) hour period. These regulations are intended to eliminate excessive traffic noise and congestion from residential areas within the City.
- B. Permitted Uses.** Only the following buildings, structures, and uses of parcels and lots are permitted, all others are expressly prohibited except as permitted upon review and approval:

1. All uses permitted and those allowed upon review and approval by the Planning and Zoning Commission in the "C-2" Community Commercial District.
2. A building which will consist of more than ten (10) separate businesses/offices which would be allowed separately in the "C-2" Community Commercial District.
3. Union hall/auditorium/lecture hall.
4. Retail nurseries for growing trees and shrubs and landscaping; garden shops, lumber hardware/home repair uses.
5. Radio/TV stations.
6. Country club or golf club.
7. Specialty entertainment and sports uses (including movie theater, bowling lanes, fitness salons, amusement palaces, skating palaces and swimming pools).

**C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.**

1. Greenhouses.
2. Hotels and motels.
3. Hospitals.
4. House trailer and recreational vehicle sales/storage; bus, taxi, and other public transportation terminal; heavy automobile repair (body and fender repair and/or painting).
5. New car/truck sales and used car/truck sales in conjunction with such operations..
6. Microbreweries and wineries, including the manufacturing of beverages, food sales and service, and beverage sales.
7. Commercial vehicle storage when the vehicles are not related to the business on the subject lot.
8. Kennels, including interior and exterior kennels as defined by this Chapter.
9. Temporary businesses.
10. Public and private schools and churches and related structures.
11. New and used truck sales as an accessory use to truck leasing; a parts and service department is required in conjunction with all accessory truck sales.
12. Transmission towers or antennas if concealed within another structure (stealth towers), or attached to another structure.

**D. Special Use Permit Required.**

1. Social service activities such as, but not limited to, food pantries, drug rehabilitation programs, parole offices, thrift stores.
2. Retail sales of any used goods, wares or merchandise, pawn shops.
3. The sale and brokerage of firearms, including the transfer of firearms.
4. Nursing homes as defined by this Chapter.
5. Adult day care facilities.
6. Therapeutic massage establishments.
7. Modular/mobile home sales.
8. Convenience/food store with gasoline or petroleum products and services.

**E. Building Height Requirements.** No building shall exceed six (6) stories or seventy-five (75) feet in height except upon review and approval by the Planning and Zoning Commission.

**F. Lot Area Requirements.** There are no minimum lot area requirements.

**G. Yard Requirements.**

1. All buildings shall be set back from all street right-of-way lines not less than fifty (50) feet.
2. Side yard width shall be fifteen (15) feet except when adjacent to a residential district, then twenty-five (25) feet is required.
3. There shall be a twenty-five (25) foot rear yard except when adjacent to a residential

district, then thirty (30) feet is required.

**H. Screening And Landscaping.** See Supplementary Regulations Landscaping and Screening Requirements.

**I. Miscellaneous Requirements.**

1. All exterior solid waste containers and container racks or stands shall be screened from public view. All screening shall be six (6) feet in height and of masonry construction that matches or complements the primary building on the site. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Planning and Zoning Commission. Outside display of items for sale and outside storage of materials, equipment or stock shall be stored in an orderly fashion and shall be located as approved by the Planning and Zoning Department.
2. Where a "C-3" General Commercial District is adjacent to any residential zoning district, a landscaped greenbelt at least ten (10) feet in width shall be provided continuously on the back and/or sides of the commercial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid vinyl fence, or other type of screening with a minimum height of eight (8) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along the appropriate property line by the users of the "C-3" General Commercial property. All landscaping shall be maintained in a healthy growing condition by the property owner and the greenbelt shall not be used for off-street parking facilities or for loading space.
3. All yards unoccupied with buildings or merchandise or used as trafficways shall be landscaped with grass and shrubs and maintained in good condition the year-round.
4. All of the lot used for parking of vehicles and storage and display, and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with the City of Moscow Mills Ordinances, as amended.
5. All repair of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
6. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent streets, and shall not be of a flashing or intermittent type.
7. Temporary businesses, including plant sales and the sales of Christmas trees and holiday items, shall be located as approved by the Planning and Zoning Commission. All temporary businesses shall meet building setbacks of the underlying district.
8. Vehicles used in conjunction with the operation of a business shall be parked behind or next to the building housing the business when feasible. When a rear or side parking space is not feasible, the vehicle shall be parked so as to not obstruct visibility of the shopping center entrances. Parking of commercial vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.
9. Entrances shall conform to the standards contained in the City of Moscow Mills Ordinances, Standards and Regulations.
10. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center. All plans submitted shall show the adjacent common access.

**PROFESSIONAL OFFICE DISTRICT**

**SECTION 46.122: "C-O" PROFESSIONAL OFFICE DISTRICT**

**A. Purpose Of The District.** It is recognized by this Chapter that the value to the public of designating certain areas of the City for office use is represented in the employment opportunity to



citizens and the resultant economic benefits to the City. This use is characterized by a minimal amount of such nuisance factors as noise, heat, glare, and the emission of air pollutants. This District has been located within the City to permit the development of this office use, to protect adjacent residential areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which interfere with the operation of this type of business activity and the purpose of this District have been excluded.

**B. Permitted Uses.**- Only the following buildings, structures, and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval:

1. Professional offices including, but not limited to, physicians, attorneys, architects, dentists, licensed professional counselors, financial advisors, engineers, attorneys, and insurance brokers.

**C. Building Height.**-Except as is otherwise stated, no building or structure shall exceed three (3) stories.

**D. Lot Area Requirements.** The parcel of land shall not be less than five (5) acres in area unless the project abuts an existing commercial or industrial zone.

**E. Lot Width Requirements.** Minimum lot width. Seventy-five (75) feet.

**F. Percentage of Lot coverage.** The maximum lot coverage by structures shall not exceed twenty-five (25) percent.

**G. Yard Requirements.**

1. Front yard. Not less than twenty-five (25) feet.
2. Side yard. Least width of either side yard shall not be less than ten (10) feet, except in the case of a corner lot or parcel where the side yard on the road or street shall not be less than twenty-five (25) feet.
3. Rear yard. Not less than thirty-five (35) feet.
4. The above yard requirements shall apply to every lot, building, or structure.

**H. Screening And Landscaping.** See Supplementary Regulations Landscaping and Screening Requirements.

## **REGIONAL SHOPPING CENTER DISTRICT**

### **SECTION 46.125: "C-4" REGIONAL SHOPPING CENTER DISTRICT**

**A. Purpose Of The District.** The purpose of this district is to establish space in the City for large clusters of complementary stores and facilities which will provide consumer goods and services not only for the residents, but for the surrounding region as well. Due to size and scale of such commercial developments, the developer will be expected to closely coordinate the overall plans with the City's Comprehensive Plan to insure a well-designed, attractive and integrated development.

**B. Permitted Uses.**

1. Property and buildings in a "C-4" Regional Shopping Center District shall be used for any combination of permitted retail uses, provided however, that these uses shall be located in a well-designed and integrated center. Only the following buildings, structures and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval or by special use permit:
  - a. All uses permitted in the "C-1" Neighborhood Commercial, "C-2" Community Commercial and "C-3" General Commercial Districts.
  - b. Office uses.
  - c. Accessory buildings and uses customarily incidental to the above uses.

**C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.**

1. Hotels and motels.
2. Microbreweries and wineries, including the manufacturing of beverages, food sales and

service and beverage sales.

3. Bus, taxi and other public transportation terminal.
4. Temporary businesses.

**D. Special Use Permit Required.**

1. Retail sales of any used goods, wares or merchandise excluding pawnshops.
2. Therapeutic massage establishments.
3. Convenience/food store with gasoline or petroleum products and services.

**E. Building Height Requirements.** No building shall be erected or enlarged to exceed six (6) stories or seventy-five (75) feet in height except upon review and approval by the Planning and Zoning Commission.

**F. Lot Area Requirements.** The parcel of land on which a regional shopping center is located shall not be less than sixty (60) acres in area.

**G. Yard Requirements.**

1. All buildings shall be set back from all street right-of-way lines not less than forty-five (45) feet.
2. On the side lot adjoining a residential district, there shall be a minimum side yard of fifty (50) feet as measured horizontally from the nearest point of building to said property line.
3. There shall be a rear yard, alley, service court, or combination thereof, to constitute a minimum distance of fifty (50) feet as measured horizontally from the nearest point of building to said property line.

**H. Screening And Landscaping.** See Supplementary Regulations Landscaping and Screening Requirements.

**I. Miscellaneous Requirements.**

1. All exterior solid waste containers and container racks or stands shall be screened from public view. All screening shall be six (6) feet in height and of masonry construction that matches or complements the primary building on the site. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Planning and Zoning Commission. Outside display of items for sale and outside storage of materials, equipment or stock shall be stored in an orderly fashion and shall be located as approved by the Planning and Zoning Commission.
2. Where a Regional Shopping Center District is adjacent to a residential zoning district, a landscaped greenbelt minimum of forty (40) feet shall be provided continuously on the back and/or sides of the commercial property lines and shall consist of a combination of a compact evergreen hedge, foliage screening, earth berming, solid masonry wall or solid vinyl fence, or other type of screening designed to visually obscure the "C-4" Regional Shopping Center development and property with a minimum height of eight (8) feet above grade, and shall be maintained along the appropriate property line by the users of the "C-4" Regional Shopping Center property. All landscaping shall be maintained in a healthy growing condition by the property owner and the greenbelt shall not be used for off-street parking facilities or for loading space. Therefore, the Planning and Zoning Commission may approve a parking reduction in conjunction with the review and approval of a site development plan.
3. In a regional shopping center development, there is a mixture of land uses with a variety of parking demands. Both the amount of parking space required and the peak demand throughout the day/week/season vary according to the type of business operation. Therefore, the parking spaces required for such a combination of land uses may be reduced upon approval by the Board of Aldermen.
4. Entrances shall conform to the standards contained in the City of Moscow Mills Design Criteria and Standard Specifications for Street Construction.

5. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
6. All of the lot used for parking of vehicles and storage and display and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with the City of Moscow Mills Ordinances, as amended.

**J. Administration Procedures For Regional Center Development.**

1. The developer shall first make an application to the City for development of a shopping center under this zoning district. The application shall include the following in addition to the administrative requirement set forth in this Chapter.
  - a. Prior to the development, the developer shall submit a Master Plan depicting the various phases of development and a development schedule for each phase subject to approval by the Planning and Zoning Commission. A public hearing shall be required for Master Plan approval whereby the Planning and Zoning Commission shall review and grant approval or denial of the plan.
  - b. The Master Plan shall show the large-scale facility and the peripheral public improvements required to service the site. The developer shall submit site plan(s) of the proposed development which shall be drawn to a scale of not less than one (1) inch equals fifty (50) feet; and which shall show the arrangement of the buildings, design and circulation pattern of the off-street parking area, street system, landscaped yards, ornamental screening, service courts, and facilities, and the relationship of the shopping which it may affect.
  - c. The developer shall show evidence that indicates to the satisfaction of the Planning and Zoning Commission the ability and intent to carry out the development of the shopping center in accordance with the plans submitted in accordance with the above Subsections.
  - d. Development procedure. The developer shall obtain plan approval for the shopping center in accordance with the requirements of this Chapter, and shall be required to develop the roadways, utilities and stormwater facilities for the area designated as "C-4" Regional Shopping Center at the initial phase of the development in accordance with the approved Master Plan. If the terms of the approved development schedule are violated by the developer, then the Planning and Zoning Commission of the City shall review and recommend rezoning to an appropriate zoning classification, or grant an amendment to the approved development schedule. The developer shall begin construction of the shopping center within two (2) years after the effective date of approval of the rezoning petition for the Regional Shopping Center site, and shall make reasonable and continuous progress towards completion. If the shopping center is not under initial construction or is not substantially completed within two (2) years after the effective date of the shopping center rezoning, and it should be found that the developer cannot proceed immediately with the development, in conformity with the requirements of this Section, this fact, and the reasons thereof, shall be reported to the Planning and Zoning Commission of the City. The Planning and Zoning Commission shall review and recommend rezoning, or grant an extension of the two (2) year period.
2. Review of plan change. Any substantial deviation from the plat of building plans approved by the Planning and Zoning Commission shall constitute a violation of the Building Permit authorizing construction of the shopping center.

**COMMERCIAL PLANNED DISTRICT**

**SECTION 46.130:"CPD" COMMERCIAL PLANNED DISTRICT**

- A. Purpose Of The District.** The "CPD" Commercial Planned District encompasses areas where developments and uses permitted in any of the other commercial districts may be located. It is the purpose of these regulations to facilitate the establishment of combinations of developments and uses for which no provision is made in any other commercial district, or the establishment of developments and uses in locations appropriate under approved site plans and conditions. Such approved plans and conditions shall be consistent with good planning practice and compatible with permitted developments and uses in adjoining districts, so as to protect the general welfare.
- B. Permitted Uses.** Permitted land uses and developments shall be established in the conditions of the Ordinance governing the particular Commercial Planned District; specific uses may include those uses designated as permitted or special uses or that require use approval in any of the commercial districts.
- C. Height Requirements.** The total height of any structure or buildings shall be limited by the conditions of the Ordinance governing the particular Commercial Planned District.
- D. Lot Area Requirements.** There are no minimum lot area requirements.
- E. Yard Requirements.** Setbacks for parking areas, driveways and structures shall be established in the conditions of the Ordinance governing the particular Commercial Planned District.
1. Where a "CPD" Commercial Planned District is adjacent to any residential zoning district, a landscaped greenbelt at least ten (10) feet in width shall be provided continuously on the back and/or sides of the commercial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid wood fence or other type of screening with a minimum height of eight (8) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along the appropriate property line by the users of the "CPD" Commercial Planned District property. All landscaping shall be maintained in a healthy growing condition by the property owner and the greenbelt shall not be used for off-street parking facilities or for a loading space.
- F. Miscellaneous Requirements.**
1. All exterior solid waste containers and container racks or stands shall be screened from public view. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Planning and Zoning Commission. Outside display of items for sale and outside storage of materials, equipment or stock shall be located as approved by the Planning and Zoning Commission or as indicated in the Ordinance governing the particular Commercial Planned District.
  2. All yards unoccupied with buildings or merchandise or used as trafficways shall be landscaped with grass and shrubs and maintained in good condition the year-round.
  3. All of the lot used for parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with the City of Moscow Mills Ordinances, as amended.
  4. All repair of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
  5. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent streets and shall not be of a flashing or intermittent type.
  6. Vehicles used in conjunction with the operation of a business shall be parked behind or next to the building housing the business when feasible. When a rear or side parking space is not feasible, the vehicle shall be parked so as to not obstruct visibility of the shopping center entrances. Parking of commercial vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.

**G. Procedure For Review And Disposition Of Commercial Planned Districts.** To obtain a Commercial Planned District on any tract of land currently zoned within the City's corporate limits, the developer/petitioner must, in general, follow the legislative procedures of rezoning. With respect to newly annexed territories, the Board of Aldermen may, from time to time, establish or set a Commercial Planned District on a given tract of land. In any case, certain minimum documentation shall be provided as described in the following process including public hearings.

1. Pre-application conference. Before submitting an application for a Commercial Planned District, the applicant shall confer with the Planning and Zoning Commission to obtain information and guidance before entering into binding and other data.
2. Submission of CPD application and preliminary development plans. An applicant shall make application for a Commercial Planned District to the City of Moscow Mills. The application shall be submitted in compliance with the procedure outlined in Supplementary Regulations Amendments and Changes.
3. Preliminary development plan content. The following information shall appear on the preliminary development plan:
  - a. In conjunction with the submittal of an application for a Commercial Planned District, a site development plan shall be submitted for review and approval. The plan shall comply with the requirements of this Chapter. Additional information pertinent to the specific development may also be required on the plan.
  - b. A public hearing shall be held and legal notice of the proposed Commercial Planned District shall be provided for in compliance with City Ordinances and regulations.
  - c. Guarantee of completion. The Ordinance shall specify a period of time guaranteeing completion of the project that shall not exceed five (5) years unless extended by recommendation of the Commission for due cause shown and approved by the Board of Aldermen. The Ordinance shall require a performance bond or escrow agreement covering one hundred percent (100%) of the estimated cost of all improvements.
  - d. Amendment of a Commercial Planned District. All amendments to an existing Commercial Planned District agreement or plan shall be proposed in writing to the Planning and Zoning Commission. Support documentation and site plans shall be provided as necessary. The Planning and Zoning Commission shall review the proposed amendments and refer said amendments to the Board of Aldermen as necessary. All required submittals to the Planning and Zoning Commission shall be subject to regular submittal fees and processes.
  - e. Review of abandoned projects. In the event that a development plan, or section thereof, is given final approval and, thereafter, the applicant or his/her successors fails to commence the Commercial Planned District development within two (2) years after final approval has been granted, then such final approval shall terminate and be deemed null and void unless such time period is extended by the Board of Aldermen after report by the Planning and Zoning Commission upon written application by the applicant or his/her successors. Upon termination of an approval, the Planning and Zoning Commission shall review any changes in the Zoning District Map brought by the proposed development. If the Planning and Zoning Commission finds said changes to be inappropriate, the Planning and Zoning Commission shall recommend to the Board of Aldermen that the map be revised in accordance with the procedures for Amendments and Changes.

**I. SPECIFIC CRITERIA**

**A.** Information to be shown on the Site Concept Plan shall include general lot or site arrangements and/or general building and parking arrangements.

**Definitions**

1. A Site Concept Plan is a plan for a large area that may address land use, landscaping, infrastructure, circulation or service provisions.
2. A Site Plan is a view of a project, looking down from above, showing its horizontal elements, such as building footprint, property lines, set back lines, parking, drainage facilities, sanitary sewers, water lines, streets-right of ways, etc.
3. Improvement Plans are plans, profiles, studies, hydraulic and hydrology calculations, cross sections and other details for construction of all improvements.
4. Final plat is a plan of an approved subdivision filed with the Recorder of Deeds showing survey lot lines, street right-of-way, easements, monuments and distances, angles and bearings, pertaining to the exact dimensions of all parcels, street lines and so forth.

**B. PERMITTED USES**

The uses allowed in this “CPD” Commercial Planned District shall be:  
All uses designated as permitted or special in the C-1, C-2, C-3 and C-4 districts.

**C. BUILDING FLOOR AREA and HEIGHT REQUIREMENTS**

1. FLOOR AREA
  - a. The floor area of any single or any combination of buildings shall not be limited.
2. HEIGHT
  - a. The maximum building height shall not exceed six (6) stories or seventy-five (75) feet, except upon review and approval by the Planning and Zoning Commission.

Building Height Exceptions: Height Limitations shall not apply to church spires, domes or skylights, ventilators, water tanks, parapet walls or necessary mechanical appurtenances usually carried above the roof level.

**D. LOT AREA REQUIREMENTS**

1. There are no minimum lot area requirements.

**E. YARD AND STRUCTURE SETBACK REQUIREMENTS**

1. YARDS:
  - a. Along all public roadways and internal access roadways within the “CPD” Commercial Planned District a landscaped greenbelt of at least fifteen (15) feet shall be provided and maintained. All landscaping shall be maintained in a healthy growing condition and the greenbelt shall not be used for off-street parking facilities or a loading space.
  - b. Along the outer perimeter of the “CPD” Commercial Planned District a landscaped greenbelt at least ten (ten) feet in width shall be provided continuously on the back and or side of any commercial property line and shall consist of an evergreen hedge, evergreen trees, foliage screening, solid masonry wall or solid vinyl fence with a minimum height of six (6) feet above grade, so long as the degree of screening is not less than that afforded by the fence or wall, and shall

be maintained along the appropriate property line by the user of the “CPD” Commercial Planned District lot. All landscaping shall be maintained in a healthy growing condition and the greenbelt shall not be used for off-street parking facilities or a loading space.

c. Between commercial parcels or lots within the “CPD” Commercial Planned District property a landscaped greenbelt of at least five (5) feet shall be provided and maintained. All landscaping shall be maintained in a healthy growing condition and the greenbelt shall not be used for off-street parking facilities or a loading space.

EXCLUSIONS: No green belt shall be required between internal lots where buildings adjoin or parking areas are intended to be shared. In the case of shared parking a landscape strip shall be provided in accordance with the landscape requirements for parking areas contained herein.

2. **BUILDING SETBACK REQUIREMENTS**

No building, excluding: ladder or monument signs, light standards, flag poles, refuse enclosures, meter boxes or other similar utility related structures shall be located within the following setbacks:

a. Fifteen (15) feet from any public roadways and internal access roadways within the “CPD” Commercial Planned District.

EXCEPTION: In case of a building that exceeds twenty-five feet in height the building shall be set back an additional one (1) foot for every two (2) feet the building exceeds twenty-five (25) feet in height to a maximum setback requirement of forty (40) feet. In the case of building height for this section, the height shall include the parapet wall or other dominate building feature along the frontage wall.

b. Thirty-Five (35) feet from any outer perimeter property line of the “CPD” Commercial Planned District.

c. Fifteen (15) feet from any internal property line

EXCLUSIONS: No internal setback shall be required between internal lots where buildings are intended to adjoin.

3. **CORNER VISIBILITY:**

Within the sight distance area of a corner lot, no sign, telephone booth, planting, or other obstruction to vision shall be erected, planted or maintained so as to substantially obstruct the view of traffic at an intersection. The sight distance shall be appropriate for the size and speed of the roadway as determined by the AASHTO Policy on Geometric Design of Highways and Streets, 5<sup>th</sup> Edition (or latest revision thereof).

**F. PARKING AND LOADING REQUIREMENTS:**

1. Parking and Loading spaces for this “CPD” Commercial Planned District shall be as required in Chapter 46; Section VII of the City of Moscow Mills City Code.

**G. LANDSCAPING AND SCREENING:**

1. **SCREENING REQUIREMENTS:**

a. Screening of perimeter yards shall be as required in Section E. 1. YARDS b. located herein.

b. Off-street loading docks exposed to street view or located adjacent to an outer perimeter shall be screened by masonry, wood, or vinyl fencing immediately adjacent to and a minimum of eight (8) feet

above the loading dock height. Screening and/or fencing materials shall be uniform throughout the CPD.

- c. Roof-top equipment shall be screened by building parapet walls equal in height to the equipment to be screened, four (4) feet minimum, excluding roof top equipment located twenty-five (25) feet or greater from the perimeter walls, which if taller than the parapet wall or exterior wall shall be painted to match the building.
- d. All exterior solid waste containers and container racks shall be screened from public view utilizing the same materials to match those used in the building's exterior wall construction.
- e. All outside storage of materials, equipment or stock, including items for sale or items used in the operation shall be screened from public view by masonry, wood, or vinyl fencing. This requirement shall not be construed to prohibit the display of vehicles in the case of a car or equipment dealer, nor sidewalk displays customarily utilized in conjunction with occupants business, nor a garden center or lumber yard customarily utilized in conjunction with occupants business.

**2. LANDSCAPE REQUIREMENTS**

- a. A landscape plan shall accompany, or be a part of each Site Plan. This landscape plan shall include size, type and location of plantings and shall include parking lot planting islands, perimeter plantings, and similar landscape features. The majority of evergreen trees shall be a minimum of six (6) feet in height when planted. The species and size of landscaping shall be as approved by the Planning and Zoning Commission on the landscape plan; all modifications are subject to review and approval by City staff.
- b. Where off-street parking spaces are provided, a minimum of ten (10) square feet of landscaped area shall be provided on each lot for each space within the parking area or lot.
- c. All off-street parking areas shall be appropriately broken by linear planting strips or islands in the interior of the parking facility. Such islands shall be landscaped with trees or other suitable plantings and shall constitute no less than five percent (5%) of the total area of the off-street parking area excluding perimeter landscaping, but may include planting areas adjacent to the building.

**H. OUTDOOR SITE LIGHTING**

Purpose and Intent-The purpose and intent is to establish outdoor lighting standards that reduce the impact of glare, light trespass, overlighting, skyglow, and poorly shielded or inappropriately directed lighting fixtures, and that promote safety and encourage energy conservation.

**1. General Outdoor Lighting Standards**

- a. All outdoor lighting fixtures shall be designed, shielded, aimed, located and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures.
- b. Flashing, revolving, or intermittent exterior lighting visible from any property line or street shall be prohibited. High intensity light beams, such as, but not limited to, outdoor searchlights, laser or strobe lights shall be prohibited.
- c. In parking lots, light fixture poles shall not be more than 35 feet in height.



- d. The average maintained lighting level shall be determined by multiplying the initial raw lamp output specified by the manufacturer by a light loss factor of not less than .072.
- 2. Outdoor Lighting Standards
  - a. The average maintained lighting levels shall not exceed the following standards:
    - 1. 5 foot-candles for parking lot and other areas. However, the maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
    - 2. 10 foot-candles along fronts of buildings and along main drive aisles. The maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
    - 3. 30 foot-candles for high security areas, such as, but not limited to automated teller machines (ATMs), motor vehicle display areas and vehicle fuel station canopies, but not including parking lots. The maximum to average ratio shall not exceed 1.5 to 1 for canopy lighting, and 2.5 to 1 for pole-or building-mounted lighting. Lighting levels shall be reduced to a maximum of 10 foot-candles after the close of business.
  - b. Light fixtures under any canopy shall be recessed into the canopy ceiling with a flat lens to prevent glare. The bottom of the fixtures may protrude a maximum of two (2) inches from the ceiling. The portions of the canopy not included in the sign area shall not be illuminated.
  - c. Lighting levels shall not exceed .05 foot-candles at any common property line with property zoned, used as or planned for residential or agricultural uses.
  - d. Property owners may demonstrate compliance with the standards contained within this section by submitting a current photometric plan (less than 30 days old) that has been certified by a licensed lighting engineer.

## **I. SIGNAGE**

The signage for this “CPD” Commercial Planned Development shall be subject to the following regulations:

The standards for signs shall supersede the requirements for attached, pole, ground and subdivision signs listed elsewhere in the code. In the absence of specific sign regulations enacted as a part of this “CPD” Commercial planned District” the regulations of the City code shall govern.

In addition, the standards presented in this Section are mandatory, unless, through site plan review, it is determined that design and/or use of new technologies results in more fitting or appropriate signage for the development. Minor adjustments would be in keeping with the overall intent of the Code, yet recognize unforeseen special and specific signage requirements for the development.

- 1. Development identification or subdivision signs shall not be greater than one hundred (100) square feet per side excluding background material such as retaining walls, decorative fencing, rock walls, waterfalls and monument sign supports.
- 2. Pole signs for individual businesses/tenants shall not be allowed.
- 3. Ladder signs for identification of the development entrance and major tenants shall be allowed under the following conditions:

- a. Not more than one (1) ladder sign at each main entrance into the development.
  - b. Ladder signs may be placed a minimum of five hundred (500) feet apart; however, if tenant signage is duplicated, then the ladder signs shall be placed a minimum of one thousand (1,000) feet apart.
  - c. The bottom of such sign shall be at least nine (9) feet above the main ground level on which the sign is placed and shall not exceed a height of fifty (50) feet to the top of the sign above the ground level. A decorative trim cap of no more than eight (8) feet in height shall be added on top of the ladder sign for ornamental purposes.
  - d. Such signs shall be located no closer than fifteen (15) feet to any right-of-way.
  - e. Sign area for ladder signs shall not exceed eight hundred (800) square feet for each side.
  - f. Each level in a ladder sign shall be of a consistent size within the sign and shall only display one (1) tenant on each level.
4. Attached signage for businesses/tenants:
- a. Such signs shall include both wall signs and projecting signs.
  - b. Such signs shall not extend horizontally beyond the plane of the wall to which they are attached by more than twenty-four (24) inches.
  - c. Such signs shall not project above the parapet wall, roof line or façade.
  - d. An attached sign shall not exceed a total of fifteen percent (15%) of the side of the building or wall (maximum of five hundred (500) square feet) to which it is attached. However, where more than one (1) side of a building or unit is used for signage, including the rear wall, then the limitation shall be five percent (5%) for each side used (maximum of five hundred (500) square feet) with an aggregate total of no more than twelve hundred (1,200) square feet. There will not be additional allowances given for open spacing between letters.
  - e. Attached signage for businesses on outlots may be permitted on each side so long as the sign area does not exceed five percent (5%) of the wall to which it is attached, up to a total aggregate of five hundred (500) square feet.
5. Ground signs for tenants:
- a. Ground signs shall be reserved for outparcels of said development(s). These signs shall be located only on internal access streets and drives or on major roadways and thoroughfares to which the business establishment relates, but there shall be no more than one (1) ground sign per outparcel and each sign shall not exceed one hundred (100) square feet in area per face (maximum of 2) and fifteen (15) feet in length.
  - b. No ground sign shall be located closer than ten (10) feet from any property line. The ground sign elevation (including posts, planter boxes, etc.) shall not exceed the higher of seven (7) feet above the prevailing grade or the centerline of the adjacent roadway or highway at a point perpendicular to the sign location.

- c. Landscaping shall be placed at the base of and around any ground sign for a distance equal to at least one-half (1/2) the total height of the sign or two (2) feet, whichever is more.
6. Colors on signs:
  - a. Each tenant sign shall be allowed up to four (4) colors, in addition to black and white.
  - b. Each tenant sign on ladder signs shall also be allowed up to four (4) colors, in addition to black and white; however, the assembled ladder signs may have more than the four (4) colors (plus black and white), due to the various individual tenant signs.

## **II. TIMING, BONDING AND ESCROW**

### **A. TIMING**

1. The developer shall submit a Site Concept Plan within twenty-four (24) months of adoption of this "CPD" Commercial Planned District.
2. Within twenty-four months (24) months of approval of the Site Concept Plan developer shall submit a Site Section Plan or a Site Development Plan for any portion of the development.
3. Failure to comply with this submittal requirement will result in the expiration of the "CPD" Commercial Planned District ordinance and will require a new public hearing before the Planning and Zoning commission.
4. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.
5. Substantial construction shall commence within twelve (12) months of approval of a Site Section or Site Development Plan, unless otherwise authorized by ordinance. Substantial construction means final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary storm sewers.
6. Where due cause is shown by the developer, the Planning Commission may extend the period to commence construction for not more than one additional year.

### **B. BONDING and ESCROW**

This ordinance shall not become effective until an escrow agreement has been agreed to and executed by the developer and the City.

### **C. DEDICATION OF ROADS, UTILITIES and TAP FEES**

As various roads (or appropriate sections of roads) and other public infrastructure improvements are completed by CCMM, such items will be dedicated to the City.

## **III. GENERAL CRITERIA**

### **A. SITE CONCEPT PLAN SUBMITAL REQUIRMENTS**

The Site Concept Plan shall include but not be limited to the following:

1. Outboundary plat and legal description of the property.
2. Location of all roadways adjacent to the property and general location, size and pavement widths of all interior roadways.
3. General configuration of the development including general arrangement of lots and the general arrangement and description of proposed building types and general parking layout.
4. Zoning district lines and floodplain boundaries.
5. General location of proposed storm water detention facilities.

**B. PLAN SUBMITTAL PROCESS**

All plans for each phase of the development in the Commercial Planned District shall be submitted as follows:

1. A site plan shall be submitted according to Section 46.445 of Chapter 46 of the Moscow Mills City Code.
2. Improvement plans shall be submitted according to Section 46.450 of Chapter 46 of the Moscow Mills City Code.
3. A final plat shall be submitted according to Section 46.465 of Chapter 46 of the Moscow Mills City Code.

**IV. RECORDING**

Within sixty (60) days of approval of any development plan by the City of Moscow Mills the approved section or development plan shall be recorded with the Lincoln County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval by the Planning and Zoning Commission.

**V. GENERAL DEVELOPMENT CONDITIONS**

All construction shall be designed according to the latest revision of the Moscow Mills Design Guide. Grading shall be conducted according to an approved plan accompanied with a DNR Land Disturbance Permit complete with applicable erosion control. All construction equipment, materials and worker parking areas shall be off street or located so that they cause no interference with existing businesses.

**LIGHT INDUSTRIAL DISTRICT**

**SECTION 46.135: "I-1" LIGHT INDUSTRIAL DISTRICT**

**A. Purpose Of The District.** This industrial district is intended primarily for the conduct of light manufacturing, assembling, and fabrication, and for warehousing, wholesale and retail service uses. These uses may require direct access to rail, air or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the Heavy Industrial District.

**B. Permitted Uses.** Only the following buildings, structures, and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval:

1. Developments commonly known as business/industrial parks.
2. Gymnasiums, indoor public and private handball, soccer and racquetball courts, and indoor and outdoor public or private tennis courts.
3. Manufacturing or fabrication of any commodity from semi-finished materials except explosives or flammable gases or liquids (including small electrical appliances or electronic apparatus, medical instruments and supplies, sheet metal products including heating and ventilation ducts and equipment) and self-storage warehousing services (retail and wholesale uses).
4. Laboratories and office/research and testing, and public utility facilities.
5. Any other light industrial/commercial uses as permitted upon review by the Planning and Zoning Commission, which due to their intensity and nature, may have detrimental impacts on neighboring uses by reason of dust, smoke, vibration, noise, odor, effluents, or traffic generation.

**C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.**

1. Professional offices.
  - a. Contractors.
  - b. Engineers.
2. Specialty supply/center services (wholesale/retail).
  - a. Data programming services.
  - b. Sporting goods/outdoor equipment supplies.
3. Commercial vehicle storage when the vehicles are not related to the business on the subject lot.
4. Kennels, including interior and exterior kennels as defined by this Chapter.
5. Indoor shooting ranges.

**D. Special Use Permit Required.**

1. Metal salvage and/or recycling operation.
2. Vehicle storage (any type vehicle) or impound yard, other than the sale of operable motor vehicles from, or on, the premises.
3. Receiving/transmission towers.
4. Correctional institutions, sanitariums and/or institutions for the insane.
5. Residential or out-patient facilities for the treatment of alcohol and other drug abuse.
6. Sexually explicit or similar services or business establishments including, but not limited to, adult bookstores and peep shows.
7. Wholesale lumber operations including milling, light assembly, batch plant (materials assembly and mixing), and similar uses.
8. The sale and brokerage of firearms, including the transfer of firearms.
9. Title loan businesses, check cashing businesses, payday loans or similar businesses.

**E. Building Height Requirements.** No building shall exceed forty-five (45) feet in height except upon review and approval by the Planning and Zoning Commission.

**F. Lot Area, Storage And Yard Requirements.**

1. There shall be no minimum lot area requirements in this district.
2. Not more than forty percent (40%) of the lot containing any use permitted in this district may be used for open storage of raw materials, finished goods, or any other material.
3. All buildings shall be set back from the street right-of-way line to provide a front yard having not less than fifty (50) feet in depth. No building shall be located closer than fifteen (15) feet to a side lot line and twenty-five (25) feet to a rear lot line, except when adjacent to a residential district where a fifty (50) foot wide or rear yard is required.

**G. Parking Requirements.** As specified by the Planning and Zoning Commission.

**H. Screening And Landscaping.** See Supplementary Regulations Landscaping and Screening Requirements

**I. Miscellaneous Requirements.**

1. All exterior solid waste containers and container racks or stands shall be screened from public view. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Planning and Zoning Commission. Outside display of items for sale and outside storage of materials, equipment, or stock shall be located as approved by the Planning and Zoning Commission.
2. Where an "I-1" Light Industrial District is adjacent to any residential zoning district, a landscaped greenbelt at least twenty (20) feet in width shall be provided continuously on the back and/or sides of the industrial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid wood fence, or other type of screening with a minimum height of eight (8) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along appropriate property line by the users of the "I-1"

Light Industrial property. All landscaping shall be maintained in a healthy growing condition by the property owner and the greenbelt shall not be used for off-street parking facilities or for loading space.

3. Any structure in an "I-1" Light Industrial District exceeding forty-five (45) feet in height which adjoins property in a residential district shall be set back from such property line, in addition to the minimum required setback, a distance of one (1) foot for every two (2) feet in height above forty-five (45); a lesser setback may be allowed if the eight (8) foot screening buffer is increased in height according to the aforementioned proportions.
4. Temporary businesses, including plant sales and the sales of Christmas trees and holiday items, shall be located as approved by the Planning and Zoning Commission. All temporary businesses shall meet building setbacks of the underlying district.
5. Vehicles used in conjunction with the operation of a business shall be parked behind or next to the building housing the business when feasible. When a rear or side parking space is not feasible, the vehicle shall be parked so as to not obstruct visibility of the shopping center entrances. Parking of commercial vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.
6. Entrances shall conform to the standards contained in the City of Moscow Mills Ordinances, Standards and Regulations.
7. Businesses adjacent to, or integrated in, a cluster of industrial facilities shall use the common access with other business establishments in that center. All submitted plans shall show access.
8. All of the lot used for parking of vehicles and storage and display, and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with the City of Moscow Mills Ordinances, and Standards and Regulations.

## **HEAVY INDUSTRIAL ZONING**

### **DISTRICT SECTION 46.140: "I-2" HEAVY INDUSTRIAL DISTRICT**

**A. Purpose Of The District.** This district is intended to provide for heavy industrial uses not otherwise provided for in the districts established by this Chapter. The intensity of uses permitted in this district make it desirable that they be buffered from residential areas whenever possible.

**B. Permitted Uses.** Only the following buildings, structures, and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval:

1. All uses permitted and those allowed upon review and approval by the Planning and Zoning Commission in the "I-1" Light Industrial District except as otherwise noted.
2. All industrial/warehousing permitted in the "I-1" Light Industrial District and manufacturing, assembling, handling, or fabrication of raw materials, or warehousing, either free standing or in campus grouping, including but not limited to foundry casting, forgings, pressings, machining and so forth; laundry, cleaning and dyeing works and carpet and rug cleaning; building materials (cement, lime in bags or containers, sand, stone, pipe, or the like), storage or sales.
3. Structures and uses clearly accessory to the normal operation of the above uses.
4. Heavy equipment sales and/or rentals.

**C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.**

1. Receiving/transmission towers.

**D. Special Use Permit Required.** Industrial uses similar to those below but not limited to the following which because of their intensity and nature may have a detrimental impact to

neighboring uses by reason of dust, smoke, vibration, noise, odor, or effluents.

1. Asphalt manufacturing, refining or preparation.
2. Meat packing and processing (including slaughtering).
3. Rendering.
4. Fertilizer manufacturing from organic materials or its compounding.
5. Outdoor (above ground) storage of fuels or chemicals (whether in tanks or other containers).
6. Metal salvage and/or recycling operation.
7. Petroleum refining or storage facility (above-ground).
8. Vehicle storage (any type vehicle) or impound yard other than the sale of operable motor vehicles from or on the premises.
9. Any industry involved in the use of; processing of, or disposal of, and temporary storage of radioactive materials and other materials deemed as hazardous waste.
10. The treatment of hides or raw leather.
11. Any industry involved in the production, manufacture and/or storage of explosives or ammunitions.
12. Concrete manufacturing, refining or preparation.
13. Any industry involved in the use of, processing of, or disposal of, and temporary storage of solid wastes.
14. Correctional institutions, sanitariums and/or institutions for the insane.
15. Residential or outpatient facilities for the treatment of alcohol and other drug abuse.
16. Sexually explicit or similar services or business establishments including, but not limited to, adult bookstores and peep shows.
17. Wholesale lumber operations including milling, light assembly, batch plant (materials assembly and mixing), and similar uses.
18. The sale and brokerage of firearms, including the transfer of firearms.
19. Title loan businesses, check cashing businesses, payday loans or similar businesses.

**E. Building Height Requirements.** No building shall exceed forty-five (45) feet in height except upon review and approval by the Planning and Zoning Commission.

**F. Lot Area, Storage And Yard Requirements.**

1. Not more than sixty percent (60%) of the lot containing any use permitted in this district may be used for open storage of raw materials, finished goods, or any other material.
2. All buildings shall be set back from the street right-of-way line to provide a front yard having not less than seventy-five (75) feet in depth. No building shall be located closer than fifteen (15) feet to a side lot line and twenty (20) feet to a rear lot line, except when adjacent to a residential district where a seventy-five (75) foot wide or rear yard is required.

**G. Parking Requirements.** As specified by the Planning and Zoning Commission.

**H. Screening And Landscaping.** See Supplementary Regulations Landscaping and Screening Requirements.

**I. Miscellaneous Requirements.**

1. All exterior solid waste containers and container racks or stands shall be screened from public view. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Planning and Zoning Commission. Outside display of items for sale and outside storage of materials, equipment, or stock shall be located as approved by the Planning and Zoning Commission.
2. Where an "I-2" Heavy Industrial District is adjacent to any residential zoning district, a landscaped greenbelt at least twenty-five (25) feet in width shall be provided continuously on the back and/or sides of the industrial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid wood fence,

or other type of screening with a minimum height of eight (8) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along the appropriate property line by the users of the "I-2" Heavy Industrial property. All landscaping shall be maintained in a healthy growing condition by the property owner and the greenbelt shall not be used for off-street parking facilities or for loading space.

3. Any structure or building in an "I-2" Heavy Industrial District exceeding forty-five (45) feet in height which adjoins property in a residential district shall be set back from such property line, in addition to the minimum required setback, a distance of one (1) foot for every two (2) feet in height above forty-five (45) feet; a lesser setback may be allowed if the eight (8) foot screening buffer is increased in height according to the aforementioned proportions.
4. Temporary businesses, including plant sales and the sales of Christmas trees and holiday items, shall be located as approved by the Planning and Zoning Commission.
5. Vehicles used in conjunction with the operation of a business shall be parked behind or next to the building housing the business when feasible. When a rear or side parking space is not feasible, the vehicle shall be parked so as to not obstruct visibility of the shopping center entrances. Parking of commercial vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.
6. Entrances shall conform to the standards contained in the City of Moscow Mills Ordinances, Standards and Regulations.
7. Businesses adjacent to, or integrated in, a cluster of industrial facilities shall use the common access with other business establishments in that center. All submitted plans shall show such common access.
8. All of the lot used for parking of vehicles and storage and display, and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with the Moscow Mills Ordinances, Standards and Regulations.

## **VI. SUPPLEMENTARY REGULATIONS**

### **SECTION 46.145: ACCESSORY BUILDINGS OR STRUCTURES, ALTERATIONS AND ADDITIONS**

All accessory structures shall be permitted with the following provisions and requirements:

1. Any attached building or structure shall be considered as a part of the principal or main building and conform to all regulations applicable to said principal building.
2. In residential zoning districts, accessory buildings or structures shall include, but not be limited to, the following: greenhouses, swimming pools, garages (attached-unattached) and similar uses.
3. The minimum distance of an accessory building or structure from any side or rear property line shall be six (6) feet. No accessory building or structure is permitted within the front building setback area.
4. No principal building or structure or accessory building or structure shall be located within or partially within a designated utility easement.
5. An accessory building or structure in a residential district shall not exceed one-half (1/2) of the ground floor area of the principal building.
6. All accessory buildings shall be ancillary to the main building and use on the subject property; and, no accessory building may be used for a separate business or use.

### **SECTION 46.150: ADULT-ORIENTED BUSINESSES**

Adult-oriented businesses, including businesses limited to twenty-five percent (25%) of the general sales area, shall be limited to the following.



1. Such businesses shall not be located within one thousand (1,000) feet of a residential use, churches, schools, or another adult-orientated business.
2. Such businesses shall be subject to occasional inspections to ensure compliance with Ordinance standards.

**SECTION 46.155: ANIMALS**

- A. In all residential zoning districts, domestic animals may be kept by the occupant of a dwelling unit. These animals may not be used or kept for commercial or resale purposes, or so as to cause a public nuisance.
- B. Farm animals may only be kept in conjunction with an agricultural operation or riding stable and only in an A-1 zoning district. No stable or shed providing shelter for said animals shall be closer than fifty (50) feet to any property line. In no case shall a horse or pony be kept on a lot of less than one (1) acre.
- C. No person shall keep any wild or vicious animal display or exhibition purposes, whether gratuitously or for a fee. This shall not be construed to apply to zoological parks, performing exhibitions or circuses. No person shall keep or permit to be kept any wild animal as a pet.
- D. Bees may be kept in any zoning district under the following conditions:
  1. A minimum lot size of one (1) acre.
  2. The maximum number of colonies will be limited to three (3) hives.

**SECTION 46.160: ANNEXATION OF NEW TERRITORIES**

- A. All new territories which may hereafter be annexed to the City shall be reclassified to a zoning classification according to the following procedure(s).
- B. Within sixty (60) days following the date of annexation, the Planning and Zoning Commission shall recommend a zoning classification for all new territories to the Board of Aldermen. The Board, within one hundred and twenty (120) days following the date of annexation shall establish zoning for all newly annexed territories. All property owners within the territories in question will be contacted by the City and be given a reasonable opportunity to request a specific zoning classification. In any case, the Board of Aldermen shall be the final party regarding the determination of all zoning classifications and may consider, but not be limited to, the following criteria:
  1. The City's Comprehensive Plan.
  2. The property owner's zoning request or plans for the property in question.
  3. The existing land use of adjacent territories in the respective zoning classifications.
- C. Prior to the date on which the Board of Aldermen votes to annex territory requested to be voluntarily annexed by its' owner, the Planning and Zoning Commission may consider a zoning reclassification of the specified territory and may hold a Public Hearing thereon in order to make a zoning reclassification recommendation to the Board of Aldermen. Such Public Hearing shall be held according to the laws and Ordinances governing rezoning of property. If the Board of Aldermen receives the Planning and Zoning Commission's recommendation at least thirty (30) days prior to when the Board is scheduled to vote on the annexation, the Board of Aldermen may cause at least fifteen (15) days notice of a Public Hearing on the zoning reclassification, to be held immediately after the Board of Aldermen votes to approve the annexation. After such Public Hearing, the Board may, by Ordinance, enact the zoning classification or classifications for such territory.
- D. No building or structure may be erected on the newly annexed territory until it has been zoned, nor shall any different or new use be permitted, except that any use established prior to annexation shall be permitted. If the established use falls under the definition of a "grandfathered use" that use may be continued by the owner of the territory at the time of annexation but such use may not be expanded, changed or assigned.

- E. No contractual zoning shall be permitted. Contractual zoning is defined as when an individual landowner agrees to voluntarily annex or consent to annexation in return for a specified zoning classification.

**SECTION 46.165: BUILDING STRUCTURES FOR TEMPORARY OR EMERGENCY USE**

- A. No temporary structure (including trailers, mobile or manufactured) shall be occupied for any residential, commercial or industrial use except as specifically permitted or required by this Chapter. However, the City Board of Aldermen may allow a temporary office or shelter incidental to new development. Occupancy of structures for emergency conditions such as fire, explosion or disaster shall be allowed until conditions are abated.
- B. "Temporary" for the purpose of this Section shall refer to a period not to exceed one (1) year. The City Board of Aldermen may extend the period where a need can be demonstrated.

**SECTION 46.167: SHIPPING CONTAINERS**

Shipping containers are not an acceptable type of material or structure for use as residential homes or accessory buildings. Hence, "shipping containers" of any type, with the intent that they be occupied as a residence or used as an accessory building, are not allowed in the City.

**SECTION 46.168: "TINY" HOMES**

"Tiny" homes, defined as a residence having a total square feet of 500 or less, are not allowed in the City.

**SECTION 46.169: DRIVEWAY PAD MATERIALS**

All residential structures must have a concrete or asphalt driveway. No gravel or rock driveways pads are allowed in any residential district. Parking of accessory vehicles and recreational vehicles, including but not limited to boats, campers, trailers, and work-related vehicles shall be on concrete or asphalt surfaces only. This prohibition does not apply to driveways or parking pads located in "Special Old Town District"; alternate driveway and parking pad materials may be permitted upon review and approval by the Planning and Zoning Commission as are other improvements within said district.

**SECTION 46.170: BUILDING, MAXIMUM HEIGHT AND EXCEPTIONS**

The height limitations of this Chapter shall not apply to church spires, domes or skylights, ventilators, water tanks, parapet walls, or necessary mechanical appurtenances usually carried above the roof level.

**SECTION 46.175: BUILDING, ONE PRINCIPAL OR MAIN BUILDING PER LOT**

Except as otherwise specifically provided for in this Chapter, only one (1) principal or main building shall be permitted on a lot. No portion of an area, frontage, or yard required for any lot, building, or use for the purpose of complying with provisions of this Chapter shall be included as an area, frontage or yard for another lot, building or use.

**SECTION 46.180: BUILDING GRADES**

- A. Any building site shall have a sloping grade and shall be maintained to cause the flow of surface water to flow away from the walls of the building. The rear and side yards shall be sloped to allow for the flow of surface water away from the building without creating a nuisance.
- B. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the new building and the yard around the new building shall be graded in such a manner as not to alter the natural flow of water across adjacent

properties.

**SECTION 46.185: CHILD CARE FACILITIES—LICENSING PROCESS**

Any organization or person planning to offer day care for five (5) or more children, except those coming under the exception of the law, shall apply for a license and meet the licensing rules before accepting more than four (4) unrelated children for care.

**SECTION 46.190: COMMUNICATION TOWERS**

- A. Communication towers, except towers owned or operated by the City of Moscow Mills, shall not exceed one hundred (100) feet unless approved by a Special Use Permit.
- B. No two (2) towers, except towers owned or operated by the City of Moscow Mills, shall be located within a one thousand (1,000) foot radius. The distance shall be calculated from the center of the base of the tower.
- C. The design of the tower compound shall maximize use of building materials, colors, textures, screening, and landscaping that effectively blend the tower facilities within the surrounding natural setting and the built-environment.
- D. Landscaping and/or sight-proof fencing shall be required around the base of the communication tower and around ancillary structures as approved by the Planning and Zoning Commission on a sketch plan. Landscaping shall be required to effectively screen ancillary structures from adjacent development and roadways as deemed necessary by the Planning and Zoning Commission.
- E. Antennas on the structures, including signage, shall be as approved by the Planning and Zoning Commission. Height requirements and aesthetic treatments may be imposed by the Planning and Zoning Commission.

**SECTION 46.195: CORNER VISIBILITY**

Within the sight-distance area of a corner lot, no sign, telephone booth, planting, or other obstruction to vision shall be erected, planted or maintained so as to substantially obstruct the view of traffic at an intersection. Corner lots along residential streets and minor collector streets which shall have a sight- distance area that extends thirty feet (30) feet from the point of intersection of the two (2) streets adjacent to the corner lot.

**SECTION 46.200: DESIGN STANDARDS FOR MODULAR HOMES**

Every modular home installed or located within the City of after the effective date of this Ordinance shall comply with the following standards and requirements:

- A. The modular home unit must be partially or entirely manufactured in a factory;
- B. Every single-family detached modular dwelling hereafter erected shall contain a floor area, exclusive of garage space and area over open porches, of a minimum of eleven hundred (1,100) square feet of livable floor space completely above grade.
- C. The modular home must be set on an excavated, backfilled, engineered foundation or basement enclosed at the perimeter so that the top of the perimeter wall sits no more than twelve inches (12") above the finished grade. The foundation shall be similar in appearance and durability to the foundation of a site-built dwelling.
- D. The finished home must have brick, wood or cosmetically equivalent exterior siding on all exterior walls which provides a consistent, continuous facade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter foundation. The exterior siding of the finished home must have the same appearance as materials commonly used on residential dwellings.
- E. The finished home must have a pitched roof with a pitch of at least a four in twelve (4:12). The roof must be covered with shingles, shakes, or tile. Eaves of the roof must extend at least ten (10) inches from the intersection of the roof and the exterior walls;

- F. The finished home must have color-coordinated body and trim. Colors of both the factory components and the site-built components shall be the same;
- G. The finished home must have windows that are wood, vinyl coated or anodized aluminum;
- H. The main entrance to the finished home must face, or be oriented toward, an adjacent street;
- I. Any transportation mechanisms must be removed;
- J. No finished home shall be occupied for dwelling purposes unless it is properly placed and connected to water, wastewater, electric and gas utilities, as appropriate.
- K. Mobile and manufactured homes (see "Definitions") are not modular homes. Mobile and manufactured homes are only allowed in permitted mobile home parks or as provided for elsewhere in this Chapter.

**SECTION 46.205: EXTERIOR TREATMENT OF EXPOSED FOUNDATIONS**

Any exposed foundation wall on any new structure as defined in this Chapter shall be treated with an appropriate substance to complement the appearance of the structure on the front exposure or elevation only.

**SECTION 46.210: EXTERIOR WASTE CONTAINER ENCLOSURE REQUIREMENTS**

Trash containers shall be enclosed and screened per the requirements of each zoning District. Where a trash enclosure is required, the following conditions shall apply:

- 1. All exterior waste containers shall be located on a paved surface. If a floor drain is installed outside the waste container to serve the waste container, the pad shall not exceed three (3) feet on any side of the actual dumpster. The pad shall be sloped towards the floor drain which shall be directed to the sanitary sewer system through the grease interceptor structure. Drainage beyond the waste container area shall be directed towards the storm sewer system.
- 2. Reinforced concrete approaches shall be provided in front of the access doors to the screened area; the approaches shall be a minimum of twenty (20) feet in length and at least as wide as the screened area.
- 3. Unless otherwise specified in the specific zoning District requirements, all screening of waste containers shall be a masonry or vinyl fence material.

**SECTION 46.215: FENCE REQUIREMENTS**

- A. The following general fence provisions shall apply to all zoning Districts:
  - 1. A permit shall be required for the erection, installation or alteration of any fence within the City of Moscow Mills.
  - 2. No fence, wall, shrub, or hedge shall be constructed or altered to exceed six (6) feet in height except as indicated in the specific district regulations as follows.
  - 3. It shall be unlawful for any person to paste, stick, or by other means attach or place upon any fence any indecent, obscene, immoral or vulgar words or images, or any advertisement, poster, or circular.
  - 4. No person shall erect, or cause to be erected, maintain, or cause to be maintained, any fence or enclosure of which any part is charged with or designed to be charged with the electrical current except as specified in the "A-1" Agricultural District.
  - 5. In the case of fences constructed over dedicated utility easements, the City shall not be responsible for the replacement of said fence due to its removal. It is required that the property owner contact the City Engineer or developer for location of above-mentioned easements.
  - 6. In no case shall a fence be erected so as to enclose or block a stormwater catch basin, culvert, or other stormwater structure in any development. It shall be the

responsibility of the Building Inspector to inspect such violations and make a written report to the City.

7. All fences erected prior to enactment of this Chapter shall be considered non-conforming and as such shall be allowed to remain in place. However, at such time when the parcel or lot in question is sold, transferred or leased to another party, the fence will be either brought into conformity or removed.
  8. All fencing must be maintained in good condition at all times. "Good condition" is hereby defined to include, but shall not be limited to, replacement of damaged boards, staining or painting of surfaces and removal of rust.
  9. Fence completion shall occur within six (6) months from the start of construction.
  10. When a fence is facing a public street, the improved side of the fence shall be oriented to the street.
- B. Fence Regulations For "A-1" Agricultural District. Electrified and barbed wire fences shall be permitted in the "A-1" Agricultural District when used in connection with an approved agricultural operation.
- C. Fence Regulations For "R" (Residential) Districts.
1. The use of barbed wire, hardware wire, aluminum or galvanized steel chain-link fence is prohibited in any residential district. Vinyl-clad chain-link fencing is permitted. This prohibition does not apply to fences located in "Special Old Town District"; said fences are permitted upon review and approval by the Planning and Zoning Commission as are other improvements within said district.
  2. Residential fences shall not exceed six (6) feet in height.
  3. The owners of residential properties shall be responsible for maintaining said fences and to remove any fence which becomes unsightly or a menace to public safety, health or welfare.
  4. On a corner lot, a fence shall not extend beyond the front building line, as platted, which is parallel to the front of the house. Along other front building lines as platted on a corner lot, the fence shall be set back a minimum of ten (10) feet from the property line and shall not extend into the sight distance area as defined in this Chapter.
  5. No fence shall be permitted to extend beyond the building line at the front of the structure or any property line. This prohibition does not apply to fences located in "Special Old Town District"; said fences are permitted upon review and approval by the Planning and Zoning Commission as are other improvements within said district.
  6. On any interior lot other than a through-lot, a fence shall not extend beyond the front building line nor shall any fence extend beyond the side and rear property lines.
  7. In no case shall any front yard be enclosed by a fence other than as provided for on a through-lot.
  8. Temporary fences may be erected in conjunction with "display homes" in subdivisions so long as the fences are removed within thirty (30) days following the sale or transfer of ownership of the display.
  9. Ornamental dividers, plastic chains, posts or like materials erected along driveways or sidewalks shall not be considered a fence.
  10. Fences shall be erected around swimming pools according to the adopted Building Codes of the City of Moscow Mills.
  11. There shall be no fences consisting of one (1) or more strand wires constructed in residential zoning districts.
  12. Fence materials.
    - a. Acceptable materials for fences and decorative posts that are four (4) feet or less include, but are not limited to, brick, stone and other masonry; synthetic materials; redwood, cedar and treated wood; wrought iron; decorative aluminum; and vinyl clad chain link.

- b. Acceptable materials for fences and decorative posts that are greater than four (4) feet include, but are not limited to, brick, stone and other masonry; synthetic materials; redwood, cedar and treated wood; wrought iron; and decorative aluminum.
- D. Fence Regulations For All "C" (Commercial) and "I" (Industrial) Districts.
- 1. The following may be approved by the Planning and Zoning Commission:
    - a. Requests stating the reason must be made in writing to and approved by the Planning and Zoning Commission prior to construction or erection.
    - b. Fences higher than six (6) feet may be permitted for security and/or screening purposes. Also, barbed wire or razor wire shall be permitted only if the lowest strand is at least seven (7) feet above grade, and when used for security purposes in addition to a regular fence.
  - 2. Fences are permitted on any lot or paved area so long as they do not extend beyond the front building line unless otherwise approved by the Planning and Zoning Commission.
  - 3. Where a fence is constructed to comply with a screening requirement, all fencing regulations regarding maintenance, materials and height shall apply.
  - 4. Fences erected to screen waste receptacles shall adhere to the regulations of the applicable zoning district.
  - 5. All fences installed in commercial zoning districts and industrial zoning districts that abut residential properties, and are used for the purpose of screening between districts, shall be masonry or vinyl.
  - 6. Fences constructed of chainlink that are located within industrial zoning districts shall be coated with vinyl.
  - 7. All other general provisions previously stated shall apply.
- E. Fences In All "R-3" "C" (Commercial) And "I" (Industrial) Districts
- 1. All fences within an "R-3" Multiple-Family Residential District, "C", or "I", District, shall be approved by the Planning and Zoning Commission prior to installation of the fence.

**SECTION 46.220 : FLOODPLAIN AREAS**

The City of Moscow Mills City Code, Chapter 47-Moscow Mills Flood Damage Prevention (Floodplain) Ordinance contains provisions related to floodplain areas. The Ordinance may be amended as necessary to comply with applicable State and Federal rules and regulations.

**SECTION 46.225: HOME OCCUPATIONS**

- A. In order for a person to obtain a Home Occupation Permit, said person must meet the following criteria:
- 1. Said occupation must occur in the home of the applicant (accounting, preparation of mailings, receipt of business mail, telephone answering service, or taking of orders for goods/services).
  - 2. Applicant must be a resident of the City at the time of requesting said occupation.
  - 3. Applicant must fill out an application for a home occupation and submit to City Clerk to be reviewed by the Planning and Zoning Commission. Upon receipt of the application, the City Clerk will place the home occupation request on the next regularly scheduled Planning and Zoning Commission meeting agenda. If the occupation is favorably approved or approved with contingencies by the Commission, the appropriate business license shall be issued by the City.
  - 4. The applicant is required to send a Certified Letter to all adjoining property owners for the purpose of informing them of their intent to conduct a home occupation. Adjoining properties shall include all properties abutting the subject property on the side and rear and properties across any roadways abutting the subject property. A Certified Letter

shall also be sent to any applicable Homeowner's Association. A copy of the letter to be sent to the adjoining neighbors shall be included in the application packet.

B. Home Occupations (Residential Districts). Residential home occupations shall be reviewed and approved by the Commission. Said occupations shall meet all contingencies set by the Commission and conform to the following criteria:

1. Only one (1) home occupation shall be permitted per residence.
2. In no way shall the appearance of the structure be altered or the occupation within the residence be constructed in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
3. Such occupation shall be conducted entirely within the residence and carried on by not more than two (2) individuals (not necessarily related) one of whom is the principal occupant.
4. The home occupation is clearly incidental and secondary to the principal use of the residence.
5. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the District in which is it located.
6. No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation shall be visible from the outside of any structure located on the premises.
7. The conduct of any home occupation, including but not limited to the storage of goods and equipment, shall not reduce or render unusable areas provided for the required off-street parking.
8. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or cause fluctuations in the line voltage outside the dwelling unit or which creates noise not normally associated with residential uses shall be prohibited.
9. A minimum of two (2) off-street parking spaces shall be provided on the premises for said occupation.
10. No commercial vehicle, as defined by this Chapter, shall be used in connection with a home occupation, or parked on the property.
11. No home occupation shall cause an increase in the use of any one (1) or more utilities (water, sewer, electricity) so that the combined use for the residence and the occupation exceeds the average for residences in the neighborhood.
12. No home occupation shall be conducted in any accessory building (garage or shed) except as approved by the Planning and Zoning Commission.
13. The Planning and Zoning Commission may require fencing around the yard if a home approved for a day care home is deemed appropriate at the time of initial review of the home occupation or at any time the home occupation is reviewed.
14. Garage sales shall be considered a home occupation when more than one (1) sale is held during a month at a given residence.

C. Examples Of Uses That Frequently Qualify As Home Occupations. The following are typical examples of uses which often can be conducted within the limits of the criteria established herein and thereby qualify as home occupations. Uses which qualify as home occupations are not limited to those named in this paragraph nor does this listing of a use in this paragraph automatically qualify it as a home occupation: accountant, architect, artist, attorney, individual tutoring, insurance, one-chair barber shops, two-chair beauty shops.

D. Uses That Are Prohibited. The following uses by their nature have a tendency, once started, to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area. Therefore, the uses specified below shall not be permitted as home occupations: auto repair (other than personal), carpentry work,

painting of vehicles or large household appliances, furniture stripping and similar uses, private investigation, firearms and/or ammunition sales or services, or massage services/establishments.

- E. Non-Compliance Of Home Occupation Permit. Any applicant not complying with the restrictions and criteria herein specified shall be subject to the penalties as provided for in this Chapter.
- F. Reapproval And Certification Of Home Occupations. Home occupations shall be subject to review and reapproval by the Planning and Zoning Commission when deemed necessary by the Commission. Review of home occupations may be scheduled at the time of the original hearing or at a later date if needed. At the time of reconsideration, the home occupation may be rescinded or reapproved; if reapproved, additional contingencies may be added.

### **SECTION 46.230: LANDSCAPING AND SCREENING REQUIREMENTS**

- A. Residential Districts. It shall be at the discretion of the individual property owners to landscape their lots; however, at any given time the following provisions shall apply:
  - 1. No tree, or ground cover shall be planted of a type of species apt to destroy, impair, or otherwise interfere with any street improvements, sidewalks, curbs, gutters, sewer, or other public improvements. It is suggested that the property owner contact the City prior to landscaping within any street right-of-way or utility easement.
  - 2. Vines of climbing plants growing over street signs, fire hydrants, or other public property shall be removed by the property owner.
  - 3. On a corner lot, no planting or other obstruction to vision extending to a height in excess of twenty-four (24) inches above the established street grade shall be erected, planted or maintained within the sight-distance as an established area extending thirty feet (30) from the point of intersection of the two (2) streets adjacent to the corner lot.
  - 4. All landscaping shall be properly maintained according to City Ordinances presently in effect. The individual property owner shall be responsible for such maintenance.
  - 5. For all Multiple-Family Residential Zoning districts, a landscape plan shall accompany, or be a part of; each site plan, and no site plan shall be approved without the Planning and Zoning Commission's review and approval of said landscape plan. The landscape plan shall contain size, type and location of plantings. All "R-2" Two-Family Residential zoning districts shall be required to have a landscape plan to be forwarded to the Planning and Zoning Commission for its review and approval . Landscaping is to be completed prior to issuance of a Certificate of Occupancy by the Building Inspector.
  - 6. In all residential zoning districts, above-ground fuel storage tanks shall not be permitted.
- B. Non-Residential Districts (Commercial/Industrial). In "C" (Commercial) and "I" (Industrial) Districts, the landscaping/screening requirements are as follows:
  - 1. Screening requirements.
    - a. All screening and buffering requirements previously set forth in the individual Districts shall be the responsibility of the lot owner or developer to install and maintain.
    - b. When off-street parking areas for six (6) or more vehicles are located within, or adjacent to, a residential District, and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, a continuous, visual screen with minimum height of six (6) feet shall, be provided between the parking area and the said lot or residential District. Such screen shall consist of a solid fence or masonry wall, a compact evergreen hedge or foliage screening may be approved as an alternative by the Planning and Zoning Commission.



- c. Protective screening. When off-street loading areas are located within, or adjacent to, a residential District, and where such loading areas are not entirely screened visually by an intervening building or structure, a continuous visual screen with a minimum height of eight (8) feet shall be provided between the loading area and the said lot or residential District. Such screen shall consist of a solid fence or a masonry wall, a compact evergreen hedge or foliage screening may be approved as an alternative by the Planning and Zoning Commission.
2. Landscaping requirements.
    - a. A landscape plan shall accompany, or be a part of, each site plan, and no site plan shall be approved without the Planning and Zoning Commission's approval of said landscape plan. This landscape plan shall include size, type and location of plantings and shall include parking lot planting islands, perimeter plantings, and similar landscape features. The majority of evergreen trees shall be a minimum of six (6) feet in height.
    - b. Where off-street parking spaces are provided, a minimum of ten (10) square feet of landscaping shall be provided for each space within the parking area or lot, or as approved by the Planning and Zoning Commission. While no specific tree species or plantings are given in this Chapter, the developer or owner shall be expected to provide sufficient landscaping details on the plans at the time of submittal. The use of earthen berms or sculpting shall be encouraged provided these are designed in an area of enough size so as to cause no erosion, drainage or maintenance problems.
- C. Screening And Landscaping. All off-street parking facilities, with the exception of a single-family detached dwelling or a two-family dwelling, shall be screened and landscaped in accordance with the following design standards.
1. Planting strip along property lines.
    - a. Along each property line of the zoning lot, a planting strip of four (4) feet minimum width shall be provided between said property line and the off-street parking facilities. Where parking facilities for non-residential uses abut a residential district, a sight-proof fence or hedge of not less than six (6) feet in height shall be provided along the perimeter of the off-street parking facility within the planting strip herein described.
    - b. In the case of a common/shared driveway entrance/exit the requirement for a four (4) feet minimum width planting strip will be waived. However, the remainder of the site shall contain sufficient additional landscaped areas to compensate for the loss of the planting strip or a portion thereof.
  2. All off-street parking facilities shall be appropriately broken by linear planting strips or variable shaped islands in the interior of the facility. Such planting strips or islands shall be satisfactorily landscaped with trees or other suitable vegetation and shall constitute no less than five percent (5%) of the total area of the off-street parking facility excluding the four (4) foot planting strip previously mentioned.
  3. The selection of trees, hedges and other planting materials shall be approved by the Planning and Zoning Commission.
  4. All screening and landscaping shall be installed in conformance with the "Corner Visibility" restrictions of this Chapter, or having the highest visibility.
  5. The selection of trees, hedges, and other planting materials shall be as approved on the landscape plan. All modifications shall be reviewed and approved by the Planning and Zoning Commission.
- D. All landscaping indicated on the approved site development plan shall be installed prior to issuance of a Certificate of Occupancy by the Building Inspector. If installation of landscape materials cannot be accomplished due to weather conditions or other factors,

an escrow shall be established to guarantee purchase and installation of all landscape materials. The escrow shall be submitted for approval by the Planning and Zoning Commission and shall otherwise be submitted in compliance with the process established here in. Upon installation of the landscape materials, the escrow shall be released by the City.

**SECTION 46.235: LOT, CORNER AND THROUGH**

For any through lot, both frontages shall comply with the front yard requirement of the District in which it is located. Swimming pools, decks, and open-air porches shall comply with the setback requirements of the underlying zoning District. In addition, fences shall comply with provisions contained elsewhere in this Chapter pertaining to fencing.

**SECTION 46.240: LOT CONSOLIDATION**

- A. When the recorded owner of two (2) or more contiguous lots desires to consolidate lots, the owner shall indicate the proposed consolidation in writing to the Planning and Zoning Commission. No amended record plats are needed as long as the external boundary in question shall be used as one (1) lot. However, an exhibit including the following information shall be provided:
  - 1. Outboundary of the affected lots.
  - 2. The recorded name of the subdivision and book and page of the original record plat.
  - 3. Lot numbers for each lot as established on the record plat.
  - 4. The street(s) abutting the affected lots.
  - 5. Other items as deemed necessary by the Planning and Zoning Commission.
- B. The letter requesting consolidation and the exhibit shall be approved by the City of Moscow Mills and recorded with the Lincoln County Recorder of Deeds. A recorded copy of the letter and exhibit shall be returned to the Planning and Zoning Commission.

**SECTION 46.245: NON-CONFORMING USE**

- A. A non-conforming use is a land or buildings within the City of Moscow Mills that does not conform to this Chapter. A non-conforming use may often have a detrimental effect on the land use around it, such as increased traffic on residential streets, not enough parking spaces, the emission of noxious fumes, the creation of loud noises or a depressing effect on property values. These regulations are intended to minimize the existing and/or potential problems created by non-conforming uses.
- B. Continuance Of A Non-Conforming Use.
  - 1. Any lawful building, structure, or use existing at the time of the enactment of this Chapter may be continued even though such building, structure, or use does not conform to the provisions of this Chapter for the District in which it is located and whenever a District shall be changed hereafter then the existing lawful use may be continued, subject to the provisions of this Chapter.
  - 2. Any legal non-conforming building or structure may be continued in use provided there is no structural change other than normal maintenance and repairs.
  - 3. Any building for which a permit has been lawfully granted prior to the effective date of this Chapter or of amendments hereto, may be completed in accordance with the approved plans, provided construction is started within six (6) months.
  - 4. A building or lot containing a non-conforming use may not be enlarged, extended, reconstructed, or altered unless such use is made to conform to the regulations of the District in which it is located. However, in the case of evident hardship, a building containing a non-conforming use may be enlarged an amount not greater than twenty-five percent (25%) of its present ground floor by approval of the Planning and Zoning Commission

5. Any business that has a legal non-conforming use or has previous approved by the Planning and Zoning Commission will not need re-approval to continue that use if the business is sold, provided that the business is not substantially changing.
- C. Repairs, Maintenance And Alteration Of Non-Conforming Use/Building.
1. Ordinary repairs and maintenance of a non-conforming building shall not be deemed an extension of such non-conforming building and shall be permitted.
  2. No structural alteration shall be made in a building or other structure containing a non-conforming use except in the following situations:
    - a. When the alteration is required by law.
    - b. When the alteration will actually result in elimination of the non-conforming use.
    - c. A building containing a non-conforming use may be altered in a way to improve livability and/or appearance provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.
- D. Abandonment Or Discontinuance.
1. When any non-conforming use has discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be resumed and any future use of the premises shall be in conformity with the provisions of this Chapter, provided that, such non-conforming use may be resumed when the owner during the period of discontinuance, has been actively attempting to continue such non-conforming use.
  2. Proof of fact in writing must be furnished to the Planning and Zoning Commission by the applicant to establish intent not to abandon.

**SECTION 46.250: PARK AND OPEN SPACE REQUIREMENTS FOR ALL ZONING DISTRICTS**

- A. Amount of Land/Recreational Facilities To Be Provided. Prior to the issuance of any Building Permit, the developer of any residential, commercial, or industrial areas shall comply with the City's current Comprehensive Plan and Future Land Use Map in providing open space, playgrounds, bike trails or recreational related facilities reasonably related to the development. During the site plan review process, the developer will provide reasonable measures to retain existing trees and vegetation and is encouraged to participate in the City's park development program.
- B. Application. The provisions of this Chapter shall apply to all residential, commercial or industrial developments within the Corporate Limits of Moscow Mills, Missouri. In submitting a preliminary plat or site plan, the developer shall ensure that said plat or site plan contains sufficient detail so as to distinguish open space, playground, bike trails or recreational related facilities. The developer shall also indicate on said preliminary plat or site plan the land and/or facilities which are to be dedicated as park, bike trail or open space to the City, or dedicated to the private or common ownership for park purposes. All plats and plans shall be reviewed by the City for conformity with the City's then current Comprehensive Plan and Future Land Use Map.

**SECTION 46.255: RIGHT-OF-WAY—STREET OR HIGHWAY, STRUCTURES PROHIBITED**  
(See "Subdivision Regulations".)

**SECTION 46.260: SIDEWALKS AND BICYCLE PATHS**

The intent of this provision is to provide pedestrians with safe and convenient access to schools, recreational, retail areas, and places of employment. In general, sidewalks should be located in the public right-of-way parallel to the street pavement. However, when a sidewalk can be integrated into a linear park system, consideration should be given to combination pedestrian/bicycle paths. In any event, the purpose of sidewalks shall be to connect people with

specific destinations within the City. The following specifications shall apply:

1. Major Collector Street (sixty (60) foot right-of-way).
  - a. Sidewalks required on both sides of street.
  - b. Minimum width of sidewalk shall be four (4) feet, unless otherwise specified by Planning and Zoning Commission.
2. Minor Collector Street (fifty (50) foot right-of-way).
  - a. Sidewalks required on both sides of street.
  - b. Minimum width of sidewalk shall be four (4) feet, unless otherwise specified by Planning and Zoning Commission.
3. Residential Street (fifty (50) foot right-of-way).
  - a. Sidewalks required on one side of Streets.
  - b. Minimum width of sidewalk shall be four (4) feet, unless otherwise specified by Planning and Zoning Commission.
4. Non-Residential Street (forty (40) foot right-of-way).
  - a. sidewalks are optional
  - b. must be approved by Planning and Zoning Commission.
  - c. If sidewalks are approved by Planning and Zoning Commission an additional five (5) foot easement will be required on each side of the street adjacent to right-of-way line.
5. Sidewalks for pedestrian/bikeway movement shall be a minimum of six (6) feet in width. Property easements for such purpose shall be a minimum of ten (10) feet. The Planning and Zoning Commission shall require additional easements where necessary.

**SECTION 46.265: SITE PLAN REVIEW**

- A. In planning and developing a subdivision, lot or tract, the developer/subdivider shall comply with the general principles of design and minimum requirements for the layout of a subdivision concerning required improvements, and in every case shall pursue the following procedures.
- B. Pre-Application Proceedings. Not less than forty-five (45) days prior to the preparation of the preliminary plat and/or site plan, the developer/subdivider shall consult with the designated City representative in order to become familiar with the standards established in these regulations and the provisions of the Comprehensive Plan affecting the land proposed to be subdivided.
- C. Process Of Submission Of Preliminary Plat Or Site Plan.
  1. The developer/subdivider, after the advisory meeting, may then initiate a request for formal review of the preliminary plat, site plan, or record plat. The developer/subdivider shall submit said plat or plan in accordance with the established scheduled meeting of the Planning and Zoning Commission at which action is desired. After review of plat or plan by City staff, and subsequent notification of deficiencies/problems, developer/owner shall resubmit corrected plat or plan not less than seven (7) working days prior to the Planning and Zoning Commission meeting. Resubmitted plats or plans containing more than six (6) deficiencies shall not be submitted to the Planning and Zoning Commission for review.
  2. All preliminary plats or site plans shall be prepared and sealed by a qualified and Registered Professional Engineer or Registered Land Surveyor.
  3. The applicant shall submit a sufficient number of prints as required by the Administrative Officer for all staff reviews and Planning and Zoning Commission reviews. The prints shall be black or blue line with all copies folded to an approximate size of eight and one-half (8 1/2) by eleven (11) inches.
  4. Preliminary plats or site plans submitted for the initial review without substantial information, or submitted for the final formal review that omit more than six (6) items as

required under herein, shall be required to resubmit the plat or plan with the appropriate fee.

5. All preliminary plats shall be acted on by the Planning and Zoning Commission within sixty (60) days of plat submittal to the City.
6. A traffic study may be required by the City Engineer if deemed necessary for the analysis of a development project by the Planning and Zoning Commission.

D. Information Required On A Preliminary Plat Or Site Plan.

1. The plat or site plan shall be drawn to scale of not greater than one hundred (100) feet to the inch and shall contain the following information:
  - a. Vicinity map (not to scale).
    - (1) Show nearby existing streets and highways.
    - (2) Identify by name abutting subdivisions or developments.
  - b. North arrow and scale and property address from the applicable fire protection district.
  - c. Title block.
    - (1) The proposed name of the subdivision or development.
    - (2) Names and addresses of property owners including phone number.
    - (3) Names and addresses of architect, and planner, engineer, designer, or land surveyor.
    - (4) Date prepared.
    - (5) Tract designation.
  - d. Boundary line showing bearings and distances.
  - e. Adjacent properties information—existing and proposed. Ownership and use of land, zoning classifications. (Ownership of lots in residential subdivision are not required.)
  - f. Utilities and easements.
    - (1) Indicate name and phone number of the company or jurisdiction providing the following services: water, sanitary sewer, electric, telephone, gas, cablevision.
    - (2) Identify size and location of existing water lines, sewer lines, electric service and other existing utilities. Show the location of future water and sewer lines and electric service.
    - (3) Indicate existing easements on plat or plan including perimeter utility easement.
  - g. Lot dimensions.
    - (1) (a) On residential lots indicate approximate square footage of each lot. Provide notes reflecting minimum side, rear, and front dimensions exclusive of public right-of-way.
      - (b) Indicate minimum lot width at the building line on irregular shaped lots, or lots having a measurement less than the required lot width at the building line.
    - (2) On non-residential lots, indicate gross acreage for each lot to be reviewed exclusive of public right-of-way.
    - (3) Indicate building dimensions and square footage of the same.
    - (4) Indicate building lines and dimension of the building to the property lines.
  - h. Public and private streets and curb cuts.
    - (1) Show all proposed streets and improvements to existing sheets. Indicate whether public or private, width of pavement, width of right-of-way and name of streets. (A letter from the Lincoln County 911 Emergency Services Department indicating approval of street names must be supplied to the City.)
    - (2) Dimension curb cuts on all non-residential development.
    - (3) Show adjacent or connecting streets and their names.
    - (4) Show all street lighting.

- (5) Comply with segment of regulations which specifies information to be supplied at the time of filing of the preliminary plan or development plan as it relates to stormwater management planning.
  - (6) Indicate basic soil erosion control plan to be utilized during site development.
  - (7) Other information as may be required by the Planning and Zoning Commission.
  - i. Physical characteristics and stormwater management.
    - (1) On-site plans provide existing contours at two (2) foot intervals and one (1) foot intervals for proposed. On preliminary plats, provide existing and proposed contours at intervals of five (5) feet or less.
    - (2) Indicate natural features to be left undisturbed including natural watercourses. The development shall leave as much of the natural topography and tree growth as reasonably possible to facilitate erosion control and aesthetic considerations.
  - j. Parks/open space, recreational areas and common ground.
    - (1) Parks and open space land shall be shown on the plan if required in the City's Comprehensive Plan.
    - (2) Recreational area, if proposed, shall delineate type of facilities and who will be responsible for operation and maintenance of same.
    - (3) All common ground areas shall be shown with an appropriate note provided regarding administration of same.
  - k. Setback and yards. Setback and appropriate yards shall be at least those specified for the applicable district.
  - l. Sidewalks--where required (refer to sidewalk regulations). Show side(s) of street(s) where sidewalk is to be located and length of same.
  - m. Additional information required for non-residential site plan development. Refer to specific zoning District for details.
    - (1) Protective screening for properties abutting residential zoning Districts.
    - (2) Trash containers. Show location and indicate that screening shall be six (6) feet in height and compatible with the building style.
    - (3) Street lighting. Show location.
    - (4) Landscape plan. No site plan shall be approved without an acceptable landscape plan. Information on location of plantings, species, numbers, and size is appropriate.
    - (5) Building outline and floor area. Dimension floor area and identify building usage. If multiple use, provide appropriate floor area breakdown. Provide other information including building entrances as required by the Planning and Zoning Commission.
    - (6) Parking and off-street loading.
      - (a) All parking shall be based upon building use(s) in accordance with parking requirements provided in these regulations. Handicapped spaces shall be provided. Appropriate dimensions shall be given for all parking spaces and access aisles. Handicapped parking space signs and ramps shall be indicated where applicable. Off-street loading shall be provided as specified in these regulations and shall be appropriately dimensioned.
      - (b) Indicate curb and gutter on all parking lots.
    - (7) In order to insure architectural compatibility within non-residential and certain residential zoned areas of the City, the Commission shall require architectural drawings and profiles to accompany site plans.
2. Upon approval of the preliminary plat/site plan five (5) copies of the revised plat/plan incorporating appropriate contingencies shall be submitted to the City of Moscow Mills prior to issuance of a Building Permit, but in no case later than one hundred twenty

(120) days following approval. If available, digital media shall also be provided. Failure to provide said revised plat/plans will render the plan null and void.

3. If the site work approved through the site plan approval process has not been substantially begun within twelve (12) months after site plan approval, the site plans shall become null and void. An applicant must refile the appropriate information and applicable fee when said site plan has been voided.

E. Architectural Review For Structures In All Zoning Districts Except "R-1" and "R-1(A)" Single-Family Residential District and "R-2" Two-Family Residential District.

1. Purpose. The intent of this subsection is to assure the mutual compatibility and appearance of buildings and their surroundings in the City of Moscow Mills.

2. Application review responsibility.

- a. The criteria shall apply to all new building construction excluding single-family and two-family residential dwellings. The Commission, prior to issuance of a Building Permit by the City, shall have the responsibility to review renderings, except as provided for hereinafter. Where building additions or alterations are considered, the Planning and Zoning Commission shall review renderings for consistency with original renderings. At the time of occupancy and/or use change, the Planning and Zoning Commission may require modifications to the building exterior to improve the appearance of the building. For substantial remodeling or renovation of a building, a revised rendering or elevation drawing shall be submitted to the Planning and Zoning Commission for review.

- b. For all attached housing units including, but not limited to, villas and multiple-family buildings, the following architectural requirements will apply:

- (1) Buildings which exceed one (1) story above-grade in height shall be constructed of masonry on all four (4) sides of the building; all other buildings shall include a majority of masonry materials, but may include other maintenance free materials such as vinyl siding.
- (2) The Administrative Officer shall be given the authority to approve renderings or colored photos but cannot reject the same. Any renderings of multiple-family units not approved by the staff shall be brought to the Planning and Zoning Commission. The Planning and Zoning Commission shall review those renderings and shall approve or deny the renderings no later than the second (2nd) regular meeting of the Planning and Zoning Commission. If the Planning and Zoning Commission denies said renderings, the Chairman shall set forth in writing the reasons for denial by the Commission.

3. Submission guidelines/requirements.

- a. A perspective colored rendering detailing the building's profiles must be submitted for Commission review along with the site plan. The rendering shall be drawn on a twenty-four (24) inch by thirty (30) inch (minimum size) sheet of paper at a scale no smaller than twenty (20) feet to the inch. The Commission may, at its discretion, accept colored photos if they are of reasonable quality. Where multiple buildings are proposed and they will differ architecturally, the site plan applicant is expected to supply all appropriate renderings. Materials to be used and colors proposed for the exterior are to be shown/listed on the rendering.

- b. A file ready (approximately eight and one-half (8 1/2) inches by eleven (11) inches size) copy of photo of the rendering must also be submitted to the Planning and Zoning Commission by the final submittal date of the site plans. Said copy of photo is to be kept for record and will not be returned to applicant and/or developer. Plans submitted for review with a Building Permit application shall essentially be in accord with the renderings or the Permit will be denied.

- c. Where deed or subdivision documents contain architectural standards, applicant

shall supply a copy of same to the City Engineer.

4. Criteria.

- a. (1) All buildings shall be architecturally treated on all sides of the building to create a consistent and attractive building appearance. All new buildings shall be designed so as to match or complement existing buildings in the vicinity.  
(2) Architectural materials shall be as approved on the architectural renderings. All new buildings shall consist predominantly of masonry/brick, wood, architectural panels, or glass. EFIS or stucco type material shall be considered as accent material. The Planning and Zoning Commission may approve other materials that provide similar or equal architectural treatments.
- b. Roof top utilities such as, but not limited to, cooling towers and heating and cooling equipment installed in conjunction with any buildings or installed on any building heretofore erected shall be screened/enclosed with walls of brick, wood, or other similar architectural material extending to the height of the highest projection of such equipment from all sides.
- c. Exterior walls of buildings exposed as the result of demolition or removal of an adjacent building, unless such walls are in good condition and architecturally compatible with other walls and surrounding buildings, shall be renovated or improved, as required by the Planning and Zoning Commission, to provide such compatibility.
- d. Retaining walls and similar walls shall be of a decorative treatment as approved by the Planning and Zoning Commission. Exemption from this requirement shall be as approved by the Planning and Zoning Commission.

F. Improvements Installed Or Guaranteed In All Zoning Districts. Site plan improvements shall be installed or guaranteed as herein provided:

1. Before the City issues a Site Development Permit as required, the developer/contractor must have submitted and obtained approval of improvement plans for all improvements planned for each site and have established a satisfactory escrow agreement, lender's agreement or land subdivision bond insuring or guaranteeing the construction in accordance with the approved plans of all improvements to be dedicated to the City and restoration of the site in case of project abandonment or project completion in the case of failure to complete the project.

Guarantee Agreements:

- a. Agreements shall be prepared on forms furnished by the City of Moscow Mills. Four (4) originals shall be provided to the City.
- b. Agreements shall be approved by the City Engineer.
- c. Agreements shall guarantee the improvements set forth in the approved improvement plans by providing for deposit (cash, certified check or cashier's check) with the City of Moscow Mills or an institution whose deposits are Federally insured by the United States Government of that sum of lawful monies of the United States of America or a lender's agreement in the amount which the City Engineer shall reasonably estimate as the cost of said improvements. The developer/contractor shall submit a listing of improvement quantities along with the estimated unit cost to facilitate the City Engineer completing the estimate.
- d. If there is an escrow sum, it shall be held in a special account by the escrow holder subject to the audit by the City Engineer and/or Board of Aldermen of the City of Moscow Mills, Missouri.
- e. If there is a lender's agreement, it shall be subject to audit by the City Engineer and/or the Board of Aldermen of the City of Moscow Mills.
- f. Bonds shall be with a surety approved by the City and in a form approved by the



City.

2. The estimated sum shall be held by the escrow holder or the lender as provided for in the agreement. Authorization shall be written and addressed or copied to the escrow holder or the lender authorizing release. The City Engineer may authorize release for disbursement by the escrow holder or lender for the payment of labor and materials used in the construction and installation of the improvements guaranteed, as the work progresses, and when such work is approved by the City Engineer.
3. For improvements which are to be dedicated to the City for maintenance, ten percent (10%) of the total monies estimated for said improvements shall be retained for a period of two (2) years from the date of acceptance of the instrument of dedication by the Board of Aldermen to guarantee proper construction of said improvements. In the event that during this two (2) years period any of the improvements escrowed for deemed by the City Engineer to fail the construction guarantee, the ten percent (10%) retention shall be used for reconstruction, repair or modification of the improvements as may be required. After the period of two (2) years after the date of acceptance of the instrument of dedication and correction of any deficiencies, all monies remaining in the escrow account shall be released. If deemed in the City's best interest not to perform remedial work within the aforementioned two (2) year period and the developer/contractor agrees to extend the escrow agreement, release of all monies can be delayed until a mutually agreed upon date has been reached. No authorization for release shall be made until inspections have been made certifying that the improvements have been constructed in accordance with the approved plans and meet all requirements of the City of Moscow Mills. Closed circuit TV (CCTV) inspections for sanitary and storm sewer mains to be dedicated to the City shall be required prior to the release of escrows or acceptance of the mains by the City. The CCTV inspection shall be conducted by the City at a cost to the developer as established by the City. Said fee must be paid prior to the inspection and release of the ten percent (10%) retention. The developer may elect to conduct the CCTV inspection in which case the developer shall provide the City with a videotape and written report prepared by an inspection company or engineer approved by the City. The CCTV videotape and inspection report shall be prepared in the format required by the City and shall describe the location and type of deficiencies found. After correction of the deficiencies, the sewer shall be reinspected by the City.
4. In the event that the improvements which are to be dedicated to the City are not satisfactorily installed and dedicated within two (2) years after the approval of the improvement plans, the City of Moscow Mills has the right to remove said monies to complete the guaranteed improvements, complete the site improvements and/or restore the site unless an extension in time is granted by the Planning and Zoning Commission.

**SECTION 46.270: STREET NAMING (NEW STREET)**

Before a street name can be assigned or used, the City must have received written approval from Lincoln County 911 Emergency Services Department. The developer must submit said written approval prior to the Planning and Zoning Commission's review of the site plan and/or preliminary plat.

**SECTION 46.275: STREET NAME CHANGE (EXISTING STREET)**

In order to change a street name, person(s) must follow the procedure below:

1. Person(s) requesting a street name change must appear before the Planning and Zoning Commission at their regular meeting. In order to appear before the Commission, person (s) requesting said street name change (s) shall submit a letter detailing the change (s) to

the City not less than ten (10) working days prior to the Commission's next meeting date. The City Clerk shall inform the Commission of the requested change (s) and place said change (s) on the appropriate agenda.

2. Person (s) requesting said change (s) must obtain written approval of street name change (s) from the Lincoln County 911 Emergency Services Department and provide a copy to the City at such time as the formal street name request is submitted.
3. A copy of the Commission's recommendations will be provided to the Board of Aldermen. The Board of Aldermen may act on the Commission's recommendation.
4. Upon the Board of Aldermen's approval, the City Clerk will provide the County Recorder's and Assessor's Office with copies of the affidavit approving said street name change (s). The City Clerk will inform the appropriate fire protection district and post office of the name change and make the necessary corrections to the official maps of the City of Moscow Mills.

#### **SECTION 46.280: STREET VACATION**

To vacate a street right-of-way, the following the procedures must be followed:

1. A formal written request must be made to the City. Such request must be considered by both the Planning and Zoning Commission and the Board of Aldermen. In addition, the request must be accompanied by the following:
  - a. Legal description of property to be vacated.
  - b. Location map (not to scale) showing property to be vacated and identified by words "To Be Vacated" so that it can be determined without reading the legal description.
  - c. Documentation from utility companies that they release their claims to easements insuring there are no utility lines or interests within easement area(s).
2. Any street vacation request must be reviewed by the Planning and Zoning Commission. To appear on the Commission's agenda, said requests must be received by the City no later than ten (10) working days prior to the Commission's next regularly scheduled meeting. Although no formal public hearing is required, an advertisement will be published in the legal newspaper and a local newspaper, both of general circulation in the City of Moscow Mills, notifying the public of the proposed vacation. The fee for the advertisement will be paid by the person (s) requesting said street vacation.
3. Upon recommendation by the Commission, the Board of Aldermen may act on said vacation request(s). If the Board approves of the vacation, an appropriate Ordinance will be prepared.
4. Following approval of the aforementioned Ordinance, the City Clerk will provide the Lincoln County Recorder's and Assessor's Office with the appropriate document.

#### **SECTION 46.285: STRUCTURES REQUIRED, SPACING REQUIREMENTS, LOT WIDTHS — SERVICE STATIONS — RESTROOM FACILITIES**

- A. All service stations approved and constructed within the City of Moscow Mills are required to have both male and female handicapped accessible restroom facilities. All commercial and industrial buildings, except accessory buildings, shall contain restroom facilities and shall be connected to water and sewer service.
- B. No gasoline station shall be erected within one thousand (1,000) feet of any church, hospital, school or any other such type of public assembly building used by large numbers of people, or within one thousand (1,000) feet of an existing filling station, service station, or gasoline station. The method of measurement that shall apply shall be the "airline distance" measured from the nearest boundary of the premises upon which there exists such churches, hospitals, schools, or other types of public assembly, buildings or filling stations or service stations.
- C. A gasoline station lot shall be of adequate width and depth to meet all setback

requirements, but in no case shall a corner lot have less than one hundred fifty (150) feet of frontage on each street side, and an interior lot shall have a minimum width of at least one hundred fifty feet (150) feet.

**SECTION 46.290: TEMPORARY ACCESSORY USE**

- A. It shall be permissible to temporarily use a Recreational Vehicle on a residential lot for personal dwelling purposes or to accommodate guests so long as said use does not last longer than seven (7) consecutive days or fourteen (14) days in any given calendar year and so long as said use is not made in exchange for payment.
- B. In the event of partial or total destruction of an existing single-family dwelling, the resident may place a Recreational Vehicle, Mobile, or Manufactured home on the lot for temporary dwelling purposes until the original dwelling can be repaired or rebuilt, not to exceed six (6) months. The temporary dwelling shall not be required to conform to the site, placement, or other requirements of this Chapter so long as good faith efforts are underway to repair or rebuild the original dwelling.

**SECTION 46.295: VEHICLE REPAIR OR DISMANTLING**

- A. No person shall make major repairs to any vehicle or dismantle any vehicle upon a public street or upon private property in any residentially or commercially zoned District unless said repairs or dismantling is conducted in an enclosed area, the interior of which cannot be viewed from any surrounding residential property.
- B. Any repairs or dismantling as authorized in Subsection (A) shall only be lawful if the owner of or person controlling the residential property is performing said repairs or dismantling a vehicle owned by a member of the household.
- C. Nothing herein shall prohibit minor repairs be performed on a vehicle owned by a member of the household. Such minor repairs can be conducted in an enclosed area or if performed outside must be completed within a six (6) hour period.
- D. The repair of a vehicle under this Section shall not create a nuisance by excessive noise, early or late work or debris accumulation.

**SECTION 46.300: YARD AND COURT ENCROACHMENTS**

- A. General. A part of any building or structure shall not extend into side courts, inner courts, or yards required for light and ventilation of habitable and occupiable rooms or by the zoning law or other Statutes controlling building construction, except as hereinafter provided; but the encroachment shall not exceed twenty percent (20%) of the legal area of yard or court required for light and ventilation purposes.
- B. Steps, Architectural Features And Roof Eaves. Steps, window sills, belt courses, and similar architectural features and rain leaders, chimneys, and roof eaves shall project not more than two (2) feet beyond any building line.
- C. Exterior Stairways And Fire Escapes. Outside stairways, smoke-proof tower balconies, fire escapes or other required elements of a means of egress shall not project more than four (4) feet beyond the face of the wall.

**VII. OFF-STREET PARKING AND LOADING REGULATIONS**

**SECTION 46.310: PURPOSE**

The purpose of this Article is to alleviate or prevent congestion of the public streets in the City of Moscow Mills and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which the property is put. Specifically, it is intended for all such uses to have adequate on-site parking and loading facilities. In any event, no public street or portions

thereof shall be utilized to meet said off-street parking and loading provisions.

**SECTION 46.315: SCOPE**

1. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, parking and loading facilities shall be provided as specified herein.
2. Whenever the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, seating capacity or other units of measurement described herein, parking and loading facilities shall be provided for such increase in intensity of use.
3. Whenever the existing use of a building or structure shall hereinafter be changed to a new use so as to increase the required parking and loading facilities the specified number of parking or loading spaces shall be provided for such new use in full compliance with these regulations.
4. For any conforming or legally non-conforming building or use which was in existence on the effective date of this Ordinance, and which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required in this section for such reconstructed or re-established building or use.

**SECTION 46.320: OFF-STREET PARKING**

**SECTION 46.325: COMPUTATION**

When the determination of the number of off-street parking spaces required by this Section results in a requirement of a fractional space of one-half (½) or less, and extra space may be disregarded.

**SECTION 46.330: LOCATION**

The location of off-street parking facilities in relation to the use served shall be as prescribed herein. All distances specified shall be walking distances between such parking facilities and the use served.

1. Residential Districts:

All required off-street parking for uses permitted in residential districts shall be on the same lot as the uses served.

2. Non-Residential Districts:

All required off-street parking for permitted uses in districts other than residential shall be on the same lot as the uses served or on an adjacent lot when a cross access parking agreement is established. The number of spaces permitted on the adjacent lot shall not exceed 25% of the total required parking spaces. Also spaces must be located no more than three-hundred (300) feet from the building served.

**SECTION 46.335: LIGHTING**

1. Parking lots and walkways shall be illuminated to provide for the safe use therefor; lighting studies shall be provided, as needed, to provide evidence of adequate lighting. Exterior lighting shall be provided throughout the development to promote general security.
2. All lighting in non-residential zoning districts shall be designed so that the light from such facilities does not reflect directly or spill over onto residentially zoned or used property.
3. Lighting from non-residential development shall not cause glare on adjacent roadways or

in any way cause hazardous conditions.

4. Lighting arrangements shall be as approved by the City Engineer or an authorized representative.

#### **SECTION 46.340: SCREENING AND LANDSCAPING**

All off-street parking facilities, with the exception of single-family detached dwelling or a two-family dwelling, shall be screened and landscaped in accordance with the following design standards.

1. Along each property line of the zoning lot, a planting strip of four (4) feet minimum width shall be provided between said property line and the off-street parking facilities. Where parking facilities for non-residential uses abut a residential district, a sight-proof fence or hedge of not less than six (6) feet in height shall be provided along the perimeter of the off street parking facility within the planting strip herein described.  
In the case of a common/shared driveway entrance/exit the requirement for a four (4) feet minimum width planting strip shall be waived. However, the remainder of the site shall contain sufficient additional landscaped areas to compensate for the loss of the planting strip or a portion thereof.
2. All off-street parking facilities shall be appropriately broken by linear planting strips or variable shaped islands in the interior of the facility. Such planting strips or islands shall be satisfactorily landscaped with trees or other suitable vegetation and shall constitute no less than five (5) percent of the total area of the off-street parking facility excluding the four (4) foot planting strip previously mentioned.
3. The selection of trees, hedges and other planting materials shall be approved by the Commission on recommendation by the Administrative Officer.
4. All screening and landscaping shall be installed in conformance with the "Corner Visibility" restrictions of this Ordinance.
5. The selection of trees, hedges, and other planting materials shall be as approved on the landscape plan. Minor modifications to the landscape plan may be approved by the Administrative Officer. Substantial modifications shall be reviewed and approved by the Planning and Zoning Commission.

#### **SECTION 46.345: "FLOOR AREA," GROSS (GFA) FOR DETERMINING OFF-STREET PARKING AND LOADING REQUIREMENTS**

"Floor Area", for the purpose of determining off-street parking and loading requirements, is the sum of the gross horizontal areas of the several floors of a building or structure measured from the interior faces of the interior walls or from the interior line of walls separating two (2) buildings or structures, including the following:

1. Floor area of the basement if it is used for other than storage except as required for as a washroom.
2. Penthouses, other than that area used for mechanical equipment.
3. Attics having headroom of seven (7) feet or more.
4. Interior balconies and mezzanines.
5. Enclosed porches.
6. Accessory storage areas located within retail facilities which are used to store items for sale and/or inventory/stock. Areas such as counters, racks, or other display areas shall not be considered accessory storage.
7. Space devoted to retailing activities, to the production of goods, or to business or professional offices.

The “floor area” shall not include:

1. Elevator shafts and stairwells on each floor.
2. Floor spaces and shafts used for mechanical telephone and electrical equipment.
3. Attics having headroom of less than seven (7) feet.
4. Areas used for storage except as required by (6) above.
5. Space devoted to off-street parking or loading facilities.
6. Entrance lobbies and atrium-type areas.
7. Washrooms, intended for general public use.
8. Storage areas for business related materials not including items for sale and/or inventory/stock.

#### **SECTION 46.350: STRIPING**

All off-street parking shall be properly marked by durable paint in stripes a minimum of four (4) inches wide which extend the length of the parking space.

Double striping may be approved by the Administrative Officer.

In the case of double striping the distance between the two stripes comprising the double striping shall be twelve (12) inches from the center to center. The vehicular space width of nine (9) feet, or twelve (12) feet for handicapped spaces, shall be measured between the midpoint of each double striped pair.

#### **SECTION 46.355: CONSTRUCTION STANDARDS (DRIVE AISLES AND PARKING)**

1. All ground surface off-street drive aisles and parking shall be constructed to City of Moscow Mills standards. Said drive aisles and parking shall be maintained in a clean, orderly and dust free condition.
2. Approved construction materials shall include concrete, asphalt, brick/stone road pavers, or other materials of equal quality as approved by the City Engineer.
3. The parking and loading areas shall be provided with adequate stormwater drainage to prevent damage or inconvenience to abutting property and/or public streets.
4. Adequate curbing shall be provided as required on the site plan. Concrete curbing shall be required unless waived by the City Engineer.

#### **SECTION 46.360: PARKING ACCESS**

Parking access shall be designed allowing for a safe and efficient means of vehicular access to and from a street or alley. In no case shall head-in parking be permitted from any public right-of-way.

#### **SECTION 46.365: SIZE**

Off-street parking spaces shall be designed and sized to accommodate standard sized automobiles in accordance with standards contained herein.

1. Standard Sized Automobiles- Off-street parking spaces for standard size automobiles shall be designed as follows:

#### Parking Stall Requirements

Parking Angle	Stall Width	Stall Depth	Minimum Aisle
30	9'	17' 3"	12'
45	9'	20' 8"	13'
60	9'	21'	18'
90	9'	19'	24'

- a. Parallel parking spaces shall be at least twenty-four (24) feet in length.
- b. The minimum one-way aisle shall be (12) feet.
- c. The minimum two-way drive aisle shall be twenty-four (24) feet.

In the event that the desired parking angle is not specified by the previous table, the Administrative Officer may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in the table. The Planning and Zoning Commission will review and approve those dimensions which differ from those listed in the table.

**SECTION 46.370: HANDICAPPED SPACES**

Handicap spaces shall be required as per this Section. Each space shall be inclusive of the off-street space requirements specified in this Ordinance and shall be marked by an above-grade sign. Said sign shall be centered at the interior end of the parking space at a minimum height of forty-eight (48) inches from the bottom of the sign to the parking space finished grade.

Handicapped spaces shall be provided as follows:

**ACCESSIBLE PARKING SPACES**

<u>Total Parking Spaces In Lot</u>	<u>Required Number of Accessible Spaces</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000+	20 plus 1 for each 100 over 1000

Each reserved parking space shall not be less than twelve (12) feet wide. Parking spaces for the physically handicapped shall be located as close to the principal entrance(s) as possible and shall be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach such entrance(s).

**SECTION 46.375: SCHEDULE OF OFF-STREET PARKING REQUIREMENTS**

Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered, or any building or structure hereafter is converted, off-street parking spaces shall be provided. Employee parking shall be calculated according to the maximum number of employees available on any given workshift. Employee parking shall be inclusive of the number of spaces required unless otherwise specified.

<b>Residential and Related Uses:</b>	
Elderly Housing	1 space per every 2 dwelling units
Group Living Facilities	1 space per 2 residents, plus one space for a caretaker vehicle
Hotels and Motels	1 space per every room or unit plus 1 space per employee on the maximum shift, plus 1 space for each vehicle used in the operation
Single-Family Residences	2 spaces per unit
Two-Family Units/Duplexes	2 spaces per unit
Multiple-Family Units One Bedroom units Two or more units	1.5 spaces per unit 2 spaces per unit
Nursing Homes	2 spaces for every beds .5 spaces per every employee on the maximum shift 1 space for every vehicle used in the operation of the facility
<b>Retail and Service Uses:</b>	
Animal Hospital/Clinic/Kennel	3 spaces per 1000 square feet of gross floor area
Automobile Repair and Auto Diagnostic Shops	5 spaces per 1000 square feet of gross floor area (each service bay is considered 1 space)
Automobile Sales	3 spaces per 1000 square feet of gross floor area (each service bay is considered 1 space)
Automobile Service Stations including Gas Pumps	1 space for 1000 square feet of gross floor area, plus one space per every 2000 square feet of gross land area
Banks/Credit Unions	4.5 spaces per every 1000 square feet of gross floor area; stacking space for three automobiles for each drive-through window
Barber/Beauty Shops	3 spaces per every chair or stall
Bookstores	5 spaces per 1000 square feet of gross floor area
Bowling Alleys	5 spaces per alley
Bars or Taverns	1 space per every 4 persons of maximum occupancy
Car Wash	Line up area equal to five parking spaces (approximately 100 feet)
Day Care Facilities	1 space per every 10 children plus 1 space per employee
Grocery Stores	5 spaces per 1000 square feet of gross floor area
Home Improvement and Hardware Stores	5 spaces per 1000 square feet of gross floor area



Health Club	3 spaces per 1000 square feet of gross floor area
Dry Cleaners/Laundromats	5 spaces per 1000 square feet of gross floor area
Mortuaries	1 space for every 4 seats, plus 1 space for every 250 square feet of gross floor area (public space only)
Movie Theaters	1 space per every 4 seats
Restaurants <ul style="list-style-type: none"> <li>● Fast food restaurants including drive-through facilities</li> <li>● Sit down restaurants (no drive-through/no bar)</li> <li>● Sit down restaurants (high-quality including bar)</li> </ul>	<ul style="list-style-type: none"> <li>● 20 spaces per 1000 square feet of gross floor area</li> <li>● 1 space for every 4 seats of total seating capacity; 2 spaces per every 3 employees; 1 space for every 2 seats in the bar</li> <li>● 1 space for every 4 seats of total seating capacity; 2 spaces per every 3 employees; 1 space for every 2 seats in the bar</li> </ul>
Retail, low-demand such as wallpaper stores, furniture stores, paint stores, etc.	3 spaces per 1000 square feet of gross floor area
Retail not mentioned herein	5 spaces per 1000 square feet of gross floor area
Shopping Centers (multiple tenant)	5 spaces per 1000 square feet of gross floor area
Video Stores	5 spaces per 1000 square feet of gross floor area
<b>Offices</b>	
Office Buildings, General	3.3 spaces per 1000 square feet of gross floor area
Medical Offices, including Dental Offices	4 spaces per 1000 square feet of gross floor area
<b>Industrial Uses</b>	
General Manufacturing	2 spaces per 1000 square feet of gross floor area
Warehousing, Distribution, and Wholesale Facilities	1 space per 1000 square feet of gross floor area
<b>Institutional Uses</b>	
Civic, Social Service, or Fraternal Organization facilities	1 space per 250 square feet of gross floor area
Hospitals	1 space per bed, plus .5 space per every employee on the maximum shift
Churches	1 space per every 4 seats, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises
Fire Stations	1 space for every vehicle customarily used in operation of the use or stored on the premises, plus 1 space for every employee on the maximum shift

Schools, public and private, all grades	1 space for every classroom and 1 space for every 4 students over 16 years of age, plus 1 space for every employee on the maximum shift
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**SECTION 46.380: GENERAL OFF-STREET PARKING INTERPRETATIONS**

The Planning and Zoning Commission may upon recommendation by the Administrative Officer prescribe the following:

1. In any development under 600,000 square feet of gross leasable floor area where a mixture of uses are permitted, the combined total number of parking spaces required for such a combination may be reduced up to twenty percent (20%). Developments where a mixture of uses are permitted having over 600,000 square feet of gross leasable floor area shall be evaluated on a case-by-case basis, but in no case shall exceed a forty percent (40%) reduction. The party or individual requesting such reduction must document that it will not be detrimental to the development plan in question or to the City.
2. Require the developer to double-stripe (mark) the stalls as specified elsewhere in these regulations.

When benches, pews or other seating arrangements are provided in a place of public assembly, each 20 lineal inches of such seating facilities shall be counted as one (1) seat. Except that where specifications and plans filed with City specify a certain seating capacity for a particular building, such specified seating capacity shall be use as the basis for the required parking space.

**SECTION 46.385: OFF-STREET LOADING**

**SECTION 46.390: LOCATION**

All off-street loading spaces shall be located on the same zoning lot as the use served. No loading berth for vehicles over eight thousand (8,000) pounds gross vehicular weight shall be closer than fifty (50) feet to any property in a residential district unless completely enclosed by building walls or solid fence or wall, or combination thereof, not less than ten (10) feet in height. No loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets.

**SECTION 46.395: SIZE (MINIMUM)**

Unless otherwise specified, a required loading space shall be at least twelve (12) feet in width and at least fifty (50) feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of fourteen (14) feet.

**SECTION 46.400: ACCESS**

Each off-street loading space shall be designed with appropriate and safe means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. Said access shall be approved upon review of the Planning and Zoning Commission.

**SECTION 46.405: REPAIR AND SERVICE**

No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any zoning district.

**SECTION 46.410: DRAINAGE AND MAINTENANCE**

Off-street loading facilities shall be drained to eliminate water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion-resistant material in

accordance with City specifications. Off-street loading areas shall be maintained in a clean, orderly, and dust-free condition by the owner or lessee.

**SECTION 46.415: RESTRICTED PARKING**

Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

**SECTION 46.420: SURFACING**

All open, off-street loading facilities required herein, but which are located in buildings of less floor area than the minimum for which facilities are required, shall be provided with adequate receiving facilities as determined upon review by the Planning and Zoning Commission.

**SECTION 46.425: BELOW MINIMUM FLOOR AREA**

Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum for which facilities are required shall be provided with adequate receiving facilities as determined upon review by the Planning and Zoning Commission.

**SECTION 46.430: SPECIAL USE AND CONDITIONS**

For special uses and uses other than specified in this Ordinance, loading spaces, adequate in number and size to serve such use shall be determined upon review by the Planning and Zoning Commission. In any case, the Commission, upon recommendation by the City Engineer, may eliminate or reduce the full provision of loading facilities where application of said provision is either impractical under certain conditions or unnecessary due to the nature of such uses.

**SECTION 46.435: LOADING SPACES REQUIRED**

For the uses listed in the following table, off-street loading shall be provided on the basis of gross floor area of building or portions thereof devoted to such uses in the amounts shown herein.

<u>Floor Area In Square Feet</u>	<u>Loading Spaces Required</u>
1. Commercial, Office, and Industrial Uses:	
To 2,999	Upon review
3,000 - 19,999	1
20,000 - 49,000	2
50,000 - 100,000	3
Above 100,000	Upon review
2. Hospitals, Institutions and Similar Uses:	
To 9,999	Upon review
10,000 - 49,999	1
50,000 - 99,999	2
Above 100,000	Upon review

**VIII. SUBDIVISION REGULATIONS**

**SECTION 46.440: GENERAL PROVISIONS-COMPLIANCE WITH REGULATIONS**

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this regulation shall be subject to the penalties provided herein.

**SECTION 46.445: PRELIMINARY PLAT OR SITE PLAN**

A. Filing Fee.

1. To defray partially the costs of notification and administration procedures, there shall be paid to the City Clerk or his/her designee, at the time of submission of a preliminary plat or site plan.
  - a. At the time of submittal of a preliminary plat or site plan, a fee shall be paid to the City of Moscow Mills according to the established fee schedule:
  - b. At the time of submittal of a record plat, a fee shall be paid to the City of Moscow Mills according to the established fee schedule:
2. No action of the Planning and Zoning Commission or Mayor and Board of Aldermen shall be valid until the fee has been paid to the City Clerk or his/her designee. This fee will be charged on all plats, regardless of the action taken, whether plat is approved or disapproved. Any resubmittal of a revised plat involving a review by the Planning and Zoning Commission will be subject to the same fee procedure as established by Ordinance.

B. Approval.

1. No plat of a subdivision shall be recorded or land development started, excluding location of utilities, soil testing, core sampling, or surveying unless approval for same is granted by the City Engineer, or until the preliminary plat has been submitted to and approved by the Planning and Zoning Commission in accordance with the regulations set forth in these regulations and so certified by the City Clerk.
2. The preliminary plat shall include, at a minimum, all contiguous property for which a developer or land owner are the fee simple owner or owner under contract.

C. Prepared By Registered Land Surveyor. Every plat shall be prepared by a Registered Land Surveyor duly licensed by the State, who shall endorse upon each plat a certificate signed by him/her setting forth the title of 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.

D. Required Statement. Every plat or the deed of dedication to which such plat is attached, shall contain, in addition to the Registered Land Surveyor's certificate, a statement to the effect that "The above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in the plat in question, is with free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any, shall be duly acknowledged, before some officer authorized to take acknowledgments, of deeds and when then executed and acknowledged, shall be filed and recorded in the office of the Recorder of Deeds of Lincoln County and indexed under the names of the owners of the lands signing such statement and under the name of the subdivision".

E. Recording. Any owner or any proprietor of any tract of land situated within the Corporate Limits of the City who subdivides the same 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 Lincoln County. No plat shall be recorded in the office of the Recorder of Deeds unless and until as provided for in this Article. No lot subject to this Article shall be sold unless first established by provisions of this Article. No Building Permit shall be issued for construction on a parcel or lot created in violation of this Article.

**SECTION 46.450: IMPROVEMENT PLANS**

- A. Improvement plans, including the following, for improvements to be installed shall be prepared by a qualified Registered Professional Engineer and submitted in accordance with the specifications of the City and/or City Engineer or his/her designated representative.
- B. Street Plans And Profiles.
  - 1. The centerline profile of each proposed street with tentative grades indicated.
  - 2. The cross-section of each proposed street, showing width of pavement, thickness and composition of materials, location of sidewalks, where required, and location and size of utility mains.
- C. Grading Plan And Sewer Plans And Profiles.
  - 1. A plan for the grading of the proposed development showing existing ground contours at intervals of five (5) feet or less and proposed contours at two (2) feet intervals.
  - 2. The plans and profile of proposed sanitary sewers and stormwater system and storm drainage plans, with grade and size indicated. The drainage area contributing to the flow in each storm sewer shall be shown on a map and hydraulic calculations shall be provided for all sewers.
- D. Water Distribution Plan. A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants.
- E. Erosion Control Plan. An erosion control plan identifying specific control methods to be used during site development. The plan shall also include procedures to be implemented to prevent unacceptable levels of soil, rock, and gravel being deposited on existing public streets and/or property via construction traffic.
- F. Utility Plan. A plan of the proposed utility systems, including but not limited to, natural gas, electric, and telecommunication systems, showing sizes and location of such facilities.

**SECTION 46.455: IMPROVEMENTS INSTALLED OR GUARANTEED**

Subdivision improvements shall be installed or guaranteed as herein provided:

- 1. Before the City signs and seals the final subdivision plat or record plat, the developer/subdivider must have made the required street signage payment and submitted and obtained approval of improvement plans and have installed said improvements in accordance with the approved improvements plans, or have provided a satisfactory established escrow or bond or letter of credit upon which the City of Moscow Mills is an authorized drawer equal to ten percent (10%) of the cost of said improvements insuring or guaranteeing their construction in accordance with the approved plans.

Guarantee Agreements:

- a. Agreements shall be prepared on forms furnished by the City of Moscow Mills; four (4) originals shall be provided to the City.
- b. Agreements shall be approved by the City Engineer.
- c. Agreements shall guarantee the improvements set forth in the approved improvement plans by providing for deposit (cash, certified check or cashier's check) with the City of Moscow Mills or an institution whose deposits are Federally insured by the United States Government of that sum of lawful monies of the United States of America or a lender's agreement in the amount which the City Engineer shall reasonably estimate as the cost of said improvements. The developer/contractor shall submit a listing of improvement quantities along with the estimated unit cost to facilitate the City Engineer completing the estimate.
- d. If there is an escrow sum, it shall be held in a special account by the escrow holder subject to the audit by the City Engineer and/or Board of Aldermen of the City of Moscow Mills, Missouri.
- e. If there is a lender's agreement, it shall be subject to audit by the City Engineer and/or

the Board of Aldermen of the City of Moscow Mills.

- f. Bonds shall be with a surety approved by the City and in a form approved by the City.
2. Established escrow agreement.
  - a. The estimated sum shall be held by the escrow holder or the lender as provided for in the agreement. Authorization shall be written and addressed or copied to the escrow holder or the lender authorizing release. The City Engineer may authorize release for disbursement by the escrow holder or lender for the payment of labor and materials used in the construction and installation of the improvements guaranteed, as the work progresses, and when such work is approved by the City Engineer.
  - b. Ten percent (10%) of the total monies estimated for the improvements shall be retained for a period of two (2) years from the date of acceptance of the instrument of dedication by the Board of Aldermen to guarantee proper construction of said improvements. In the event that during this two (2) years period any of the improvements escrowed for are deemed by the City Engineer to fail the construction guarantee, the ten percent (10%) retention shall be used for reconstruction, repair or modification of the improvements as may be required. After the period of two (2) years after the date of acceptance of the instrument of dedication and correction of any deficiencies, all monies remaining in the escrow account shall be released. If deemed in the City's best interest not to perform remedial work within the aforementioned two (2) year period and the developer/subdivider agrees to extend the escrow agreement, release of all monies can be delayed until a mutually agreed upon date has been reached. No authorization for release shall be made until inspections have been made certifying that the improvements have been constructed in accordance with the approved plans and meet all the requirements of the City of Moscow Mills.
3. In the event that the improvements which are to be dedicated to the City are not satisfactorily installed and dedicated within two (2) years after the approval of the improvement plans, the City of Moscow Mills has the right to remove said monies to complete the guaranteed improvements, unless an extension in time is granted by the Planning and Zoning Commission.

#### **SECTION 46.460: PERMITS REQUIRED**

- A. Construction Permits. A Construction Permit will be required for facilities which are to be dedicated to the City, or for which the City must assume the ultimate responsibility of maintenance, namely:
  1. Grading;
  2. Sanitary sewers;
  3. Storm sewers and stormwater management facilities;
  4. Streets, including street lights and sidewalks; and
  5. Water lines.

The Construction Permit may be applied for at City Hall.

- B. Excavation Permits. An Excavation Permit is required for all excavations in new developments as well as previously developed areas of the City. These permits may be applied for at City Hall.
- C. Site Development Permits. A Site Development Permit shall be required for any property developed in the City of Moscow Mills. The Site Development Permit shall be applied for at City Hall. At the time of permit issuance, a fee shall be paid to the City of Moscow Mills according to the established fee schedule.

#### **SECTION 46.465: FINAL PLAT REQUIREMENTS**

The final (record) plat shall contain as a minimum:

1. Final plat. Upon completion of all required improvements or of an escrow agreement for

said improvements, the developer shall file with the Commission the final plat of the subdivision of lot. (The final plat may include all or any reasonably acceptable part of the approved preliminary plat, and completion of improvements, or the escrow agreement therefore need only cover that portion of the plat for which final approval is requested.)

2. Number of copies and required scale.
  - a. The applicant shall submit a sufficient number of prints as required by the Planning and Zoning Commission reviews. The prints shall be black or blue line with all copies folded to an approximate size of eight and one-half (8 1/2) inches by eleven (11) inches.
  - b. After approval by the Board of Aldermen and prior to recording same, the applicant shall submit an original mylar (or similar durable material) of said plat for the necessary approval signatures from the City.
  - c. Four (4) copies of the record plat shall be provided to the Planning and Zoning Commission one (1) of which shall be a mylar reproduction copy within ten (10) days upon approval by the City of Moscow Mills Board of Aldermen. 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. For all improvement plans, record plats, and as-built's prepared using computer assistance, a digital media copy of such information shall be submitted in a Microstation DGN or other computer readable format approved by the City Engineer prior to release of the mylar for recording.
3. Bearing—distances. True bearings and distances to nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or 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 of curvature and tangent bearings; all easements and right-of-way when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); all lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes. In addition, the outboundary of the subdivision shall be tied to the Missouri Coordinate System 1983 in accordance with the current Minimum Standards for Property Boundary Surveys 4CSR30-16 and its subsequent amendments and the coordinates of the controlling corners shall be shown on the plat.
4. Monuments. The accurate location and material of all permanent reference monuments.
5. Lot and block numbers. Lots shall be arranged in numerical order. The size of each lot shall be shown to the nearest square foot for residential lots and nearest hundredths of an acre for commercial and industrial lots.
6. Dedicated property. The accurate outline of all property which is offered for dedication for public use and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon. Common land shall be conveyed by the owner in fee simple absolute title by warranty deed to trustees for the subdivision. All lands dedicated to public use shall be marked on each plat "Dedicated to the Public" and shall be accepted, in writing, by the Governing Body of the City by affixing the signature of the duly designated official on the plat. Also, the dedication script should include provisions for the use of telecommunication services.
7. Surveyor's certificate. Affidavit or certificate by a qualified Registered Land Surveyor to the effect that he/she has fully complied with the requirements of these regulations and the subdivided 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; that the plat represents a survey made and that all monuments indicated thereon actually exist and their location, size and material are correctly shown.

8. Easements. All easements, including standard utility perimeter easements, drainage easements, and cross-access easements, shall be shown on the record plat when applicable.
9. Approval or disapproval of final plat.
  - a. The developer shall submit the final plat of the proposed subdivision which shall conform to the requirements as established within these subdivision regulations at least ten (10) working days prior to the regular meetings of the Planning and Zoning Commission at which the action is desired.
  - b. Within sixty (60) days after the submission of a plat to the Commission, the Commission shall recommend approval or disapproval of the plat, unless the developer agrees in writing to an extension of this time period; otherwise, the plat is deemed approved by the Commission.
  - c. The Planning and Zoning Commission shall forward the Board of Aldermen the Commission's recommendations pertaining to the proposed final plat. All plats shall be acted on by the Planning and Zoning Commission within sixty (60) days of plat submittal to the City.
  - d. The Board of Aldermen shall, upon the receipt of the recommendations by the Planning and Zoning Commission, approve or disapprove the proposed final plat.
  - e. Tracts and platted lots contained in previously approved record plats where some activity toward ultimate development has occurred in accordance with the zoning and subdivision regulations which were in effect at the time of approval of said plat by the City, and for which the City has issued a permit, may be developed as previously approved.
10. Tax paid certificate. Each plat requires a certification issued by the authorized City and County Officials to the effect that there are no unpaid taxes due and payable at the time of plat approval and no unpaid special assessments, whether or not due and payable at the time of plat approval, or any of the lands included in the plat, and that all outstanding taxes and special assessments have been paid on the property dedicated to public use.
11. If a record plat does not include all property in an approved preliminary plat or all remaining property where previous record plats of a portion of a subdivision have been recorded:
  - a. In a residential subdivision, no property may be omitted:
    - (i) If a resulting tract is less than ten (10) acres in area or any resulting side of an omitted tract is less than three hundred (300) feet in length, unless such a side is the original boundary of the original legally-existing tract. Until subdivided, such omitted tract is a developable lot on which no more than one (1) residence may be constructed; or
  - b. In a non-residential subdivision, omitted property is not developable and does not constitute a lot of record for any purpose under the Zoning Code until included in a record plat.
12. The plat must provide a note that all existing gas and/or hazardous liquid pipelines or pipeline facilities through the subdivision have been shown, or that there are no such existing pipeline facilities within the limits of the subdivision.

**SECTION 46.470: DESIGN STANDARDS--COMPREHENSIVE PLAN--COMPLIANCE**

The subdivision layout shall conform to the official Major Street Plan or other elements of the Comprehensive Plan. Whenever a tract to be subdivided embraces any part of a highway, thoroughfare or other major or collector street so designated on said Major Street Plan, such part of such public way shall be platted by the developer in the location and at the width indicated in the Plan.



**SECTION 46.475: STREET AND BLOCK LAYOUT**

The street layout of the subdivision shall be in general conformity with a plan for the most advantageous and aesthetically pleasing development of the entire neighborhood, including adjoining areas. Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

1. Dead-end streets. Dead-end streets of reasonable length (normally not over five hundred (500) feet) may be approved with a cul-de-sac where necessitated by topography or where, in the opinion of the Commission, they are appropriate for the type of development contemplated.
2. Intersecting streets. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. Four-way intersections shall be used for minor interior street wherever practicable and not in conflict with other applicable design principles and standards. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
3. Half-width street. Wherever there abuts the tract to be subdivided a dedicated or platted and recorded half-width street or alley, the other half-width of such street or alley shall be platted such that the ultimate right-of-way conforms to the minimum standards included herein.
4. Block widths. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, except in the case of reversed frontages.
5. Block length. The length of blocks shall be such as may be appropriate, in the opinion of the Planning and Zoning Commission, for the locality and the type of development contemplated, but shall generally not exceed one thousand two hundred (1,200) feet.
6. Access.
  - a. Each lot shall be provided with access to a public street or highway to assure convenient ingress and egress to and from such lot, and to provide adequately for the layout of utilities, garbage and waste removal, fire and police protection, and other services, and to protect and further the public health and safety generally.
  - b. Commercial and industrial developments shall not be directly accessed via a street from areas zoned "R-1", "R-1(A)", "R-2", "R-3", or "R-1M", "S-D", unless special circumstances exist as may be determined by the City Engineer.
7. Curb cuts. The location of all curb cuts, driveways, entrances, or other street access points within City rights-of-way shall be as reviewed and approved by the City Engineer. Proposed curb cuts, driveways, entrances, or other street access points shall be indicated on a site development plan or plot plan. The fee for curb cuts, driveways, entrances, or other street access points review shall be paid to the City of Moscow Mills according to the established fee schedule.

**SECTION 46.480: STREET STANDARDS**

- A. All streets constructed in and along subdivisions shall be designed and constructed in accordance with Chapter 90 of the Moscow Mills City Code and the City of Moscow Mills Street and Sidewalk Construction Standards.

**SECTION 46.485: UTILITY EASEMENTS**

Utility easements, where required, shall be at least ten (10) feet wide (five (5) feet on each side of the lot line) along rear, front and side lot lines. Easements of adequate width shall be provided for open drainage channels, where required. Easements five (5) feet in width may be allowed for underground cable installations.

**SECTION 46.490: LOT DIMENSIONS, SHAPES AND POSITION**

The size, shape and orientation of lots shall be appropriate for the location and physical

character of the proposed subdivision, and for the type of development contemplated in compliance with the applicable zoning Ordinance or regulations.

1. Depth. Excessive depth in relation to width shall be avoided. (A proportion of 1 to 1 and 2 to 1 will normally be considered appropriate, except in the case of narrow lots).
2. Street access. Every lot shall abut onto a street unless approved by the Planning and Zoning Commission and Board of Aldermen.
3. Width. Lots of 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 or practicable width.
4. Double-frontage. Except as 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 line 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 zoning Ordinance.
7. Minimum lot size. Where not otherwise determined by applicable zoning ordinance or regulations, the minimum lot size for residential purposes shall be eight thousand four-hundred (8,400) square feet with a minimum frontage of fifty (50) feet, a minimum side yard of six (7) feet on each side, a rear yard of twenty-five (25) feet (except for accessory structures) and a front yard of twenty-five (25) feet.
8. No utilities. Where public sanitary facilities and/or water are not accessible, the lot size shall be determined in accordance with other requirements of this Article.
9. Pipeline setback. All lot lines depicted on plats for residentially zoned Districts shall be a minimum of twenty-five (25) feet from the nearest existing gas pipeline and/or hazardous liquid pipeline, as built, measured parallel to and from the center of such pipeline.

**SECTION 46.495: STREET CONSTRUCTION**

- A. Streets shall be graded to full width of the right of way and be constructed in accordance with the City of Moscow Mills Ordinances, Standards and Regulations.
- B. Improvements Of Existing Streets. For any development fronting or abutting an existing road or street, it shall be the responsibility of the developer, as a minimum, to bring the road or street up to City specifications to the centerline of the road or street. The required improvements shall generally be in accordance with provisions of the Comprehensive Plan and may include widening, overlay, shoulder installation, sidewalk, curb and gutter and other drainage control items. The City Engineer shall make the final decision of the improvements required after review of said Plan. The City Engineer shall stipulate additional right-of-way requirements necessary to permit the completion of the Plan. Incidental to new development, developer and/or builder shall dedicate the necessary right-of-way. The City Engineer may also require dedication of additional right-of-way to permit the City to complete future improvements envisioned in the Comprehensive Plan.
- C. All public streets shall be constructed to meet or exceed the City of Moscow Mills Ordinances, Standards and Regulations.
- D. Private streets, including multiple-family access streets, shall have pavement thickness and width constructed to meet or exceed the City standards for public streets. Maintenance of these streets shall be the sole responsibility of the property owners or trustees of the subdivision. Right-of-way or easement width for private streets shall be the minimum width required for public streets by this Article.
- E. When streets are proposed as private, the developer shall be required to have either a trust indenture or statement on the record plat establishing the method for providing continuous maintenance of streets, as well as storm sewers.
- F. The pavement width set forth in the street specifications for multiple-family access streets

does not allow for parking, nor will parking be permitted on the streets. For each parallel parking space adjacent to these streets an additional width of ten (10) feet shall be provided. Additional parking requirements shall be provided herein and by the standards established by the Commission.

- G. No street will be considered for dedication as a public street which has not been constructed to all City standards for public streets including, but not limited to right-of-way width, pavement thickness and width, and no adjacent perpendicular parking.
- H. On all private streets the developer shall provide independent certification by a qualified Registered Professional Engineer that streets are constructed to the applicable City specifications.
- I. Driveway and parking lot approaches located within public right-of-way shall be maintained by the owner or subdivision trustees, including but not limited to, snow removal and structural integrity.
- J. Private Streets To Be Marked By Permanent Signs.
  - 1. Streets proposed as private shall have posted, at each access front a public roadway, a permanent sign twenty-four (24) by thirty-six (36) inches stating: "Private Streets Owned and Maintained by Trustees of this Subdivision". These signs shall be posted prior to the issuance of any Building Permits and maintained throughout the construction period by the developer. Thereafter these signs shall be maintained by trustees of the subdivision or development.
  - 2. "Permanent" under this Section is defined as a metal sign painted with exterior paint mounted on a two and one-half (2 1/2) inch minimum diameter metal post or a four (4) by four (4)-inch treated wood post anchored in at least two (2) feet of concrete below grade.

**SECTION 46.500: WATER SUPPLY**

- A. For City of Moscow Mills Water Distribution System Construction Standards, refer to Chapter 111 of the Moscow Mills City Code, and the City of Moscow Mills Water Distribution System Construction Standards.

**SECTION 46.505: STORMWATER MANAGEMENT**

- A. Every subdivision or land development shall provide necessary stormwater controls and stormwater management systems adequate to serve the area being platted as determined by the City Engineer.
- B. Chapter 47 of the Moscow Mills Municipal Code established regulations to lessen hazards to persons and damage to property caused by increased stormwater runoff resulting from development of land. It is essential that the provisions of Chapter 47 be readily adhered to in order to assure timely approval of the preliminary plat or site plan and the improvement plans.
- C. Chapter 48 of the Moscow Mills Municipal Code establishes minimum technical design requirements for drainage facilities.

**SECTION 46.510: SANITARY SEWERAGE**

- A. For City of Moscow Mills Construction Standards for gravity sewers, forcemains and lift stations, refer to Chapter 113 of The Moscow Mills City Code, and the City of Moscow Mills Sanitary Sewer and Appurtenances Construction Standards.

**SECTION 46.515: MODIFICATIONS AND EXCEPTIONS**

- A. Resubdivision--Revision Of Lot Lines With A Plat—Previously Approved And Recorded. In the case of a proposed revision of lot(s) line(s) within a plat previously recorded, an

amended final plat showing said proposed revised lot(s) line(s) shall be presented to the City and shall follow the same procedures set forth in VIII. Subdivision Regulations.

- B. Lot-Split. When a lot which is contained on a record plat which has been approved by the City of Moscow Mills and duly recorded at the Lincoln County Recorder's office, a proposed lot-split of said recorded lot which lot-split does not change any of the external lines of said recorded lot shall be presented to the Planning and Zoning Commission at their regularly scheduled meeting for review and if the Commission is satisfied that such proposed lot-split is not contrary to applicable regulations, shall within twenty (20) days after the meeting at which the plan was presented approve such lot-split. The Commission may require the submission of a sketch, plat, record of survey and such other information as it may deem pertinent to its determination hereunder. This provision shall apply only to lots upon which a structure has been erected.
- C. Modification—Undue Hardship. 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 such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations of 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 shall be read into the minutes of the Planning and Zoning Commission setting forth the reasons which, in the opinion of the Commission, justified the modification.

**SECTION 46.520: DWELLING UNIT DISPLAY AND CONDOMINIUM PLAT PROCEDURE**

- A. Purpose. To provide a procedure whereby the construction of a display house or multiple-family display unit can begin prior to the recording of the record subdivision plat.
- B. Procedure. After receiving approval of a preliminary plat of a proposed subdivision from the Planning and Zoning Commission, the developer may submit a display plat to the Board of Aldermen for review and approval. There may be two (2) display houses or units for subdivisions proposing less than ten (10) lots or units. Developments containing at least ten (10) lots or units and not more than sixty (60) lots or units proposed shall be allowed three (3) display houses. For developments containing greater than sixty (60) lots or units, one (1) additional display house or unit for every twenty (20) houses or units proposed beyond sixty (60) will be permitted, not to exceed ten (10) display house or units.
- C. Display Plat The display plat shall include a complete outboundary survey of the proposed subdivision and the location of each display unit in relation to proposed lots. The plat shall comply with the requirements of the City Engineer including, but not limited to, the following:
  - 1. The display plat shall be filed with the Board of Aldermen and the City Engineer for review and approval. The established fee, payable to the City of Moscow Mills, shall be submitted with the display plat. A copy of the approved display plat shall be forwarded to the City Clerk's office for filing.
  - 2. The display plat shall become null and void upon the recording of a record plat which establishes that each display is on an approved lot.
  - 3. No part of the proposed subdivision may be conveyed for any structure therein until the display house or units have been located on an approved lot.
  - 4. If initial construction of a display has not commenced within sixty (60) days, the approval shall lapse and the display plat shall be null and void.
  - 5. Display lots should be on an approved lot of record within one (1) year of the display

plat's approval or such longer periods as may be permitted by the. Board of Aldermen  
If the record plat is not filed, the then owner shall remove or cause to be removed all display houses or units from the property. Failure of owner to remove the display houses or units from the property within one (1) year plus thirty (30) days of date of approval shall constitute the granting of authority of the City of Moscow Mills to remove or cause the display houses or units to be removed, the cost of which shall be borne by the owner and shall become a lien against the property.

- D. Condominium Plat. Upon approval of the development plan for a proposed condominium project and after recording the record plat or easement and right-of-way dedication plat, the developer may obtain approval of individual units consistent with the site development plan. The condominium plat shall be consistent with all applicable State regulations. Plats for individual units shall be signed by the City Clerk and City Engineer for the City of Moscow Mills.

### **SECTION 46.525: BOUNDARY ADJUSTMENT**

- A The purpose of this Section is to allow adjustments to be made to lot lines of platted lots or other lawful parcels for the purpose of adjusting the sizes of building sites; however, it is not intended that extensive replatting be accomplished by use of this Section.
- B. Boundary adjustments must meet the following criteria:
1. No additional lot shall be created by any boundary adjustment.
  2. No more than two (2) commercial or industrially zoned lots or three (3) residentially zoned lots are permitted to use this procedure.
  3. Existing zoning shall not be affected by this procedure.
- C. Procedure.
1. A boundary adjustment shall be accomplished by plat depicting the boundaries of the original lots and of the adjusted lots.
  2. The boundary adjustment plat shall be submitted to the Planning and Zoning Commission and City Engineer for their review. If found to be in compliance with this and other applicable ordinances, the boundary adjustment plat shall be signed by the City Engineer and then be forwarded to the City Clerk's office for approval for recording.
  3. The boundary adjustment plat shall be recorded in the office of the Lincoln County Recorder of Deeds. A copy of the recorded display plat shall be returned to the City Clerk.
  4. The boundary adjustment plat shall be submitted to the Board of Aldermen and City Engineer for their review. The established fee, payable to the City of Moscow Mills, shall be submitted with the boundary adjustment plat.

### **SECTION 46.530: INSPECTION**

- A. Prior to starting any of the work, the developer shall make arrangements with the City Clerk to provide for inspection of the work, sufficient, in the opinion of the City Engineer, to assure compliance with the plans and specifications as approved. A minimum of twenty-four (24) hours' notice shall be given for each phase of work (sanitary sewer construction or street construction). Fees for the appropriate initial inspections are covered in the cost of the site development permit.
- B. Supplemental Inspection. In addition to the required inspections heretofore specified, the City Engineer may make or cause to be made other inspections which, in his/her judgment, are reasonably necessary due to unusual construction or circumstances. The City Engineer shall have the authority to inspect any construction work in order to ascertain whether compliance with City Codes and specifications are being met and in order that he/she may properly enforce the rules promulgated by this Code. The inspections may

include, but are not limited to, all other phases of construction. A fee may be assessed for each additional inspection.

- C. Extra Inspection. If by judgment of the City Engineer an inspection requested is not ready or accessible for inspection, or in the judgment of the City Engineer the applicant has caused the City extra inspections other than the typical required, a fee may be assessed for each additional inspection or reinspection.

**SECTION 46.535: COMPLETION OF CONSTRUCTION**

The construction of all improvements required by these rules and regulations shall be completed within two (2) years from the date of approval of the final plat by the Planning and Zoning Commission unless good cause can be shown for the granting of an extension of time by authority of the Commission.

**SECTION 46.540: RECORD DRAWINGS (AS-BUILT DRAWINGS)**

A corrected reproducible print of "as-built" plans of all items dedicated to the City including, but not limited to, sanitary sewers, storm sewers, water distribution lines and any significant modification of streets shall be submitted to the City upon completion of these facilities prior to formal acceptance of any instrument of dedication of these improvements for maintenance by the City of Moscow Mills. These plans shall be prepared by a qualified Registered Professional Engineer. A copy of the recorded record plat shall also be filed with the City. Sanitary sewer lateral data, as constructed, shall be supplied to the City Engineer. For all improvement plans, as-built plans, prepared using computer assistance, a digital copy of such information shall be submitted in a "Microstation DGN" or other computer readable format approved by the City Engineer.

**SECTION 46.545: MAINTENANCE AND SUPERVISION**

Where the subdivision contains sewers, sewage treatment plants, water supply systems, stormwater management facilities, or other physical facilities that are necessary or desirable for the welfare of the area or that are of common use or benefit and which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made, which is acceptable to the agency having jurisdiction over the location and maintenance of such facilities, for the proper and continuous operation, maintenance, and supervision of such facilities.

**SECTION 46.550: STREET SIGNAGE, STREET NAMING AND STREET ADDRESSES**

- A. Street name signs and traffic control signs are to be reflective and shall be installed by the City at the developer's expense. The City shall be paid by the developer for the cost of the signage and sign installation, as determined by the City Engineer, in the form of a cash payment to be provided prior to the installation of the signs and prior to the final subdivision plat being signed and sealed by the City.
- B. For purposes of street naming, the Lincoln County 911 Emergency Service Department shall review and approve said names and their appropriate suffixes
- C. Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.
- D. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac.
- E. To avoid confusion and improve coordination of street naming, developers shall present a letter to the City from the Lincoln County 911 Emergency Services Department attesting to the fact that the street names of their proposed subdivision do not duplicate others in the County. This letter shall accompany the preliminary plat as part of the overall required documentation and no plat shall be approved by the Planning and Zoning Commission without such letter.

- F. Street address(es) shall be provided for each lot after a review has been made by the appropriate U.S. Post Office and the Lincoln County 911 Emergency Services Department. Addresses shall be provided for the development before the first (1st) Building Permit is requested.

**SECTION 46.555: ELECTRIC, TELEPHONE AND CABLEVISION LINES**

- A. Easements for underground conduits or cables for electric, telephone and cablevision lines shall be provided along rear and side lot lines.
- B. In all subdivisions, and along all arterial and collector roadways, electric, telephone and cablevision distribution lines shall be installed underground, except those overhead distribution feeder lines necessary to serve that subdivision and in locations approved by the City. The City may approve above-ground installations in whole or part for both residential and non-residential subdivisions only when a request is submitted by the developer with documentation that supports the impracticability of installing underground service. The City may consider, but not be limited to, the following conditions when approving above-ground service:
1. When geologic conditions prohibit installation of underground service.
  2. When the service lines would lie in areas with a high susceptibility to erosion (ditches, creeks, etc.).

**SECTION 46.560: MONUMENTS**

Permanent and other monuments shall be placed in accordance with the following requirements and under the supervision of the City Engineer or his/her designee:

1. Street points. Monuments shall be set at the intersection of all streets and the beginning and end of all curves along street centerlines.
2. Curb marks. Curbs shall be permanently marked at the beginning and end of all curves and at the prolongation of all lot sidelines.
3. Corner markers. Metal rods or bars of a permanent nature shall be set at the rear lot corners; top to be set not more than twelve (12) inches above ground.

**SECTION 46.565: RIGHT-OF-WAY--STRUCTURES PROHIBITED**

Structures including, but not limited to, basketball backboards, game-ball poles, and fence material (all types), shall not be erected in any public street or road right-of-way, nor shall any portion of said structure extend into any of said public right-of-way. This regulation does not apply to signs posted by duly constituted public authorities in the performance of their public duties or to temporary information type signs.

**IX. PERMANENT SIGN REGULATIONS**

**SECTION 46.570: INTENT AND PURPOSE**

The purpose of these regulations is to provide minimum control of permanent signs to promote the health, safety, and general welfare of the public by lessening hazards to pedestrian and vehicular traffic, by preserving property values, and by preventing a proliferation of unsightly and incompatible development which has a general blighting effect on the City. For "temporary signs" see other applicable Ordinances.

**SECTION 46.575: DEFINITIONS**

For the purposes of this Article, the following definitions shall apply:

**ADMINISTRATIVE OFFICER:** An office or individual having specific authority to administer the regulations of this Article.

**AWNING, CANOPY, AND MARQUEE SIGN:** A sign mounted or painted on, or attached to, an awning, canopy, or marquee.

**BILLBOARD (OFF-PREMISES SIGN):** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, such as billboards or outdoor advertising signage.

**CANOPY (OR MARQUEE):** A permanent roof-like shelter extending from part or all of a building face onto which signs may be placed.

**CHANGEABLE COPY SIGN (AUTOMATIC):** A sign with a time interval of fifteen (15) seconds or greater such as an electronically controlled message board where different copy changes are shown. Electronically controlled public service time, temperature and date sign message boards may have a minimum time interval of three (3) seconds.

**CHANGEABLE COPY SIGN (MANUAL):** A sign on which copy is changed manually in the field, such as reader boards with changeable letters or changeable pictorial panels.

**CHURCH BULLETIN BOARD:** A sign attached to the exterior of a church or located elsewhere on church premises and used to indicate the services and/or other activities of the church, and including the church name, if desired.

**CITY:** City of Moscow Mills, Missouri and its agencies, departments, agents and employees acting within their respective areas of authority.

**CITY PROPERTY:** Property of the City of Moscow Mills , whether or not the property is at the time being used for a public purpose, and includes that property which is owned, rented or leased to the City of Moscow. This definition shall not apply to property owned by the City which is leased or rented to others.

**COPY (PERMANENT):** The wording on a sign surface either in permanent or removable letter form.

**DETACHED SIGN:** (See "Ground or Pole Sign")

**DIRECTIONAL SIGN:** Any sign which serves solely to designate the location or direction of any place or area.

**DIRECTLY ILLUMINATED:** Any sign designed to provide artificial light either through transparent or translucent material from a light source within the sign.

**ELECTRICAL SIGN:** Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

**ERECT:** To build, construct, attach, hang, re-hang, place, affix, or relocate and includes the painting of lettering for signs.

**EVENT:** A noteworthy social occasion or happening of a non-commercial nature.



**EXEMPT SIGNS:** Signs exempted from normal permit requirements and fees.

**FACADE:** The front or main part of a building facing a street; for purposes of this Article the facade is defined as measured from the ground elevation to the parapet line.

**FACE OF SIGN:** The entire area of sign on which copy could be placed. For purposes of this Article, the area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. For fascia signs, the copy area limits refer to the message, not to the illuminated background.

**FACIA SIGN (OR WALL SIGN):** A sign attached to or erected against a wall of a building with the face horizontally parallel to the wall.

**FLAG, NON-COMMERCIAL:** A flag of the Federal, State or local government or one having the name and/or corporate logo or symbol of the business establishment.

**FLASHING SIGN:** A sign or accessory light which is illuminated on an intermittent cycle except changeable copy sign (automatic).

**FLUTTERING SIGN:** A sign which flutters and includes banners and commercial flags.

**FREESTANDING SIGN:** (See "Ground or Pole Sign")

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

**GROUND OR POLE SIGN:** A freestanding sign resting upon the ground or attached to it by means of one (1) or more poles or standards

**HEIGHT OF SIGN:** The measurement from the top of the highest structural element of the sign to the average level of the finished ground surface or grade.

**IDENTIFICATION SIGN:** A sign containing only the name and address of the occupant or business establishment.

**INSTITUTIONAL SIGN:** A sign identifying the institutional or governmental facility.

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

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

**NON-CONFORMING SIGN (LEGAL):** Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the preview of this Article and any amendments thereto, and restrictions of this Article, or a non-conforming sign for which a variance has been issued.

**NON-ELECTRICAL SIGN:** Any sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical energy source.

**OUTDOOR ADVERTISING SIGN:** An off-premises or billboard type sign.

**PARAPET OR PARAPET WALL:** That portion of a building wall that rises above the roof level.

**PERSON:** Any individual, firm, partnership, association, corporation, company or organization of any kind, or any lawful successor thereto or transferee thereof.

**PORTABLE READER BOARD:** A portable changeable copy sign.

**PREMISES:** That portion of a lot or building occupied by a single occupant, exclusive of common area, if any, shared with adjacent occupants.

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

**RESIDENTIAL CONSTRUCTION PROJECT SIGN:** Directional sign to subdivisions under construction and project site promotional sign.

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

**ROOF LINE:** The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**ROOF SIGN:** A sign mounted on the roof of a building or projecting above the top of the roof line (except a ground or pole sign).

**ROTATING SIGN:** A sign or portion of a sign which moves in a revolving or similar manner.

**SIGN:** Any identification, description, illustration, or device illuminated or non-illuminated which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify or convey information. Sign supports are not considered part of the sign.

**STRUCTURAL TRIM:** The molding, battens, nailing strips, latticing, and platforms which are attached to the sign structure.

**SUBDIVISION SIGN:** A permanent ground sign identifying a subdivision entry, subdivision name, and/or street names within the subdivision.

**SUPPORTS:** Sign supports shall apply to all structures by which the sign is held up, including for example: poles, braces, guys and anchors.

**TEMPORARY SIGN:** Any sign or banner a) erected or placed for the purpose of advertising or promoting a specific civic, political, charitable, religious, or commercial event which is not a continuous event; b) advertising a garage sale, estate, or yard sale; c) supporting or promoting a political position or candidate in an upcoming election; d) advertising a business' sale or liquidation; e) advertising the construction, financing, or sale of residential or commercial real estate; or f) providing direction to a residential subdivision, church, or business.

WINDOW SIGN: A sign permanently affixed to either side of the glass of an exterior door or window. For the purpose of this Article, a glass brick wall shall be deemed a window. This definition does not include merchandise located in the window.

**SECTION 46.580: PERMIT REQUIREMENTS**

- A. Except as hereinafter provided for certain specified exempt signs, no sign subject to the provisions of this Article shall be erected, altered, or relocated without first obtaining a permit from the Planning and Zoning Commission with the approval of the Board of Aldermen. To obtain a permit, the person(s) erecting said sign shall file an application upon forms provided by the City Clerk. Application for a sign and permit approval must occur prior to erection of a sign. Otherwise, said sign shall be deemed in violation of this Article.
- B. Permit Applications. Applications for both temporary and permanent sign permits shall be submitted to the Planning and Zoning Commission and approved by the Board of Aldermen and shall contain or have attached thereto the following information:
  - 1. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
  - 2. The location of the building, structure, or zoning lot on which the sign is to be erected and/or affixed.
  - 3. A site plan of the property involved, showing accurate placement thereon of the proposed sign.
  - 4. Two (2) blueprints or ink drawings of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, color, and weight.
  - 5. If required by the Planning and Zoning Commission, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer licensed by the State of Missouri showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable Ordinances of the City.
  - 6. The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.
  - 7. Such other information as the Planning and Zoning Commission may require to determine full compliance with this and other applicable Ordinances of the City.
- C. Fees. An applicable fee per sign shall be paid to the City of Moscow Mills for processing of a permanent sign permit. The fee must be paid at the time the application is filed. There shall be no charge for processing of a temporary sign permit.
- D. Denial Or Revocation. The Planning and Zoning Commission may deny, suspend or revoke a permit issued under provisions of this Article whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the Planning and Zoning Commission or the Board of Aldermen, a written notice of denial to the applicant, together with a brief written statement of the reasons for the denial shall be given to the applicant.
- E. Six Month Deadline. If the work authorized under a sign permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void. An applicant must re-file the appropriate information when said permit is voided.

**SECTION 46.585: UNSAFE, OBSOLETE, UNMAINTAINED AND NON-CONFORMING SIGNS**

- A. Unsafe Signs. If any sign is found to be unsafe or insecure, or is a menace to the

public, the Planning and Zoning Commission or the Board of Aldermen shall give a written notification to the owner of the property to which such sign is erected or affixed to remove or alter such unsafe or insecure sign within ten (10) days upon receipt of notification. Upon failure to comply with such notice within the time specified, the Board of Aldermen shall find the owner of the sign in violation and take appropriate legal action to remove or repair said sign. The Board of Aldermen may cause any sign that is an immediate peril to persons or property to be removed summarily and without notice.

**B. Obsolete Signs.**

1. Any obsolete sign that does not advertise an existing business or a product shall be taken down and removed by the owner of the property to which the obsolete sign is attached within ten (10) days after notification from the Board of Aldermen. Upon failure to comply with such notice within the time specified, the Administrative Officer shall cause for removal of such sign, and any expense incidental thereto shall be paid by said owner.
2. At the termination of a business or commercial enterprise, all signs pertaining thereto shall be removed from public view within ninety (90) days of such termination.

**C. Alteration And Maintenance Of Non-Conforming Signs.** Any non-conforming signs shall be brought into compliance when the following occurs:

1. Damage to a sign which requires repairs which will exceed fifty percent (50%) of the replacement value of the sign.
2. Required maintenance which will exceed fifty percent (50%) of the replacement of the sign.
3. A change in ownership or tenancy for the premises on which a legal nonconforming sign is located.
4. Relocation of a sign either on the premises or to another location.
5. Remodeling which encompasses more than fifty percent (50%) of the display frontage of the business to which the sign relates.

**D. Sign Condition.**

1. All signs shall be maintained and in good working order including, but not limited to, operational electrical service and components and sign colors and detail that match the approved sign design.
2. All building facades, sign boards, and other areas to which signs are attached shall be returned to a smooth, finished surface that matches the building at the time of sign removal.

**SECTION 46.590: TAG (SIGN PERMIT STICKER)**

Upon approval of the sign permit a tag with the appropriate sign permit number will be issued by the City. The applicant has the responsibility to see that the tag is permanently affixed, at the time the sign is erected, to the lower right-hand corner of the sign in plain view from the nearest public street fronting the sign. All permanent signs shall have the appropriate tag. All other signs are considered to be temporary and shall follow those provisions related to such.

**SECTION 46.595 SIGNS PROHIBITED**

The following signs shall be prohibited:

1. Signs containing flashers, animators, electronic or mechanical movement or contrivances of any kind except for those signs classified as a changeable copy sign (automatic). This shall also apply to the interior of a building where flashing lights or other mechanical or electronic contrivances are used in conjunction with window signs or other advertisements which can be viewed from the outside of the building.
2. Paper posters and signs painted directly on exterior walls, chimneys or other parts of the building.

3. Signs or other advertising structures displaying any obscene, indecent or immoral matter or containing subject matter which the Board of Aldermen find offensive to children or residents of Moscow Mills.
4. No sign or other advertising structure erected regulated by this Article shall be at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of its shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
5. Roof signs.
6. Signs on parked vehicles. Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles or magnetic signs, where the sign is incidental to the primary use of the vehicle or trailer or for sale signs on vehicles and personal property.
7. "A" frame or sandwich board and sidewalk, or curb signs except as otherwise noted in this Article.
8. Portable reader board (changeable copy sign).
9. Commercial flags, streamers and pennants.
10. Signs attached or affixed to stop sign, street signs, telephone poles or utility poles.
11. Garage sales signs exceeding 24"x24", posted earlier than two (2) days prior to sale or left up longer than twenty-four (24) hours following the sale.

**SECTION 46.600: EXEMPT SIGNS**

The following signs shall be exempt from all but the maintenance and public safety requirements of this Article.

1. Awning, canopy and marquee signs. Awning signs not exceeding a gross area of four (4) square feet or canopy and marquee signs not exceeding a gross area of twenty-five (25) square feet, indicating only the name of the activity conducted on the premises on which the sign is located and/or a brief generic description of the business conducted by the activity. All such signs shall be constructed in accordance with the Building Code provisions of the City of Moscow Mills. Advertising material of any kind is strictly prohibited on awning and canopy signs.
2. Agricultural business sign. Business signs, not exceeding thirty-two (32) square feet, when located on property used for agricultural purposes and pertaining to the sale of agricultural products grown or produced on the premises.
3. Business nameplates. Non-electrical nameplates denoting the business name of an occupation legally conducted on the premises, provided that the sign area does not exceed two (2) square feet in area.
4. Bulletin boards. Bulletin boards, not exceeding twenty (20) square feet for public, charitable, or religious institutions where the same are located on the premises of said institutions.
5. Directional signs. Signs not exceeding four (4) square feet in area, which provide instruction or direction and are located entirely on the property to which they pertain, to identify restrooms, public telephones, walkways, parking lot entrances and exits, and features of a similar nature. The Board of Aldermen shall have the authority to deny such signs if they are deemed unnecessary or to be used for advertising purposes.
6. Flags, emblems and insignias (for non-commercial purposes). Flags, emblems and insignias of political, professional, religious, educational and corporate organizations shall not exceed a height of five (5) feet and a width of eight (8) feet. Such flags, emblems and insignias may only be used for non-commercial purposes and comply with all applicable

regulations pertaining to flag etiquette. National, State and City flags shall be exempt from all provisions contained within the permanent sign regulations, providing that such flags are used for non-commercial purposes and comply with all applicable regulations pertaining to flag etiquette.

7. Government and institutional signs. Signs of a duly governmental body, including traffic or other similar regulatory devices, directional signs, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, and so forth.
8. House number sign. Provided such signs do not flash and that additional numbers are placed according to 911 requirements of Lincoln County.
9. Interior signs. Signs which are fully located within the interior of any building or within an enclosed lobby of any building which are intended solely for information relating to the interior operation of the building in which they are located.
10. Memorial signs. Memorial signs or tablets listing names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.
11. Religious and historic symbols. Religious symbols, identification emblems of religious order, or commemoration plaques of recognized historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four (4) square feet and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building, stone, or other permanent surface.

**SECTION 46.605: PERMANENT SIGN REGULATIONS BY ZONING DISTRICT**

- A. All signs in this Section are considered permanent and shall be located in the zoning districts as set out herein.
- B. Signs Permitted In "A-1" Agricultural District. For uses permitted upon review and approval by the Planning and Zoning Commission, refer to appropriate zoning District for sign regulations. The regulations below shall only apply to an agricultural business advertising agricultural products which are sold from the premises on a year-round basis (vegetables, greenhouse stock).
  1. Changeable copy sign. Only one (1) sign shall be permitted per street facing. Said sign shall not exceed twenty-four (24) square feet per facing or forty-eight (48) square feet per facing for the total aggregate sign area. Sign shall not exceed fifteen (15) feet in height above the average street grade. Sign copy shall only advertise goods or products sold on the premises and not contain the name of the business.
  2. Permanent agricultural business signs. There shall not be more than one (1) ground sign per street facing containing only the name of the business or enterprise on the premises. Said sign shall not exceed thirty-two (32) square feet per facing or sixty-four (64) square feet for the total aggregate sign area. Signs may be illuminated. Sign shall not be higher than fifteen (15) feet above the average grade. A changeable copy sign shall be allowed in addition to a ground sign provided individual permits are obtained.
- C. Signs Permitted In All Residential Districts. In all residential districts, the following signs are permitted in accordance with the regulations set forth herein:
  1. Subdivision signs. All subdivision signs shall be ground signs. Subdivision signs indicating only the name of the development, the management or developer thereof, and/or the address or location of the development shall be permitted. There shall not be more than two (2) residential subdivision signs for each point of vehicular access to a development. No new subdivision signs shall be permitted within the median of a public street. Subdivision signs shall not exceed fifty (50) square feet in area for each exposed face and not exceed a total aggregate area of one hundred (100) square

feet. Subdivision signs may be located in any required yard and must be located outside of the City right-of-way. Signs located adjacent to an arterial or collector roadway shall be set back five (5) feet from the right-of-way.

2. Name and address signs. Signs may not contain letters or numbers exceeding 12 inches in height. In addition, all houses must be numbered according to the 911 regulations of Lincoln County.
  3. Home occupations. Signs relating to a business activity or enterprise in the home is prohibited in all residential districts.
- D. Signs Permitted In All "C" Commercial And "I" Industrial Districts (Non-Residential). In certain non-residential districts, the following signs are permitted in accordance with the regulations set forth herein:
1. Ground signs.
    - a. Ground signs as described above shall be permitted as follows:
      - (1) "C-1" Neighborhood Commercial. No ground sign permitted.
      - (2) "C-2" Community Commercial District. The maximum height may not exceed twelve (12) feet. The face of such sign may not exceed fifty (50) square feet per sign face or a total area of one hundred (100) square feet.
      - (3) "C-3" General Commercial. The maximum height may not exceed thirty (30) feet. The face of such sign may not exceed one hundred (100) square feet per face or a total aggregate sign area of two hundred (200) square feet.
      - (4) Lots directly abutting the right-of-way of Highway 61 or Highway C, the following maximum height and size will apply:
        - (a) "C-3" General Commercial. The maximum height may not exceed forty-five (45) feet. The face of such sign may not exceed two hundred fifty (250) square feet per face or a total aggregate sign area of five hundred (500) square feet.
      - (5) "C-4" Regional. Shopping Center. The maximum height may not exceed forty-five (45) feet. The face of such sign may not exceed nine hundred (900) square feet per face or a total aggregate sign area of eighteen hundred (1,800) square feet and may include a changeable sign (automatic) to be used for:
        - (a) Public service messages or time, date and temperature.
        - (b) On-site commercial messages only.
      - (6) "I-1" Light Industrial and "I-2" Heavy Industrial. The maximum height may not exceed thirty (30) feet. The face of such sign may not exceed one hundred (100) square feet per face or a total aggregate sign area of two hundred (200) square feet.
    - b. The following regulations shall apply to all ground (pole and monument) signs in all zoning Districts:
      - (1) One (1) ground sign shall be allowed per each public street fronting the lot with the exception of identification signs. A ground sign shall be allowed fronting a private street or access drive in lieu of a permitted ground sign as approved by the Board of Aldermen. Where a lot has no frontage on a public or private street, the Planning and Zoning Commission shall determine frontage for all sign locations.
      - (2) Ground signs are limited to a commercial message pertaining to the business or enterprises operating on the lot on which the ground sign is located.
      - (3) When multiple tenants occupy a single building on a lot, tenants' signs shall be grouped and placed on the same set of sign supports.
      - (4) Ground signs shall not extend nearer than ten (10) feet to the public right-of-way (as measured from the sign edge).
      - (5) Sign heights will be measured from the elevation of the adjacent street or the

elevation of the average finished ground elevation along the side of the building facing the street, whichever is greater.

(6) The structural supports of all ground/pole signs shall consist of one (1) or more of the following: decorative in nature, architecturally treated, concealed within the supporting base, concealed by rigid trim and/or skirting material.

(7) All ground/pole signs shall be located in a protected landscaped area.

2. Commercial and industrial park sign.

- a. A commercial or industrial park shall be permitted an entrance identification sign. Such sign shall identify the name of the development and may also include the names of the businesses within the commercial/industrial park. The Planning and Zoning Commission shall determine the boundaries of the commercial/industrial park, if said boundaries are not established by plat.
- b. The placement of the sign shall be on a lot at the entrance to the development and shall occupy one (1) of the regular ground sign locations for this lot. Such commercial/industrial park signs must conform to all signage regulations for that District including size and height.
- c. In addition to the entrance identification sign, each lot or building within an office development accessed via a private drive and/or parking lot shall be permitted one (1) monument sign not to exceed thirty (30) square feet in area. A wall sign that meets the minimum standards of this Section may be used in lieu of the monument sign.

3. Churches.

- a. Churches shall be permitted one (1) ground sign up to fifty (50) square feet in size of which twenty-four (24) square feet may be used as changeable copy. All other sign requirements shall apply including ground sign regulations as contained in this Article, as appropriate. Design of such signs shall be of monument style and lighted so as to not detract from any adjoining residential property.
- b. Churches located in commercial Districts may elect to construct a sign in conformance with the size and height requirements of that District.

4. Wall signs.

- a. The total area of each wall sign shall not exceed five percent (5%) of the building facade or thirty-two (32) square feet, whichever is greater. A wall sign shall be permitted on each wall which, or is oriented to, a street or access drive. If the business fronts on more than one (1) street or access drive, the sign area for each wall shall be computed separately. Where a business has no wall fronting on a street or access drive, the Planning and Zoning Commission shall determine frontage for all sign locations.
- b. Awning, canopy, and marquee signs anchored to the primary building may be used in place of a wall sign. Awning, canopy, and marquee signs used in place of wall signs will be subject to the same requirements as a wall sign.
- c. All support structures for wall mounted signs shall be concealed from public view.
- d. No signs shall be installed above the roof line.
- e. A maximum of two (2) background colors shall be used for all box type wall signs within a multi-tenant shopping center. A limit on background color shall not apply to tenants that take up greater than thirty thousand (30,000) square feet in area.
- f. The facade area behind all wall signs within a multi-tenant shopping center shall be treated with the same materials and color.
- g. In commercial and industrial developments where multiple wall signs are used, a consistent sign theme shall be maintained for all wall signage. The sign theme shall apply to sign style, color, and placement. The sign theme shall be established at the submittal of the initial sign permit application. Existing developments shall establish a



sign theme by July 1, 2008 and install signs in compliance with this theme by January 1, 2009.

5. Changeable copy signs. Changeable copy signs may be permitted in conjunction with ground signs provided they are permanently mounted or affixed to a structure and advertise only goods or services available on the premise. When used in conjunction with a ground sign, changeable copy signs must be located on the same sign supports. Said sign shall not exceed twenty-four (24) square feet per sign facing or forty-eight (48) square feet for the total aggregate sign area. In no case shall the sign flash or contain any other mechanical or electronic contrivance.
6. Window signs. Permanent window signs may be affixed to a window (see "Definitions") advertising goods or services sold on the premises, provided that the total of all signs, including those temporarily mounted in that window, occupy no more than twenty percent (20%) of the window's area. No flashing or other mechanical contrivances shall be permitted in conjunction with such advertising on a permanent basis. These regulations shall not apply to merchandise or products.
7. Awning, canopy or marquee signs. See "Definitions".
8. Identification signs. One (1) identification sign is permitted for the principal access to the premises and one (1) sign for the secondary access. The sign shall not exceed twelve (12) square feet in area per sign facing or twenty-four (24) square feet for the gross aggregate sign area.
9. Flashing or revolving signs. Flashing signs and revolving signs are expressly prohibited (see "Prohibited Signs") with the exception of time and temperature signs which serve the public interest.
10. Menu board signs.
  - a. All fast food menu signs shall not exceed forty (40) square feet for the gross aggregate sign area. Two (2) signs are allowed per site as approved by the Planning and Zoning Commission.
  - b. All menu items, promotions, pictures, or other displays related to the menu sign (s) must be contained within the permanent structure of the menu sign (s).
11. Produce stands. Produce stands which are not operated in conjunction with a supermarket or other retailer shall be permitted one (1) "A" frame or sandwich board. The sign shall not be located on the right-of-way and shall be maintained in a neat and orderly fashion. The sign shall be constructed of wood, metal, or plastic; no cardboard or paper signs shall be permitted. The sign shall advertise the items and prices for sale on the premises.
12. Service stations and convenience stores.
  - a. One (1) price sign per pump island shall be permitted; each sign shall be a maximum of two (2) square feet per sign face.
  - b. Signs advertising products available at the subject business shall be permitted on each pump island; each sign shall not exceed two (2) square feet per sign face.

#### **SECTION 46.610: TEMPORARY SIGNS**

- A. Definitions. For the purpose of this Section, see the definition of "Temporary Sign" in Section 46.575.
- B. Public Safety. No temporary sign shall be placed or erected so as to prevent ready access to any window, door, passageway, or fire escape, nor shall any temporary sign be placed on private property in such a manner as to obscure the view of motor vehicle operators or pedestrians.
- C. Secure Fastening Of Signs. All temporary signs shall be sufficiently anchored, tied, or connected to a substantial base to prevent displacement/movement due to weather (i.e. rain, wind, snow, etc.) and shall not present a hazard to pedestrians or vehicles.

- D. **Presumption As To Ownership Of Sign.** Any person or entity promoted or supported by a temporary sign shall be presumed to be the owner of such sign.
- E. **Signs On City Right-Of-Way And City Property.** No person or entity shall erect or place any temporary sign on the state, county, or city right-of-way or on city property.
- F. **Public Utility Poles.** No temporary sign shall be placed on any telephone, electric or other utility pole, whether or not such utility pole is located on any right-of-way.
- G. **Traffic And Pedestrian Regulation Signs.** No temporary sign shall be placed on or affixed to any sign or its supporting structure which has as its purpose the regulation of or warning to motor vehicle or pedestrian traffic.
- H. **Size Of Temporary Signs.** All temporary signs in zoning districts "A-1", "R-1", "R-2", "R-3", shall not exceed six (6) square feet, and all temporary signs in all other zoning districts shall not exceed thirty-two (32) square feet.
- I. Each temporary sign shall be removed within thirty (30) days of placement. Exception: On-site signs advertising the sale of residential or commercial real estate may be left in place until the real estate is sold.
- J. **Other Advertising Devices.** Other advertising devices shall include, but not be limited to, cold air balloons, helium balloons, and search lights.
  - 1. **Cold Air Balloons.** Cold air balloons are permitted at a height not to exceed thirty-two (32) feet and shall be set back and anchored so as not to obstruct the line-of-sight for traffic.
  - 2. **Helium Balloons.** Such balloons shall be set back and anchored at a distance equal to the height the balloon is to be tethered from the edge of the property.
  - 3. **Search Lights.** Search lights may not interfere with the normal use of adjacent property or cause interference to motor vehicle or pedestrian traffic. Each business is permitted two (2) such advertising devices per calendar year for a period not to exceed seven (7) days each. Such devices may not be placed on the roof of a building. Such devices shall be required to submit a permit application to the Planning and Zoning Commission and receive approval prior to use.

#### **SECTION 46.615: PENALTY**

Any person, firm, corporation or partnership who shall violate any provisions of this Article, and be found guilty of such offense, shall be deemed guilty of a misdemeanor. Any owner of property who suffers or permits such temporary *signs* to be placed on his/her property, or remain on his/her property in violation of the Article shall, upon being found guilty of such violation, be deemed to be guilty of a misdemeanor, but the fine imposed on such property owner shall be limited to ten dollars (\$10.00) with each day constituting a separate offense. In the event the violation is committed by a renter, leasee or mobile home park resident, the property owners will not be penalized or held responsible for such offense.

#### **SECTION 46.620: MISCELLANEOUS PROVISIONS**

The following provisions are applicable to all signs subject to the regulations of this Article:

- 1. All signs must be maintained in good repair at all times.
- 2. No signs other than those authorized by City regulations shall be erected or posted on City street right-of-way or other public properties.
- 3. Underground wiring shall be required for all illuminated or electrical ground type signs.
- 4. No sign shall violate the corner visibility regulations. (See "Supplementary Regulations".)
- 5. All signs must meet the City's Building Code and other applicable regulations.

#### **SECTION 46.625: BILLBOARDS (OFF-PREMISE SIGNS)**

A. **Intent And Purpose.**

- 1. Within the previous Sections, sign regulations applied specifically to on-premises advertising. However, the City recognizes another classification of signage which advertises goods and/or services available off of the premises. Said signs exist

primarily for the directing or communicating with the traveling public. Because such signs are freestanding and their content is not necessarily related to the uses of the premises upon which it is erected, billboards for purposes of this Article are considered a distinct business. This distinction is the basis for treating billboards separately from on-premises advertising.

2. The intent of this Section is to provide reasonable restrictions to:
  - a. Eliminate hazards to pedestrians and motorists brought about by distracting sign displays.
  - b. Improve the appearance of the City.
  - c. Promote the general safety and welfare of the public.

**B. Permitted Zones.**

1. Billboards or outdoor signage pertaining to "off-premises" shall be a permitted use in all zoning Districts except the following listed below, or unless specifically prohibited within that district's regulations.
  - a. "R" Districts.
  - b. "C-1" and "C-2" Districts.
2. Billboards shall only be allowed along Highway 61.

**C. General Provisions.**

1. A one-time fee for the permit application shall be as established and paid to the City of Moscow Mills. As per this section, regulating business licenses for outdoor advertising, the sign applicant must also obtain a business license. The business license term shall be from July first (1<sup>st</sup>) through June thirtieth (30<sup>th</sup>) of each year. The license fee for each billboard shall be as adopted by Ordinance and shall not be prorated.
2. Before any City sign permit is valid, billboards or other outdoor advertising must comply with all State and Federal laws.
3. Non-conforming or abandoned signs. Where a sign structure does not include advertising information other than for the use of the sign for a period of one hundred twenty (120) continuous days, such sign structure shall be deemed in violation thereafter and shall be removed. Non-conforming signage shall be removed or brought into compliance within ninety (90) days from changes in State Statutes pertaining to off-premises advertising signage.
4. No sign or billboard (off-premise sign) shall be permitted which contains obscene statements, words, or pictures.
5. No sign shall be placed on rocks, trees or on poles maintained by public utilities.
6. All outdoor advertising signs erected in the City shall be documented by a Registered Engineer to withstand wind pressures of no less than fifteen (15) pounds per square foot.
7. The Planning and Zoning Commission or the Board of Aldermen may require any additional information as deemed necessary to protect the health, safety and general welfare of the public.

**D. Signs Permitted. Lighting restrictions, size location and specifications:**

1. Lighting. No sign shall be permitted which is an imitation of, or which resembles an official control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight-lines. Illuminated signs shall be so constructed as to avoid glares or reflection on any portion of an adjacent highway or residential buildings. However, no flashing or rotating flashing illumination shall be permitted.
2. Location and spacing. All billboards must be erected in the permitted District zones along Highway 61 and must meet the following location requirements:
  - a. No sign structure shall be hereafter erected within one (1) mile of an existing sign on the same side of the highway. This distance shall be measured along the

nearest edge of the pavement at points directly opposite the signs along each side of the highway. This shall apply to only outdoor advertising sign structures located on the same side of the highway involved.

- b. No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
  - c. No portion of any sign shall be located within a six hundred sixty (660) feet radius of any point of any residence or residentially zoned District.
  - d. No outdoor advertising sign shall be placed closer than one thousand (1,000) feet to the beginning or end of an interchange ramp taper of a dual or proposed dual highway. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
  - e. All outdoor advertising signs shall be required to meet the yard provisions in the districts in which they are permitted. The front yard setback from the road right-of-way shall be a minimum of thirty (30) feet.
  - f. No sign shall be located on the right-of-way of any road or on any slope or drainage easement for such road.
  - g. No portion of a billboard shall be placed within a fifty (50) foot radius of any point of a building.
  - h. All outdoor advertising signs shall be placed on a separate lot as established by subdivision regulations contained in this Article.
3. Size.
- a. The maximum area for any one (1) sign shall be three (3) times the size permitted in the zoning District with a maximum height of thirty (30) feet and a maximum length of sixty (60) feet, inclusive of border and trim but excluding the base, apron, or supports, and other structural members. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign.
  - b. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, double faced, or in V-type construction with not more than two (2) displays to each facing, but such sign structure shall be considered as one (1) sign.
4. Height. The maximum height shall not exceed forty-five (45) feet above-ground level or the grade level of the adjoining street, whichever is higher.
5. Type. All outdoor advertising signage shall consist of a monopole type design.

#### **SECTION 46.630: LICENSE REQUIRED**

No person shall be issued a sign permit in accordance with this Article without first having paid the applicable license fee contained on the approved fee schedule and obtained an "Outdoor Advertising Signs, Billboards and Structures" Business License from the City Clerk.

#### **SECTION 46.635: GENERAL PROVISIONS TO APPLY**

The provisions of the City Code shall apply to this Article and any license issued hereunder specifically including, but not limited to, the provisions which address suspension, revocation, denial or renewal of licenses, penalty fees, and the investigation fee set forth in . However, the specific provisions of this Article shall control and take precedence over any provision of Article I, to the contrary. Any provision of this Article which addresses the same topic as this, but which is not in conflict with the provisions of Article I, shall be read in conjunction with and as an alternative to the provisions of Article I.

**SECTION 46.640: LICENSE APPLICATION**

Written application for a license for outdoor advertising signs, billboards and structures shall be submitted to the City Clerk on forms provided by the City and shall include, but not be limited to, the name, address and phone number of the person which is applying for the license.

**SECTION 46.645: LICENSE FEE AND TERM**

The license term shall be from July first (1<sup>st</sup>) through June thirtieth (30<sup>th</sup>) of each year. The license fee shall be equal to two percent (2%) of the gross annual revenue of each advertising sign, billboard or structure licensed. The total license fee for those persons which are applying for licenses for more than one (1) advertising sign, billboard or structure in the City shall be the aggregate sum for each advertising sign, billboard or structure. License fees for outdoor advertising signs, billboards and structures shall not be prorated.

**SECTION 46.650: COMPLIANCE WITH ZONING REGULATIONS**

In addition to obtaining a license as required herein, the applicant must also comply with the provisions and requirements of the City of Moscow Mills Ordinances, Standards, and Regulations.

**XI. PLANNING ADMINISTRATION**

**SECTION 46.690: PLANNING ADMINISTRATION RESPONSIBILITIES**

The Administrative Officer shall administer and enforce the provisions of this Chapter. The Administrative Officer shall be any person designated as such by the Governing Body of the City. The powers and duties of the Administrative Officer shall be, but are not limited to, the following:

1. Maintain permanent and current records pertaining to this Chapter, including, but not limited to, all maps, amendments and variances.
2. Forward to the Planning and Zoning, Commission all information and data necessary to perform their function under provisions of this Chapter.
3. Forward to the Board of Adjustment applications for variances, interpretive relief, or other matters on which the Board of Adjustment is required to act under this Chapter.
4. Initiate a review of the provisions of this Chapter and the Zoning District Map at least every two (2) years and make findings available to the Commission for their consideration.
5. Enforce all provisions of this Chapter and provide specific notification of violations. If violations are not abated in a reasonable time period, as specified, it is the Administrative Officer's responsibility to document the uncorrected violation and forward said document to the Municipal Court Clerk for further legal action.
6. Review and verify for zoning compliance the usage associated with each application prior to issuance of a Business License.

**SECTION 46.695: AMENDMENTS AND CHANGES**

- A. The Governing Body of the City may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the Districts created by this Chapter, amend District boundary lines, provided that in all amendatory orders adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire City, and the uses to which property is devoted at the time of such amendatory order. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed

change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the District proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen.

B. Amendments may be proposed by any citizen, organization or governmental body.

C. This Chapter shall be amended or changed in the following manner:

1. Application for amendment, revision or change of any of the rules, regulations or provisions of the Zoning Code shall be made on application forms provided by the City Clerk. Each application shall be filed with the City Clerk and be accompanied by pertinent data as prescribed on the form and any additional information deemed necessary by the Planning and Zoning Commission.
2. A fee shall be paid to the City for each application for an amendment to cover the costs of advertising, notification, and other administrative expenses. The fee shall be as established by Ordinance.
3. Procedure.
  - a. All such applications shall be set down for a hearing before the Planning and Zoning Commission not later than sixty (60) days from the date of filing. Any such hearing may, for good cause at the request of the applicant or the discretion of the Commission be continued. Notice of time and place of the hearing shall be published at least fifteen (15) days prior to said hearing in the legal newspaper and a local newspaper, both of general circulation in the City of Moscow Mills.
  - b. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
    - (1) Relatedness of the proposed amendment goals and outlines of the Comprehensive Plan of the City.
    - (2) Existing uses of property within the general area of the property in question.
    - (3) The zoning classification of property within the general area of the property in question.
    - (4) The suitability of the property in question to the uses permitted under the existing zoning classification.
    - (5) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
    - (6) Rezoning should allow for reasonable use of the property in question.
  - c. Upon final hearing of such application, the Commission shall approve or deny the same and a recommendation for final approval or denial shall be made in writing by the Commission to the Board of Aldermen.
  - d. One (1) letter shall be sent via regular mail by the City to landowners of record of all property located within one hundred eighty-five (185) feet of the property subject to the proposed zoning amendment at least fifteen (15) days prior to the Planning and Zoning Commission Public Hearing. The City shall research the names and addresses of such landowners and shall be responsible for the mailing of the letters. Said letter shall include the notice of Public Hearing to be held before the Planning and Zoning Commission and Board of Aldermen stating the date, time and place and the reason for the Public Hearing.
  - e. City initiated "down zonings" shall not be subject to the requirements of certified letter mailings or other notification by mail. Parcels which are the subject of "down zonings" shall be posted with a notice of Public Hearing.

- f. The property affected by the proposed zoning amendment shall be posted with a sign indicating the date and time of the Public Hearing. The sign shall be posted at least fifteen (15) days in advance of the Public Hearing. In addition, signs shall be posted near the entrances to all adjacent subdivisions and affected subdivisions near the subject site.
4. Within forty-five (45) days of the Commission's hearing of said application, the Board of Aldermen shall hold a hearing. Notice of time and place of the hearing shall be published at least fifteen (15) days prior to said hearing in the legal newspaper and a local newspaper, both of general circulation in the City of Moscow Mills.
5. The Board shall not act upon a proposed amendment to the Chapter until it shall have received a written report and recommendation from the Planning and Zoning Commission on the proposed amendment.
6. The Board of Aldermen may approve or deny the proposed amendment.
- D. An applicant having been denied by the Board of Aldermen cannot refile a similar petition for rezoning reconsideration for a period of ninety (90) days following its denial by the Board.

**SECTION 46.700: SPECIAL USE PERMIT**

- A. Intent And Purpose. In this Zoning Code, the City has set forth Districts within which the use of land and structures and the hulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which because of their unique characteristics and features, cannot be classified in a particular District or Districts, without consideration, in each case, of the impact of such uses on the health, safety, morals and general welfare of the City. Such uses are therefore treated as special uses. A special use is not the automatic right of any applicant. The City of Moscow Mills reserves the full discretion to deny any such application which is detrimental to the health, safety, morals and general welfare of the inhabitants of the City or areas adjacent to the City.
- B. Authorization. Upon receipt of a recommendation from the Planning and Zoning Commission, the Board of Aldermen may, after a legal public notice and hearing, authorize the issuance of a Special Use Permit. In acting upon any application, the Board of Aldermen shall give due consideration to the standards and conditions as prescribed herein and shall grant such permits if it finds, in its judgment, that such action is in the best interest of the public health, safety, morals and welfare of the residents of the City of Moscow Mills, Missouri.
- C. Standards For Special Use Permit Approval.
  1. Before issuing a recommendation with respect to any application for Special Use Permit, the Planning and Zoning Commission shall, in each case, make specific written findings of fact based directly upon the particular evidence presented to it regarding the effect of such proposed buildings or use upon:
    - a. The character of the surrounding area;
    - b. The traffic conditions in the surrounding area,
    - c. The public utility facilities;
    - d. The Comprehensive Plan (including street and public utility plans), and
    - e. Other matters pertaining to the general welfare.
  2. In approving a Special Use Permit the Board of Aldermen may impose conditions and safeguards as are deemed necessary to protect the neighborhood, such as, but not limited to, the following:
    - a. Requirement of front, side, or rear yards, greater than the minimum required by this Chapter.
    - b. Requirement of additional screening or landscaping of parking areas or other parts

- of the premises from adjoining premises or from the street, and deemed necessary by the Board.
- c. Place limitations on egress and ingress so as to minimize congestion on the local streets.
  - d. Limitations of size, number of occupants, method or time of operation, or extent of facilities.
  - e. Regulation of number, design, and location requirement of off-street parking or other special features beyond the minimum required by this or other applicable Codes or regulations.
- D. Filing application. Review Procedures And Fees. The procedures for filing and review of any special use application shall be the same as those provided in "Planning Administration" Section of this Chapter with the following exceptions:
1. An application for Special Use Permit can be filed only by the owner, or authorized agent, of the property in question.
  2. An application form for Special Use Permit must be obtained by the owner, or authorized agent, of the property in question.
    - a. The fee shall be as established by Ordinance.
  3. In conjunction with an application for a Special Use Permit, a concept plan shall be submitted indicating the following:
    - a. Building(s) outline and floor area.
    - b. Parking areas and parking calculations.
    - c. Curb cuts and cross access with adjacent parcels, if applicable.
    - d. Site features including light standards, trash enclosures, fencing.
    - e. General location of landscaping.
    - f. Setback and appropriate yards.
    - g. Boundary of the subject property.
    - h. Adjacent or connecting streets and their names.
    - i. Other items as deemed necessary.A site plan in compliance with the provisions of this Chapter may be submitted in lieu of a concept plan.
- E. Extension Or Alterations. Where an existing use which is permitted by Special Use Permit is proposed to be extended or substantially altered in a manner which would in any way change the character or intensity of the use, such proposed extension or substantial alteration shall be treated as a special use under this Section.
- F. Period Of Validity.
1. No Special Use Permit granted by the Board of Aldermen shall be valid for a period longer than one hundred eighty (180) days from the date of granting of the Special Use Permit, unless within such period:
    - a. A Building Permit is obtained and the erection or alteration of the structure is commenced, or
    - b. A Special Use Permit is obtained and the use commenced.
  2. The Board of Aldermen may, upon written request of the applicant, grant extensions not exceeding one hundred eighty (180) days each, without notice of hearing.

## **XII. BOARD OF ADJUSTMENT**

### **SECTION 46.705: BOARD OF ADJUSTMENT CREATED/APPOINTMENT**

There is hereby created within and for the City of Moscow Mills a Board of Adjustment with the powers and duties as hereinafter set forth. The Mayor of the City, by and with the consent of the Board of Aldermen, shall appoint five (5) citizens to such Board.



**SECTION 46.710: MEMBERSHIP**

- A. The Board of Adjustment shall consist of five (5) members. 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 years and one (1) for five years. Thereafter members shall be appointed for terms of five (5) years each.
- B. The Board shall elect its own Chairman who shall serve for one (1) year.
- C. All members shall be removable for cause by the appointing authority upon written charges and after public hearings.
- D. Vacancies shall be filled for the un-expired term of any member whose term becomes vacant. The Administrative Officer shall notify the appointing authority in advance when terms of members are about to expire.
- E. The Mayor of the City, by and with the consent of the Board of Aldermen, shall appoint two (2) alternate members of the Board of Adjustment who shall each serve for a term of three (3) years. The alternate members of the Board of Adjustment shall serve only when a regular member of said Board is unable to act as a member of said Board on any matter before the Board, or when one (1) or more regular members is absent from a meeting of said Board. Such alternate members of the Board shall serve and act as regular members of the Board, except that such alternate members may not be elected Chairman or Secretary of the Board. The alternate members of the Board may be removed in accordance with this Section.
- F. All members of the Board of Adjustment shall serve without compensation.

**SECTION 46.715: PROCEDURE**

The Board shall adopt rules in accordance with the provisions of this Chapter Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman, or in his/her absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such Ordinance, or to effect any variation or relief of this Chapter. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board for that purpose.

**SECTION 46.720: APPEALS**

Application for appeals to this Chapter shall be processed in the following manner:

- 1. Appeal or variance from action resulting from the enactment of this Chapter shall be taken in the following manner:
  - a. Appeals or variances to the Board of Adjustment may be taken by anyone having a vested interest in the property being affected by the enactment of this Chapter. Such appeal shall be taken within ninety (90) days of the date of the action which is appealed.
  - b. A fee shall be paid to the City for each appeal or variance to help defray the costs of advertising and other administrative expenses involved. These administrative expenses shall include the cost of certified mailings. The Board of Aldermen and Planning and Zoning Commission shall be exempt from this fee.

- c. The appeal shall contain or be accompanied by such legal descriptions, maps, plans, names and addresses of property owners within two hundred (200) feet, and any other information as may be requested by the City Clerk or Board of Adjustment Chairman so as to completely describe the decisions or actions being appealed and the reason for such an appeal.
- d. The City Clerk shall review the application and determine that sufficient data is contained to adequately describe the situation to the Board of Adjustment. If the data is not adequate, the City Clerk shall return the application to the applicant for additional information. Completed applications shall be forwarded to the Board of Adjustment along with his/her written record of the facts.
- e. The Chairman of the Board of Adjustment shall schedule one (1) or more public hearings (as deemed necessary) within sixty (60) days after an application is filed. The hearing(s) shall be published in the legal newspaper and a local newspaper, both of general circulation in the City of Moscow Mills, at least one (1) week prior to the hearing(s). The Administrative Officer shall post notice on the property involved for a period of one (1) week prior to the hearing(s) and shall send notices of the public hearing(s) by regular mail to the property owners within two hundred (200) feet of the property involved in the appeal or variance. If no action is taken within ninety (90) days from the date of filing, the appeal shall be considered approved.
- f. An appeal stays all proceedings in furtherance of the action appealed from unless the Administrative Officer certifies to the Board of Adjustment that by reason of facts in the record a stay would, in his/her opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the Officer from whom the appeal is taken and on due cause shown.

**SECTION 46.725: APPEAL OR VARIANCE CRITERIA**

There are (2) types of requests which may be placed before the Board of Adjustment, they are as follows:

- 1. An appeal for interpretation. The petitioner requests an interpretation of the zoning regulations and alleges the Administrative Officer has erred in the interpretation of a specific case.
- 2. A request for a variance.
  - a. The petitioner requests some variation in the dimensional requirements of the zoning regulations whereby their strict application would involve undue hardship.
  - b. There are different considerations which the Board of Adjustment must review in making, determinations concerning appeals and variances:
    - (1) In reviewing an appeal for an interpretation, the Board of Adjustment may consider, but not be limited to, the following questions:
      - (a) What specific action was taken by the Administrative Officer?
      - (b) What specific Section of the Zoning Code did the Official use as a basis for taking this action?
      - (c) What interpretation is the Administrative Officer making of this specific Section in the Zoning. Code as it pertains to action taken?
      - (d) Interpretation is being made by the petitioner?
    - (2) In reviewing a variation, the Board of Adjustment may consider, but not be limited to, the following questions:
      - (a) If the petitioner complied with the provisions of this Zoning Code (doesn't obtain the variance he she is requesting), will he she not be able to get a

- reasonable return from, or make reasonable use of the property?
- (b) Does the hardship result from the strict application of these regulations?
  - (c) Is the hardship suffered by the property in question?
  - (d) Is the hardship the result of the applicant's own action?
  - (e) Is the requested variance in harmony with general purpose and intent of the zoning regulations and does it preserve the spirit?
  - (f) If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

**SECTION 46.730: APPEAL TO CIRCUIT COURT**

- A. Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such (aggrieved) person or persons or any officer, department, board or bureau of the City may present to the Circuit Court of Lincoln County, Missouri, a petition duly verified. Said petition shall set forth that such decision is illegal, in whole or in part, and specify the grounds of its illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Adjustment.
- B. Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the aggrieved parties attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.
- C. The Board shall not be required to return the original papers acted upon by it: but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and all shall be verified.
- D. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with findings of fact and conclusions of law. These shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- E. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, in bad faith, or with malice in making the decision appealed from.

**ARTICLE XIII. VIOLATIONS AND PENALTIES**

**SECTION 46.735: VIOLATIONS AND PENALTIES**

Penalties for violations of this Chapter shall be as follows:

- 1. Except as provided in Subsection 4 of Section 89.120, RSMo., the owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who

maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00) for each and every day that such violation continues or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.

Notwithstanding the provisions of Section 82.300, RSMo., however, for the second (2nd) and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.

2. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).
3. Nothing herein contained shall prevent the City from taking such other lawful action as it deems necessary to prevent or remedy any violation.

#### **ARTICLE XIV. MISCELLANEOUS PROVISIONS**

##### **SECTION 46.740: TRANSFERENCE OF CONTROL OF TRUSTEESHIP OR OTHER FORMS OF SUBDIVISION GOVERNANCE OF RESIDENTIAL SUBDIVISIONS REQUIRED**

A. Minimum Requirements For Subdivision Covenants And Restrictions. From and after the effective date of this Ordinance any new residential subdivision platted for land development in the City of Moscow Mills, Missouri, shall be encumbered by an indenture of covenants which shall contain the following minimum requirements:

1. Indenture of covenants.
  - a. The indenture of covenants and restrictions of the subdivision shall provide that there shall be at least three (3) subdivision managers and not more than five (5) subdivision managers.
  - b. The indenture of covenants and restrictions of the subdivision shall provide that when title to fifty percent (50%) of the lots depicted on the preliminary plat of the subdivision are transferred to owners other than the developer that within ninety (90) days thereof at least one (1) member of the subdivision managers shall have been elected by the lot owners who are not the developer.
  - c. The indenture of covenants and restrictions of the subdivision shall provide that when title to ninety percent (90%) of the lots depicted on the preliminary plat of the subdivision are transferred to owners other than the developer that within one hundred eighty (180) days thereof at least two (2) of the members of the subdivision managers shall have been elected by the lot owners who are not the developer.
  - d. The indenture of covenants and restrictions of the subdivision shall provide that when title to one hundred percent (100%) of the lots depicted on the preliminary plat of the subdivision are transferred to owners other than the developer that within thirty (30) days thereof all members of the subdivision managers shall have been elected by the lot owners who are not the developer.
2. As long as the developer owns any lots within the subdivision, the covenants and restrictions of the subdivision may not be amended or declared without the concurrence of:
  - a. The developer, and

- b. The majority of the lot owners other than the developer.
  3. There shall be only one (1) class of members of subdivision managers.
  4. Each subdivision having an indenture of covenants and restrictions shall assess a fee sufficient to cover the cost of enforcement of said covenants and restrictions.
  5. At the time of the filing with the City of Moscow Mills, or Planning and Zoning Commission, by the developer of the first (1st) final plat for a subdivision, the developer shall also file proof satisfactory to the City of Moscow Mills that the developer has deposited in a Trust Account the sum of two thousand dollars (\$2,000.00) for the benefit of subdivision lot owners, other than the developer (the "Trust Account"). A land title company or Federally insured banking institution selected by the developer shall serve as trustee for this Trust Account. Any required compensation for such service as trustee shall be paid by the developer. The instrument of trust for the Trust Account shall specify that when ten (10) or more lots are sold in the subdivision to lot owners other than the developer, then upon written request of a majority of such lot owners other than the developer, the trustee of the Trust Account shall pay over to or for the benefit of said lot owners, or any attorney designated by the said lot owners, up to the sum of two thousand dollars (\$2,000.00) for the reasonable costs and expenses of a lawsuit or lawsuits to enforce any subdivision covenant and/or restriction which is not being enforced by the subdivision managers. Said sum shall be paid over to said persons only when the request for payment for said sum is accompanied by written proof that:
    - a. Demand has been made upon the subdivision managers for the subdivision managers to sue to enforce such subdivision covenant or restriction, but that the subdivision managers have failed or refused to comply with such request, and;
    - b. Formal written demand has been made upon the person(s) or entity(ies) allegedly not in compliance with the covenant or restriction, by which demand was made that such person(s) or entity(ies) come into compliance with the said covenant or restriction within a specified period of time, not less than ten (10) days in length, but that the said person or entity has failed to comply with the demand. This Trust Account shall automatically expire and unexpended sums remaining in the Trust Account shall be paid over to the subdivision managers at such time as all subdivision managers are elected by the lot owners who are not the developer.
- B. Applicability And Non-Applicability. This Section shall pertain solely to subdivisions where a preliminary plat has been filed subsequent to January 1, 2008. This Section shall not apply to any condominium hereinafter established under the provisions of Chapter 448, RSMo.
- C. Plat Approvals And Building Permits. No final plat of any part of any subdivision shall be approved by the City of Moscow Mills or the Planning and Zoning Commission unless the minimum requirements of this Section are contained within the indenture of covenants and restrictions pertaining to such final plat. No Building Permit shall be issued to any developer by the City of Moscow Mills for improvements on a lot in the subdivision unless all of the provisions of this Section are contained in the covenants and restrictions and developer is in full compliance with such covenants and restrictions. No other inquiry or demands shall be made as to the contents of any indenture of covenants and restrictions of any subdivision by the City of Moscow Mills, or the Planning and Zoning Commission, other than to insure compliance with the minimum requirements of this Section.

**APPENDIX "A"**  
**CITY OF MOSCOW MILLS**  
**PLANNING AND ZONING COMMISSION**  
**SUBDIVISION APPLICATION PROCESS**

**A.** To begin the application process for a resident subdivision in the City of Moscow Mills a **sketch/plot plan** must be submitted to the City Clerk at City Hall for review by the Planning and Zoning Chairperson or the City Official in charge of subdivision review. The sketch/plot plan should include the following:

1. A map showing the location and topography.
2. The approximate location of lots and streets.
3. Existing buildings, lakes or other significant features.
4. The names(s) and phone number(s) of the person(s) wanting to develop the property.

This first step is only an exchange of information to give guidance as to what probably will be required before going to the expense of making detailed plans of the subdivision. This is not binding. After review of the sketch/plot plan, the developer will be given the date of the next Commission meeting and be placed on the agenda. If a meeting is requested prior to the next Commission meeting, the developer will be contacted to schedule a meeting date.

**B.** The next step will be to submit five (5) copies of the **Preliminary Plat** to the City Clerk at City Hall for review by the Planning and Zoning Commission and the City Engineer. The applicable fee will need to accompany the preliminary plat. The preliminary plat must include the following:

1. Boundary lines, bearings and distances sufficient to locate the exact area proposed for subdivision;
2. The name and locations of all adjoining subdivisions drawn to the same scale and shown in dotted lines and in sufficient detail as to show accurately the existing streets and alleys and other features that may influence the layout and development of the proposed subdivision;
3. The names of owner and locations of all adjoining unplatted properties;
4. The location and widths of all streets, alleys, easements and rights-of-way existing and proposed within the subdivision limits;
5. The location of all existing buildings, sewers, water mains, gas mains or other underground structures, or other existing features within the area proposed for subdivision;
6. The name under which the proposed subdivision is to be recorded, the name of the owner with sufficient data to show ownership, and the name of the engineer platting the tract;
7. Proposed arrangements of lots, which should be numbered consecutively from one to the total number of lots in the subdivision;
8. Location and size of proposed parks, playgrounds, churches or school sites or other special uses of land to be considered for dedication to public use or to be reserved for use of all property owners in the subdivision and any condition of such dedication or reservation;
9. Scale, north arrow, date and the pertinent data;
10. Topography with contour intervals of not more than five feet, also the location of water courses, ravines, bridges, lakes, large free-standing trees, wooded areas, approximate acreage;
11. Approximate grade and gradients of each proposed street and location of proposed culverts and bridges;
12. The location of sewers (storm and sanitary), along with information regarding any necessary improvements to such channels;
13. Data regarding the location, size and type of construction of any culverts, bridges or underground facilities for disposing of either storm water or sewage. All storm water facilities shall be designed according to Chapter 48 of the Moscow Mills City code;

14. Location of any easements necessary to accommodate the sewers or storm water drawings or underground construction;
15. Location of all permanent markers and monuments;
16. Development of parcels within a Zone "A" of a FEMA Floodplain will require a detailed flood study to determine the 100-year flood elevation and floodway location.

C. In order to allow for construction of a display home or homes prior to the recording of the record plat, the developer may submit an application for a **Display Home Plat** to be considered along with the application for preliminary plat or after the preliminary plat has been approved. A reasonable number of displays may be approved where, in the opinion of the Planning and Zoning Commission, they are appropriate for the type of development presented. After approval of a display plat, building permit reviews and fees will be required before home construction can begin.

Five (5) copies of the display home plat and application shall be submitted to the City Clerk at City Hall for review by the Planning and Zoning Commission and the City Engineer. The applicable fee will need to accompany the display home plat application. The display house plat shall be designed by a registered professional engineer with their stamp, signature and address that shall contain a complete set of notations and descriptions that supply the City staff with all relevant site information. The display house plat shall show the location, size, proposed builder, and the number and location of parking areas of each display home in relation to the proposed lots. The display plats are not to be recorded. Display homes cannot be sold until the plat on which the lot is located is legally recorded as a final record plat.

D. The next step will be to submit five (5) copies of the **improvement plans and specifications** to the City Clerk at City Hall for review by the Planning and Zoning Commission and the City Engineer. Construction of improvements is prohibited until the improvement plans are approved. The improvement plans must include the following:

1. The preferred drawing size shall be 24" x 36"; no drawings shall exceed 36" x 42". White line prints on blue background will not be acceptable. Good drafting practices, either manual or automated (CAD) at a minimum fifty (50) feet to an inch shall be followed;
2. Professional Requirements;
  - a. the construction drawings, project specifications and hydraulic and hydrology calculations shall be prepared by a Registered Professional Engineer as required by Chapter 327 of the Revised Statutes of the State of Missouri;
  - b. All construction documents shall bear an original embossed or wet ink seal, original ink signature and date the documents were sealed by the Registered Professional Engineer;
    - i. Each of the construction drawings shall be sealed by a Registered Professional Engineer;
    - ii. Only the cover sheet of project specifications and hydraulic or hydrology calculations need to be sealed by a registered Professional Engineer;
3. Two (2) digital submittals of approved improvement plans on CD-ROM in Auto cad format for use in upgrading City maps;
4. The Construction drawings, as a minimum, shall include the following sheets:
  - a. cover sheet- cover sheet may contain project specifications, if space is available, otherwise the project specifications shall be submitted as a separate, bound book;
  - b. site plan sheet- sheet showing existing contours
  - c. final grade plan- sheet showing final contours;

- d. Sanitary and storm sewer plan and profile sheets- The storm sewer profile shall include hydraulic grade lines and profile of storm detention facilities.
  - e. street profile sheet;
  - f. water line plan;
  - g. miscellaneous details;
5. A copy of all pertinent Federal, State and County permits shall be submitted to the City before final approval. They shall include but not be limited to the following:
- a. 404 permit from Corps. Of Engineers;
  - b. 401 permit from MODNR (land disturbance);
  - c. Sewer line extension permit from MODNR;
  - d. Water line extension permit from MODNR;

E. The next step in the process is for the Developer to provide a **guarantee for the construction of the public improvements** pursuant to 46.455.

F. The final step in the process is the final plat. The **final plat** must be submitted to the City Clerk at City Hall, with the required fee, within one (1) year after approval of the Preliminary Plat for review by the Planning and Zoning Commission, City Engineer and Board of Aldermen. The following information is either required on final plat or accompanying it:

1. The final plat shall substantially conform to the approved preliminary plat.
2. Name of subdivision;
3. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land;
4. Name of subdivider, owner and Registered Professional Engineer;
5. Locations of section, township, range, City, County and State;
6. Names of adjacent streets within adjoining subdivisions;
7. Plat boundaries showing traverse bearings obtained by determinations of true north by solar or celestial observations and internal angles with dimensions in hundredths of feet to close the traverse bearings within a maximum of one (1) foot in 10,000 feet;
8. Date, scale and north point;
9. Proposed street centerline bearings;
10. Length of all arcs, radii, internal angles, points of curvature and tangent bearings;
11. When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the widths at the building line should be shown;
12. All easements for rights-of-way provided for public services or utilities and any limitations of such easements;
13. All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings and angles to street and alley or crosswalk lines;
14. Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated;
15. Building setback lines and dimensions;
16. Protective covenants, if any, for recording;
17. Surveyor's Certificate, placed on the plat;
18. An express dedication to the public use of all streets, alleys, rights-of-way, parks, school sites, easements, and other public places shown on the plat;
19. Owner's Certificate of Deed if dedication is involved;
20. Certificate of Approval by the Planning and Zoning Commission (to be placed on the plat);
21. A multiple family subdivision tract may be developed in two or more phases, which



shall be clearly indicated on the record plat. The record plat for each phase shall include all previous phases and a reference to the book and page of their recording, and all future phases. Areas designated as future phases need not indicate easements or parking and drive locations, and are not developable until such phases are recorded. Improvement plans and installation or guarantee of improvements are not required for areas designated as future phases, except that the City may require such improvements as are necessary to serve the phase proposed for present development.

After this final plat is submitted, the Planning and Zoning Commission will review the plat and make its recommendation to the Board of Aldermen, which will approve or disapprove the final plat.

After approval of the final plat by the Board of Aldermen, the final plat must be recorded with the Lincoln County Recorder of Deeds. Recording the plat must be done before lots within a subdivision can be sold.

*Adopted by Ordinance #431, 10/22/07. Amended by: Ordinance #450, 2/25/08. Ordinance #465, 4/28/08. Ordinance #514, 4/13/09. Ordinance #509, 7/13/09. Ordinance #555, 7/12/10. Ordinance #600, 7/11/11. Ordinance #647-A, 11/14/12. Ordinance #655, 1/14/13. Ordinance #671, 9/9/13. Ordinance #720, 7/13/15. Ordinance #767, 3/13/17. Ordinance #773, 4/10/17. Ordinance #782, 6/12/17. Ordinance #787, 9/18/17.*