

Table of Contents

CHAPTER 405: UNIFIED DEVELOPMENT ORDINANCE OF ST. CHARLES COUNTY, MISSOURI
"ZONING REGULATIONS"1

PART 1. GENERAL PROVISIONS2

SECTION 405.060: DEFINITIONS.....5

SECTION 405.065: ESTABLISHMENT OF DISTRICTS.....39

SECTION 405.080: "A" AGRICULTURAL DISTRICT.....43

SECTION 405.085: "AT" AGRICULTURAL TOURISM DISTRICT*⁵⁸49

**SECTION 405.090: "RR", "R1A", "R1B", "R1C", "R1D" AND "R1E" SINGLE-FAMILY
RESIDENTIAL DISTRICTS*²¹53**

SECTION 405.095: "R2" TWO-FAMILY RESIDENTIAL DISTRICT67

SECTION 405.100: "R3A" MEDIUM DENSITY RESIDENTIAL DISTRICT71

SECTION 405.105: "R3B" MULTI-FAMILY RESIDENTIAL DISTRICT.....75

SECTION 405.110: "RM" MANUFACTURED/MOBILE HOME RESIDENTIAL DISTRICT79

SECTION 405.115: "PR" PARK RECREATIONAL DISTRICT83

SECTION 405.120: "RF" RIVERFRONT DISTRICT*²²85

SECTION 405.125: "CO" OFFICE DISTRICT91

SECTION 405.130: "C1" NEIGHBORHOOD COMMERCIAL DISTRICT.....95

SECTION 405.135: "C2" GENERAL COMMERCIAL DISTRICT99

ARTICLE VII. "HTCD" HIGH TECHNOLOGY CORRIDOR DISTRICT105

SECTION 405.170: "I1" LIGHT INDUSTRIAL DISTRICT.....113

SECTION 405.175: "I2" HEAVY INDUSTRIAL DISTRICT117

SECTION 405.180: "SWD" SOLID WASTE DISPOSAL DISTRICT.....121

ARTICLE X. "PUD" PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT.....127

**ARTICLE XI. "FW", "FF" AND "DF", FLOODWAY, FLOODWAY FRINGE AND DENSITY
FLOODWAY OVERLAY DISTRICTS137**

SECTION 405.325: FLOODPLAIN DEVELOPMENT PERMIT142

SECTION 405.335: SUBSTANTIAL DAMAGE/IMPROVEMENT.....143

SECTION 405.340: CUMULATIVE IMPROVEMENT/SUBSTANTIAL DAMAGE^{*28} 144

SECTION 405.345: ESTABLISHMENT OF THE FLOODWAY, FLOODWAY FRINGE AND DENSITY FLOODWAY OVERLAY DISTRICTS..... 144

SECTION 405.355: FLOODWAY FRINGE OVERLAY DISTRICT 148

SECTION 405.360: MANUFACTURED/MOBILE HOMES..... 149

SECTION 405.365: FLOODWAY OVERLAY DISTRICT 150

SECTION 405.370: DENSITY FLOODWAY OVERLAY DISTRICT 151

SECTION 405.375: VARIANCE 153

SECTION 405.380: NON-CONFORMING USE 158

SECTION 405.385: PENALTIES FOR VIOLATION 159

ARTICLE XII. WELLHEAD PROTECTION OVERLAY DISTRICT^{*25, *50} 161

ARTICLE I. ADDITIONAL REQUIREMENTS..... 167

SECTION 405.405: ADDITIONAL DWELLING REQUIREMENTS..... 167

SECTION 405.410: ADDITIONAL HEIGHT REQUIREMENTS..... 167

SECTION 405.415: ADDITIONAL YARD REQUIREMENTS 167

SECTION 405.417: ADDITIONAL INSTITUTIONAL, COMMERCIAL, AND INDUSTRIAL STRUCTURE REQUIREMENTS^{*1} 171

SECTION 405.420: ADDITIONAL VEHICLE REQUIREMENTS..... 171

SECTION 405.427: TEMPORARY OUTDOOR SALES OF GOODS OR MERCHANDISE 176

SECTION 405.430: ADDITIONAL ANIMAL REQUIREMENTS 177

SECTION 405.435: LANDSCAPING REGULATIONS FOR ST. CHARLES COUNTY 179

ARTICLE II. PARKING AND LOADING REQUIREMENTS..... 187

SECTION 405.440: DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS.. 187

SECTION 405.445: OFF-STREET PARKING REQUIREMENTS 189

SECTION 405.460: PARKING FOR THE DISABLED 195

ARTICLE III. SIGN REGULATIONS 197

SECTION 405.470: SIGN PERMIT APPLICATIONS..... 197

SECTION 405.475: SIGNS REQUIRING PERMITS..... 198

SECTION 405.480: SIGNS NOT REQUIRING PERMITS^{*28} 206

SECTION 405.490: PROHIBITED SIGNS	208
ARTICLE IV. HOME OCCUPATIONS	211
ARTICLE V. WASTEWATER DISPOSAL ^{*25}	213
ARTICLE VI. REGULATIONS FOR THE PROTECTION OF NATURAL WATERCOURSES	219
SECTION 405.5026: MANAGEMENT AND MAINTENANCE OF VEGETATED BUFFER	222
ARTICLE VII. REGULATIONS CONCERNING HIGH-PRESSURE PIPELINES ^{*9}	225
ARTICLE VIII. REGULATIONS CONCERNING TELECOMMUNICATION FACILITIES ^{*14}	227
ARTICLE IX. REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES ^{*9}	233
PART 4. ADMINISTRATION AND PERMIT PROCEDURES	239
SECTION 405.510: CONDITIONAL USE PERMITS	239
SECTION 405.515: FIREWORKS PERMITS	240
SECTION 405.520: DEVELOPMENT STANDARDS FOR CERTAIN CONDITIONAL USES AND DEVELOPMENT STANDARDS FOR AGRICULTURE - OR WINERY-RELATED TOURISM CONDITIONAL USES ^{*58}	242
SECTION 405.525: SITE PLAN REVIEW	249
SECTION 405.530: LAND USE PERMITS	255
SECTION 405.531: ZONING CONFIRMATION	256
PART 5. PROCEDURES FOR REZONINGS AND AMENDMENTS TO THE ORDINANCE	257
SECTION 405.535: PROCEDURES FOR REZONING AND AMENDMENTS	257
PART 6. NON-CONFORMING USE REGULATIONS	259
PART 7. COUNTY BOARD OF ZONING ADJUSTMENT	263
SECTION 405.590: GENERAL POWERS, DUTIES AND PROCEDURES	263
SECTION 405.630: DUTIES/POWERS	265
SECTION 405.639: APPEALS TO THE COUNTY COUNCIL	267
PART 8. VIOLATION AND PENALTY	269
CHAPTER 410: UNIFIED DEVELOPMENT ORDINANCE OF ST. CHARLES COUNTY, MISSOURI "SUBDIVISION REGULATIONS"	271
ARTICLE I. GENERAL PROVISIONS	272
ARTICLE II. GENERAL REQUIREMENTS	273

SECTION 410.060: APPROVAL BY THE PLANNING AND ZONING COMMISSION AND COUNTY COUNCIL--PROTEST BY MUNICIPALITIES 273

SECTION 410.070: INSTANCES WHEN PLATS WILL NOT BE REQUIRED 274

ARTICLE III. PROCESS AND SPECIFICATIONS 277

SECTION 410.110: PRELIMINARY PLAT REQUIREMENTS 277

SECTION 410.140: PRELIMINARY PLAT APPROVAL..... 281

SECTION 410.145: TREE PRESERVATION PROGRAM FOR ST. CHARLES COUNTY*1 283

SECTION 410.160: IMPROVEMENT PLANS AND INSTALLATION 287

SECTION 410.170: REVIEW AND INSPECTION FEES..... 289

SECTION 410.180: PERFORMANCE GUARANTEE..... 289

SECTION 410.190: FINAL PLAT 291

SECTION 410.230: RECORDING..... 296

SECTION 410.240: VACATION OF SUBDIVISIONS..... 296

SECTION 410.260: BOUNDARY ADJUSTMENT PLAT 298

ARTICLE IV. DESIGN STANDARD/IMPROVEMENTS..... 300

SECTION 410.310: RIGHT-OF-WAY AND UTILITY EASEMENT REQUIREMENTS--GENERAL STANDARDS 302

SECTION 410.330: MINIMUM PAVEMENT WIDTHS 304

SECTION 410.350: STREET GRADES AND CURVED ALIGNMENT..... 305

SECTION 410.360: STREET NAME AND TRAFFIC REGULATION SIGNS, STREET NAMES, AND SUBDIVISION NAMES*14 305

SECTION 410.370: STREET PAVEMENT REQUIREMENTS 306

SECTION 410.390: DESIGNATION OF PRIVATE STREETS 307

SECTION 410.405: MINIMUM PUBLIC STANDARDS FOR EXISTING SUBDIVISIONS UPGRADING THEIR PRIVATE STREET AND STORM SEWER IMPROVEMENTS FOR DEDICATION TO AND MAINTENANCE BY THE PUBLIC*1 308

SECTION 410.410: PUBLIC STORM SEWERS AND OTHER DRAIN APPURTENANCES 309

SECTION 410.420: SANITARY SEWERS 310

EXHIBIT A. REQUIRED SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS*14 314

CHAPTER 412: UNIFIED DEVELOPMENT ORDINANCE OF ST. CHARLES COUNTY, MISSOURI "EROSION AND SEDIMENT CONTROL REGULATIONS"*18 317

ARTICLE II. LAND DISTURBANCE PERMIT*18318

SECTION 412.060: PLAN SUBMITTAL REQUIREMENTS319

SECTION 412.090: ISSUANCE OF A LAND DISTURBANCE PERMIT324

SECTION 412.110: REQUIREMENTS BEFORE CONSTRUCTION STARTUP325

SECTION 412.130: INSPECTIONS AND REPORTS327

SECTION 412.140: VIOLATIONS, CORRECTIONS AND ENFORCEMENT329

ARTICLE IV. DESIGN REQUIREMENTS AND PERFORMANCE GOALS*18333

CHAPTER 415: PRESERVATION OF HIGHWAY CORRIDORS ESTABLISHED IN UNINCORPORATED ST. CHARLES COUNTY341

CHAPTER 417: DIRECTIONAL AND WAY-FINDING SIGNAGE PROGRAM*31343

CHAPTER 420: MISCELLANEOUS REGULATIONS CONCERNING LAND USE349

SECTION 420.020: INSPECTION, MAINTENANCE AND REPAIR OF DETENTION BASINS AND OTHER STORM WATER MANAGEMENT FACILITIES*20, *52349

SECTION 420.030: METHODS OF ASSESSMENT OF BENEFITS UNDER SECTION 67.459, RSMO., FOR ALL NEIGHBORHOOD IMPROVEMENT DISTRICTS*32352

CHAPTER 422: MODEL ILLICIT DISCHARGE AND CONNECTION REGULATIONS*36357

CHAPTER 425: FEES367

CHAPTER 405: UNIFIED DEVELOPMENT ORDINANCE OF ST. CHARLES COUNTY, MISSOURI "ZONING REGULATIONS"

Land Subdivision. (Order of the St. Charles County Court, Nov. 2, 1959.)

In 1972, St. Charles County adopted the Revised Zoning Order for St. Charles County, Missouri [first edition]. (Order of the St. Charles County Court, Dec. 14, 1972.)

In 1975, St. Charles County adopted the Revised Rules for Land Subdivision of St. Charles County. (Order of the St. Charles County Court, July 29, 1975.)

In 1976, St. Charles County adopted the Revised Zoning Order for St. Charles County, Missouri, Second Edition. (Order of the St. Charles County Court, Sept. 14, 1976.)

In 1978, St. Charles County supplemented the Revised Zoning Order for St. Charles County Missouri, Second Edition, by adopting: A Zoning Order Section Introduced by the Governing Body Creating Floodway and Floodway Fringe Districts Defining the Same and Setting Forth Regulations Thereof. (Order of the St. Charles County Court, Dec. 15, 1978.)

In 1990, St. Charles County supplemented the Revised Rules for Land Subdivision of St. Charles County, by adopting: Appendix D--The Model Sediment and Erosion Control Regulations. (Order of the St. Charles County Commission, Jan. 18, 1990.)

In 1992, St. Charles County amended its supplement to the Revised Zoning Order of St. Charles County, Missouri, Second Edition, by amending and adopting: A Zoning Order Section Introduced by the Governing Body Creating Floodway, Floodway Fringe, and Density Floodway Districts Defining the Same and Setting Forth Regulations Thereof. (Order of the St. Charles County Commission, December 14, 1992.)

In 1993, upon the effective date of the St. Charles County Charter (1992), St. Charles County continued in force all existing legislation of St. Charles County, including the Revised Zoning Order for St. Charles County, Missouri, Second Edition, and the Revised Rules for Land Subdivision of St. Charles County, as amended to date. (St. Charles County Charter Art. XI, Section 11.1000 (1992); St. Charles County Ordinance No. 93-1, section 2 (Section 100.140.B of the Ordinances of St. Charles County, Missouri).)

Since 1993, St. Charles County enacted other ordinances further amending the Revised Zoning Order for St. Charles County, Missouri, Second Edition, and the Revised Rules for Land Subdivision of St. Charles County.

In 1999, St. Charles County adopted the Unified Development Ordinance for St. Charles County, Missouri, by ordinance number 99-99 enacted July 12, 1999, replacing Chapters 405 and 410 as then in place and effective August 23, 1999.

Cross Reference--As to subdivision regulations, see ch. 410; as to sediment and erosion control regulations, see §410.510 et seq.; as to floodplain regulations, see §405.245 et seq.

Cross Reference--As to specific fees, see ch. 425 of this code

PART 1. GENERAL PROVISIONS

SECTION 405.010: TITLE

The regulations of Chapter 405, 410 and 412 shall be known and may be cited as the *Unified Development Ordinance* of St. Charles County, Missouri, effective August 23, 1999.^{*18}

SECTION 405.015: PURPOSE

- A. The purposes of this Chapter 405 are to regulate and restrict the use of land and the location of improvements thereon; the height, number of stories, and size of buildings; the percentage of lot that may be occupied; the size of yards and other open spaces; the density of dwelling units; the location and use of buildings, structures, and land for commerce, industry, residence, or other purposes, including areas for agriculture, forestry, and recreation; to divide into districts the unincorporated territory of the County for the aforesaid purposes; to arrange according to this Chapter of the Unified Development Ordinance and reference to maps showing the same, and to regulate and restrict within such districts the erection, construction, reconstruction, alteration, repair, relocation, maintenance, or use of buildings, structures, lots, or land; to provide for off-street parking and loading areas, and solid waste disposal; to provide for rezonings, amendments, permits, enforcement, and penalties, and a Board of Zoning Adjustment, defining its powers and duties.^{*18}

- B. The purposes of Chapters 405 and 410 are to provide adequate services and utilities, safe and convenient access, a desirable and attractive living environment through proper subdivision design, and for the purpose of utilizing development standards directed toward reasonable costs for initial development and continuing maintenance, including the following:^{*18}
 - 1. The proper location and width of streets, building setback lines, open spaces, recreational areas, and public lands;
 - 2. The avoidance of overcrowding of population and congestion of vehicular traffic;
 - 3. The manner in which streets are to be graded and improved, and the extent to which water, sewer, stormwater, and other utility services are to be provided; and
 - 4. The provision of adequate space for traffic for utility facilities; access of emergency apparatus; control of the number, spacing, type, and design of access points to existing or future streets; minimum width, depth, and area of lots; light and air; and proper distribution of population.
 - 5. The preservation of the natural terrain and waterways.^{*18}
 - 6. The control of stormwater that could impact downstream flooding by flowing into stormwater drainage facilities or natural watercourses not capable of receiving the additional stormwater from a development.^{*18}

- C. The purposes of Chapter 412 are to control soil erosion on land that is undergoing development for non-agricultural uses and to preserve the natural terrain and waterways of land. The provisions in Chapter 412 are intended to regulate the design, construction, use, and maintenance of any development or other land disturbance activity.^{*2,*18}

SECTION 405.020: FINDINGS

The County Council finds the passage, adoption, and enforcement of the provisions hereafter contained necessary for the purpose of promoting the health, safety, comfort, and general welfare of the unincorporated portion of St. Charles County; to secure the most appropriate use of land; and to facilitate adequate provision of public improvements throughout the County: BE IT ORDERED BY THE GOVERNING BODY OF ST. CHARLES COUNTY, MISSOURI, AUGUST 23, 1999.

SECTION 405.025: AUTHORITY

- A. St. Charles County enacts this *Unified Development Ordinance* pursuant to St. Charles County Charter Article II, Section 2.529 (1992) grants to the County Council legislative power pertaining to planning and zoning in the part of the County outside incorporated cities, towns and villages, and also pursuant to the State of Missouri's planning and zoning enabling legislation for First-Class Charter Counties (Sections 64.010 to 64.160, RSMo., as presently enacted or as amended hereafter.)
- B. Where the provisions of any planning and zoning enabling legislation enacted by the State of Missouri conflict with this *Unified Development Ordinance*, or with any amendment to it, or with any other ordinance pertaining to planning and zoning that St. Charles County has enacted or may enact hereafter, the provisions of St. Charles County's ordinances shall vary or modify the provisions of such planning and zoning legislation.

SECTION 405.030: APPLICABILITY

This *Unified Development Ordinance* applies to all land, property, and development in the parts of St. Charles County outside incorporated cities, towns, and villages.

SECTION 405.035: RESERVED^{*18}

SECTION 405.040: INTERPRETATION

In interpreting and applying the provisions of this Unified Development Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, or general welfare. It is not intended by the ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, or any Statute, local ordinance, or regulation, except that if this Unified Development Ordinance imposes a greater restriction or higher standard, then this Unified Development Ordinance shall control.^{*18}

SECTION 405.045: SEVERABILITY

All of the Sections of this Unified Development Ordinance shall be severable. In the event that any Section of this Unified Development Ordinance is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining Sections of this Unified Development Ordinance are valid, unless the court finds the valid Sections of this Unified Development Ordinance are so essentially and inseparably connected with and so dependent upon the void Section that it cannot be presumed that the County Council could have enacted the valid Sections without the void Sections; or unless the court finds that the valid Sections standing alone are incompetent and incapable of being executed in accordance with legislative intent.^{*18}

SECTION 405.050: REPEAL

All ordinances or regulations or parts thereof in conflict with any of the provisions of this *Unified Development Ordinance* are hereby repealed insofar as the same are in conflict with the provisions hereof.

SECTION 405.055: RESERVED^{*18}

SECTION 405.060: DEFINITIONS

For the purpose of Chapter 405, Chapter 410 and Chapter 412, the following words and terms used herein are defined to mean the following:^{*18}

Words used in present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "*building*" includes the word "*structure*"; the word "*shall*" or the word "*must*" is mandatory and not directory; the term "*used for*" includes the meaning "*designed for*" or "*intended for*."

ACCESSORY BUILDING: A subordinate building having a use customarily incidental to and located on the lot occupied by the main building.

ACCESSORY STRUCTURE: See APPURTENANT STRUCTURE.

ACCESSORY USE: A use customarily incidental to the main use of the property.

ADMINISTRATOR: The Federal Insurance Administrator.

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

ADULT BOOKSTORE--ADULT NOVELTY STORE--ADULT VIDEO STORE: A commercial establishment that has as a substantial or significant portion of its stock-in-trade and offers for sale, 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 disks, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
2. Instruments, devices, or paraphernalia that are designed or marketed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as "*adult bookstore*", "*adult novelty store*" or "*adult video store*". Such other business purposes will not serve to exempt such commercial establishments from being categorized as an "*adult bookstore*", "*adult novelty store*" or "*adult video store*" so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT CABARET: A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes or disks, slides, or other photographic reproductions in which a substantial or significant portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

ADULT DAY CARE: A group program designed to provide care and supervision to meet the needs of five (5) or more functionally impaired adults (age eighteen (18) or older) for periods of less than twenty-four (24) hours but more than two (2) hours per day in a place other than the adult's own home.

ADULT MOTEL: A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or disks, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of the sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel.

ADULT MOTION PICTURE THEATER: An establishment where, for any form of consideration, films, motion pictures, video cassettes or disks, slides, or similar photographic reproductions are shown, and in which a substantial or significant portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER: A theater, concert hall, auditorium, or similar establishment in which a substantial or significant portion of the presentation time is devoted to the exposure of specified anatomical areas or to specified sexual activities.

AGRICULTURAL AND FARM BUILDINGS: Any building which is necessary or incidental to the normal conduct of a farm as defined herein (see FARM), including, but not limited to, residence of the operator, residence of full-time farm employees; barns, buildings, and sheds for

housing livestock, poultry, and farm machinery; buildings for the storage or shelter of grain, hay, and other crops; silos, windmills, and water storage tanks.^{*28}

AGRICULTURAL COMMODITIES: Agricultural products and livestock.

AGRICULTURAL STRUCTURE: Any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

AGRICULTURE OR FARMING: The planting, cultivating, harvesting, and storage of grains, hay, or plants, vineyards, or trees commonly grown in St. Charles County. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept contains ten (10) acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops.

AIRPORT: A facility for servicing take-off/landing aircraft having a runway or runways and open to public use, but not necessarily to all types of aircraft.

ALLEY: A right-of-way which affords a secondary means of access to abutting property.

ALTERATION: As applied to a building or a structure, 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.

AMUSEMENT GAME MACHINE: A coin or token-operated machine or device which, whether mechanical, electrical, or electronic, shall be ready for play by the insertion of a coin or token, and may be operated by the public for use as a game, entertainment, or amusement, the object of which is to achieve either a high or low score, which, by comparison to the score of other players, whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one (1) player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

AMUSEMENT GAME MACHINE COMPLEX: A group of more than three (3) amusement games or other amusement machines, in the same place, location, or premises.

ANIMAL, EXOTIC OR WILD: An animal which is not of a species customarily used as a household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage.

ANIMAL FEEDLOT: A lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy

facilities, swine facilities, beef lots and barns, horse stalls, mink ranches and domesticated animal zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

ANIMAL, PET: See PETS.

ANIMAL, PET, DOMESTIC OTHER: See PETS, DOMESTIC OTHER.

ANIMAL UNIT: Unit of measure used by the Environmental Protection Agency and the State of Missouri in the regulation of animal feedlots. The average weight of animal divided by one thousand (1000) pounds equals animal units. The following animals are rated in terms of animal units and adopted by the State of Missouri and St. Charles County.

<u>Animal</u>	<u>Head per Animal Unit</u>
broiler	100.0
horse	.5
laying hen	30.0
dairy cow	.7
sheep	10.0
slaughter steer or heifer	1.0
swine over 55 lbs.	2.5
swine under 55 lbs.	15.0
turkey	55.0

ANTENNAS: Any device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips.^{*46}

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

APPEAL: A request for a review of the Director of the Division of Planning and Zoning's interpretation of any provision of this Chapter or Chapter 410 or a request for a variance.

AREA, GROSS: The entire area within the boundary lines of the territory proposed for the subdivision, including the area to be dedicated for street and alley right-of-way and public use.

AREA, NET: The entire area within the boundary lines of the territory proposed for the subdivision, less the area to be dedicated for street and alley right-of-way and public use.

AREA OF LOT: The extent of space within a lot, not including right-of-ways of streets and alleys.

AREA OF SPECIAL FLOOD HAZARD: Land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

ARTERIAL: A highway or street designated as a major thoroughfare in the current Master Plan as approved by the Governing Body for St. Charles County, Missouri.

BAR OR TAVERN: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for the consumption on the premises.

BASE AREA OF MAIN STRUCTURE: The square feet of floor space within the outside line of walls and includes the total of all finished space on the main floor of a building. It does not include porches, garages, or rooms without heating and/or air-conditioning.^{*46}

BASE FLOOD: A flood having a one percent (1%) chance of being equalled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST INN: A facility for overnight lodging where five (5) or more bedrooms are available to the transient public for overnight stay; where there is one (1) off-street parking space for each guest room and for the host; also where breakfast is served. Typically, the host personally interacts with guests in order to better acquaint the guests with the community, and provides hospitality such as that being afforded any house guest.^{*46}

BED AND BREAKFAST RESIDENCE: A single-family residence where the host must live in the residence; where there are between one (1) and five (5) guest rooms to house transient guests for overnight stay; where there is one (1) off-street parking space for each guest room and two (2) off-street parking spaces for the residence; also where breakfast is served. Typically the host personally interacts with guests in order to better acquaint the guests with the community, and provides hospitality such as that being afforded any house guest.^{*46}

BENCHMARK: An identifiable definite point of known elevation and location and of more or less permanent character on M.S.G.S. Datum.

BILLBOARD: Any structure, or portion thereof, not exceeding six hundred seventy two (672) square feet upon which an advertisement is placed, painted, or printed, advertising a person, thing, product, or service not located or sold on the property on which the sign is located, but not including official governmental notices.

BLACKSMITH SHOP: A workshop with a furnace where metal is heated and wrought, where wrought iron is produced, where iron is made malleable, and/or where metal is formed by heating and hammering.

BLOCK: A piece or parcel of land entirely surrounded by public or private highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Director of the Division of Planning and Zoning shall determine the outline of the block.

BOARDING HOUSE OR LODGING HOUSE: A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for three (3) or more persons for compensation, pursuant to previous arrangements, but not for the traveling public or transients.

BOARD OF ZONING ADJUSTMENT (BZA): A body of persons which may determine and vary the regulations contained within the ordinance in accordance with the provisions within Part 7, Sections 405.590 et seq.

BOAT: A water vessel propelled by oars, paddles, sail or power.

BOAT BROKERAGE: An agent who negotiates contracts of purchase and sale of boats.

BODY PIERCING: Any method of piercing the skin or mucosa in order to place any object including, but not limited to, rings, studs, bars or other forms of jewelry through the skin or mucosa. Chapter 645 expressly excludes ear piercing, as defined in Section 645.080(B), as a body piercing procedure.

BREWERY: An industrial use that brews ales, beers, meads, and/or similar beverages for sale and consumption off premises.^{*46}

BROADCAST FACILITY: A facility that generally consists of an equipment building and a guyed or self-support tower, typically constructed of lattice or tubular steel, that supports AM/FM radio and/or VHF or UHF television antennas. The antenna weight ranges from three thousand (3,000) to ten thousand (10,000) pounds. With the exception of AM, these towers are usually located on high ground, as the technology requires "line of sight" between the transmitter and the signal receivers. The facility transmits power levels, measured at the antenna as effective radiated power (ERP), that typically exceed fifty thousand (50,000) watts and may reach five million (5,000,000) watts.

BUILDING: An enclosed structure, anchored to permanent foundation, having exterior or party walls and a roof, designed for the shelter of persons, animals, or property.

BUILDING LINE, FRONT: A line which establishes the required front yard and is generally parallel with the front property line.

CABIN: A building used primarily as weekend or short-term living quarters by persons partaking of recreational activities in the general vicinity. The same regulations shall apply to cabins as apply to dwellings, except when specifically excluded.

CALIPER: The diameter of a trunk six (6) inches above grade.

CAMPGROUNDS: Land used or intended to be used, let, or rented for temporary occupancy for recreational purposes by one (1) or more persons for camping.

CANOPY: A roof-like cover having no supporting walls, but supported otherwise from the ground, deck, floor, or walls of the building.

CENTRALIZED YARD WASTE COMPOSTING FACILITY: A commercial facility where yard waste is accepted from the public for composting. Composting is an aerobic (oxygen-dependent) degradation process by which organic wastes decompose under controlled conditions. Yard waste shall be defined as leaves, grass clippings, yard and garden vegetation, Christmas trees, shrubs, vegetable and flower garden waste, and brush, produced as a result of lawn and garden care and maintenance.

CHANNEL: A natural or artificial watercourse of perceptible extent, with definite beds and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which flows within the limits of a defined channel.

CHURCH: A building principally used for religious purposes, which shall include, but not be limited to, rectories, parish houses, convents, monasteries, temples, and synagogues.

CLEAN FILL: Uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinder blocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the Missouri Department of Natural Resources for fill, reclamation, or other beneficial use. This definition does not include the use of clean fill for raising any residentially zoned property above the existing grade unless the purpose of the clean fill is to raise the first (1st) floor of a structure one (1) foot above the 100-year floodplain. The exclusion of clean fill in residentially zoned subdivisions above the existing grade would only be applicable after the completion of an interim grading and sediment and erosion control plan by the developer.

CLEARING: Any activity that removes, cut down, or covers up vegetative cover of land.^{*18}

CLINIC: An establishment where patients are not lodged overnight, but are admitted for examination and treatment.

CLUB (private): A building or portion of a building intended to be used as a center of informal association for a selective membership not open to the general public. The building could be used by persons for recreational and eating purposes, but not for dwelling purposes other than managerial or transient lodging.

CLUSTER DEVELOPMENT: A residential use that divides land into not more than the number of lots permissible in a conventional subdivision of the same property in the same zoning district, but where the lot areas are reduced in order to gain common open space and reductions in other lot requirements may be considered. Residential units may be single-family or attached single-family, however, units platted through this procedure must all have ground floor living space and not stacked vertically on top of another unit.^{*41}

COLLECTOR: See STREET, COLLECTOR.

COMMERCIAL VEHICLE: A vehicle, truck or bus designed to carry passengers, freight and/or merchandise with one (1) or more of these characteristics:

1. Licensed by a State as a commercial vehicle;^{*43}
2. Exceeds twenty-four (24) feet in length;
3. Conveys a commercial message; or
4. Has materials stored on the vehicle's exterior such as ladder, tools, etc.

COMMISSION: The Planning and Zoning Commission of St. Charles County.

COMMON GROUND: That land set aside for open space or recreational use for the owners of the residential lots in a subdivision, which land is conveyed by the developer to trustees whose trust indenture shall provide that said common ground 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 interest in the common ground, except as an incident of the ownership of a regularly platted lot.

COMMUNITY: Any State or area, or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

COMPOSTING FACILITY: See CENTRALIZED YARD WASTE COMPOSTING FACILITY.

CONDITIONAL USE: A use allowed in a zoning district after a permit is granted, in accordance with the provisions within Part 4 of Chapter 405, Sections 405.510, et seq.

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.

CONFERENCE/EVENTS/LODGING CENTER: A facility with meeting rooms and places for conferences, meetings, weddings and other public assemblies, which may include a hotel or motel to accommodate either persons attending such public assemblies or travelers.^{*58}

CONIFEROUS TREES: Trees at least ten (10) feet tall at maturity, which usually have green foliage throughout all seasons of the year in Missouri.

CONSTRUCTION, EXISTING (for the purpose of determining rates): Structures for which the "start of construction" commenced before September 15, 1978. "Existing construction" may also be referred to as "existing structures." This term applies to the "FW", "FF", and "DF" Overlay Districts.

CONSTRUCTION, NEW: New construction means those structures where new construction or substantial improvement which commenced after September 15, 1978, the effective date of the Flood Insurance Rate Map. This term applies to the FW, FF, and DF Overlay Districts.

CONSTRUCTION PLANS: Complete construction drawings of a facility or improvement, including, but not limited to, road plans and profiles, drainage plans, and utility plans (see IMPROVEMENT PLANS).

CONSTRUCTION, START OF: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured or mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first (1st) alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. This term applies to the "FW" and "FF" Overlay Districts.

COUNTY: St. Charles County, Missouri.

COUNTY COUNCIL: The body established by Article II of the St. Charles County Charter (1992) as the legislative branch of the government of St. Charles County.

COUNTY ENGINEER: A registered professional engineer in the State of Missouri designated by the County Council to perform professional engineering services for the County.

COUNTY EXECUTIVE: The office established by Article III of the St. Charles County Charter (1992) to hold executive power of St. Charles County.

CO-USE: The location of two (2) or more telecommunication antenna or devices (providers) on a single telecommunication tower.

DAYCARE CENTER: A building used for the supervision and care of more than four (4) preschool children, other than those of the operator.

DEBRIS OR SEDIMENT BASIN: A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt, or other materials.

DENSITY: The number of dwelling units developed on one (1) acre of land.

DENSITY FLOODWAY: The adjacent portion of the floodway of the Missouri and Mississippi Rivers, as depicted on the Flood Insurance Rate Map, which permits island development on eighteen percent (18%) of a lot/parcel in the floodplain without cumulatively increasing the water surface elevation by more than one (1) foot.

DETENTION BASIN: A man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

DEVELOPMENT SITE: A site in which one or more lots, tracts or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures included on a single site plan, conceptual site plan or preliminary plat.^{*46}

DIRECTOR OF COMMUNITY DEVELOPMENT: The County officer responsible for the administration of the Department of Community Development pursuant to Chapter 132, Ordinances of St. Charles County, Missouri, who shall possess all other powers previously vested by order or ordinance in the former, and now abolished, Departments of Planning and Building and in the Plan Review and Neighborhood Improvement District functions of the County Highway Department.

DIRECTOR OF THE DIVISION OF BUILDING CODE ENFORCEMENT: The County officer appointed pursuant to Chapter 132 to direct the work of the Division of Building Code Enforcement of the Department of Community Development and to enforce the provisions of this Chapter and Chapter 410.

DIRECTOR OF THE DIVISION OF DEVELOPMENT REVIEW: The County officer appointed pursuant to Chapter 132 to direct the work of the Division of Development Review of the Department of Community Development and to perform the functions assigned to the Division's Director by Chapter 132, this Chapter, and Chapters 410 and 412.^{*24}

DIRECTOR OF THE DIVISION OF PLANNING AND ZONING: The County officer appointed pursuant to Chapter 132 to direct the work of Division of Planning and Zoning of the Department of Community Development and to enforce the provisions of this Chapter and Chapter 410.

DISTRICT: A part of the unincorporated portion of the County wherein regulations of this Chapter or Chapter 410 are uniform.

DIVERSION: A channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

DRIP LINE: The outermost perimeter of the crown of a plant as projected vertically to the ground.

DRY-FLOODPROOF: to protect against flood-damage as provided in 44 C.F.R. sections 60.3(c) and 78.12(e).^{*46}

DUPLEX: See DWELLING, TWO-FAMILY.

DWELLING: A building, or portion thereof, designed and used exclusively for residential occupancy.

DWELLING, MULTIPLE: A building, or portion thereof, arranged, intended or designed for occupancy by three (3) or more families, including apartment houses, row houses, tenements, and apartment hotels.

DWELLING, ONE-FAMILY: A detached building arranged, intended, or designed for occupancy by one (1) family.

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).

EASEMENT: The right to use another person's property, but only for a limited and specifically named purpose.

EASEMENT OF ACCESS: A grant by a property owner to the public, a corporation, or a person for ingress and egress purposes only.

ENGINEER: A registered professional engineer licensed by the State of Missouri.

EROSION: The wearing away of the land surface by the action of wind, water, or gravity.

ESCORT: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person or who agrees to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT (SEXUALLY ORIENTED): Any of the following:

1. The opening or commencement of any sexually oriented business as a new business;

2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
3. The additions of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

EXCAVATION OR CUT: The removal, stripping, or disturbance of soil, earth, sand, rock, gravel, or other similar substances from the ground.

EXEMPTED QUANTITY. For each hazardous substance, a weight less than the Final Reportable Quantity listed on the U.S. Environmental Protection Agency's List of Hazardous Substances, 40 CFR 302.4. For each extremely hazardous substance, a weight less than the Reportable Quantity listed on the U.S. Environmental Protection Agency's List of Extremely Hazardous Substances, 40 CFR 355, Appendix A. For any liquid petroleum product not listed as a hazardous or extremely hazardous substance, a quantity of 60 gallons or less. Where regulated substances are dissolved in or mixed with other non-regulated substances, only the actual quantity of the regulated substance present shall be used to determine compliance with the provisions of this chapter. The exempted quantity shall be measured as the total quantity of that substance per facility at any one time.^{*50}

EXISTING CONSTRUCTION: See CONSTRUCTION, EXISTING.

EXISTING GRADE: The vertical location of the existing ground surface prior to excavation or filling.

EXTREMELY HAZARDOUS SUBSTANCE. See REGULATED SUBSTANCE.^{*50}

FAMILY: One (1) or more persons who are related by blood, marriage or adoption, living together and occupying a single housekeeping unit.

FARM: A parcel of land used for growing or raising agricultural products, including related structures thereon.

FARM STAND: A temporary structure and/or land area, not to exceed a gross floor and/or ground area of 500 square feet from which agricultural products produced on the premises are sold to the general public.^{*14}

FARM STAND, COMMERCIAL: A structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants grown on the premises and may be augmented by imported products of the same type. The accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts may also be considered. The floor area devoted to the sales of these accessory items shall not exceed 50 percent of the total sales area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold at a commercial farm stand.^{*14}

FEMA: Federal Emergency Management Agency.

FENCES: An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.

FILL OR FILLING: The placing of any soil, earth, sand, rock, gravel, or other substance on the ground.

FINAL PLAT: See PLAT, FINAL.

FINISHED GRADE: The final grade or elevation of the ground surface conforming to the proposed design.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland and/or;
2. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

FLOOD ELEVATION DETERMINATIONS: A determination by the Federal Insurance Administrator of the water surface elevations of the base flood: that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY: An examination, evaluation, and determination of flood hazards.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended, and which have been constructed specifically to

modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depth of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plan, flood control works, and floodplain management regulations.

FLOODPLAIN OR FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source (see FLOOD OR FLOODING).

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOODWAY FRINGE: That area of the floodplain, outside of the floodway, that has a one percent (1%) chance of a flood of a 100-year magnitude in any one (1) year.

FLOOR AREA: The square feet of floor space within the outside line of walls and includes the total of all finished space on all floors of a building. It does not include porches, garages, or unfinished space in a basement.

FLOOR AREA RATIO: The ratio between the total square feet of floor area in a structure and the total square feet of land in the lot or tract on which the structure is located.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

FRONTAGE: All property on one (1) side of a street or highway, measured along the right-of-way line of the street.

GARAGE, COMMUNITY: A building, or portion thereof, providing private parking of motor vehicles for persons residing on the premises.

GARAGE, PRIVATE: An accessory building for storage of private motor vehicles located on the same property as the residence.

GARDEN CENTER: A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other lawn and garden

variety tools, lawn and garden supplies, water gardens, outdoor furniture, irrigation equipment, mulch and yard ornaments.^{*14}

GENERAL SERVICE OR REPAIR ESTABLISHMENT: Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments but excludes those classified more specifically by definition.^{*46}

GOVERNING BODY: The executive and/or legislative branches of St. Charles County government as defined and empowered by the County Charter.

GRADE: The slope of a surface measured by the change in vertical distance versus the change in horizontal distance and specified in percent, as a ratio, or in feet per feet, and shown on a surface profile plan as required herein.

GRADE LEVEL, FINISHED: The final elevation of the ground surface after development.

GRADE LEVEL, NATURAL: The elevation of the ground surface in its natural state, before man-made alterations.

GRADING: Any excavation or filling or land disturbance, or combination thereof.

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

GREENHOUSES: A structure whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants. The term includes cold frame structures which are temporary in nature including inflatable structures.^{*14}

GROUP HOME FACILITY: A non-medical facility providing shelter, counseling, and, where necessary, other rehabilitative services, supervision, or assistance to no more than eight (8) unrelated persons who, due to mental or physical disability, pregnancy, or status as a minor who is unable to live with parents or guardians, reside together in a family-type environment as a single, housekeeping unit. Such a group home facility shall have the appearance of a conventional single-family residence with a single kitchen facility. Homes recognized as Oxford Homes shall be considered group homes. Excluded from the definition of group home facility are homes established for or occupied by residents who are permitted to live in “halfway houses” including residences in which the residents are criminal offenders in work-release sentence or on parole or probation, or persons who use or are addicted to a controlled substance. A Group Home Facility shall be a permitted use only if it has received administrative approval from the Director of the Division of Planning and Zoning as set out in Section 405.078.8 and is operated in conformance with conditions and standards specified in that Subsection and all other applicable governmental regulations and requirements.^{*8,*46}

GUYED TOWER: A structure composed of three (3) or four (4) support legs, that is, "guyed" by wires to anchors in the ground placed at radial distances from the tower, and is used to support telecommunications equipment and antennas. Generally, heights range from sixty (60) feet to five hundred (500) feet. Guyed towers are less bulky than self-support towers at the same height, location, and loads.^{*46}

HALFWAY HOUSE: A facility in which persons reside together by reason of probation or parole from incarceration or by reason of the terms of a criminal conviction.

HANDICAPPED PARKING SPACE: A reserved surface area not less than thirteen (13) feet wide and identified by an above-grade sign designating the space for parking by the physically disabled.

HAZARDOUS SUBSTANCE. See REGULATED SUBSTANCE.^{*50}

HEIGHT OF BUILDINGS: The vertical distance from the average grade of the front yard to the highest roof surface.^{*28}

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HIGH PRESSURE PIPELINE: A pipeline for the transmission of any substance, including but not limited to crude oil, highly volatile liquids (including anhydrous ammonia), petroleum products, carbon dioxide, jet fuel, natural gas or any other derivative product thereof, any of which products are under pressure of more than 350 pounds per square inch and regulated by the United States Department of Transportation.^{*9}

HIGHWAY: See ARTERIAL.

HISTORIC SITE: A structure or place of historical significance; may be designated as such by local, State, or Federal Government.

HISTORIC STRUCTURE: Any structure that is (a) listed individually in the National Register of Historic Places (a) listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State Inventory of Historic Places in States with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a Local Inventory of Historic Places in communities with historic preservation programs that have been certified either (1) by an approved State program as determined by the Secretary of the Interior, or (2) directly by the Secretary of the Interior in States without approved programs.

HOME OCCUPATION: An occupation or profession carried on by one (1) or more members of the household, residing on the premises, which is clearly incidental and secondary to the use

of the dwelling unit for residential purposes, and which conforms to the standards and provisions contained within Part 3, Article IV, Section 405.495 of this Chapter.

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

HOTEL: A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, including related customary services and in which there are no provisions for cooking in individual rooms.

HOUSEHOLD: Any of the following groups of individuals provided the number of individuals in a home is further regulated by Title V Building and Construction of St. Charles County, Missouri: 1) Any number of persons related by blood, marriage or adoption, plus (a) a domestic employee serving residents on the premises; (b) children under the age of 18 who may not be related to any or all of the other residents but who are under the guardianship or in foster care of an adult resident; 2) A group including not more than two adults together with any number of children related by blood or legal adoption to at least one of the adults; or 3) a group of not more than three adults whether or not related to one another living together as a single housekeeping unit.^{*46}

IMPROVEMENT PLANS: The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in or in conjunction with the proposed subdivision.

IMPROVEMENTS (LAND): Refers to site grading, street pavement, monuments, sidewalks, water mains, sanitary sewers, storm sewers, street signs, and special structures, to be installed or agreed to be installed by the subdivider on land to be used for public streets.

IMPROVEMENTS (STRUCTURAL): See ALTERATION.

INSTITUTION: A non-profit or quasi-public use, such as a church, library, public or private school, hospital, or municipally owned or operated building, structure, or land used for public purpose.

JUNK YARD: See SALVAGE YARD.

KENNEL: An establishment where dogs, cats, or other small animals are boarded for compensation, bred, or raised on a commercial scale.

LAND DISTURBANCE: Clearing or grading or any other action which results in removal, covering up, or cutting down of the natural site vegetation and/or destruction of the root zone or otherwise results in leaving the ground surface exposed to soil erosion through the action of wind or water.^{*18}

LAND SURVEYOR: A land surveyor registered in the State of Missouri.

LANDING FIELD: A facility for take-off and landing of aircraft, with or without services available for aircraft, which is operated for private use.

LANDSCAPE CONTRACTOR: A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage systems) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground. Vehicles, equipment and materials used in the business may be stored on site including rock, mulch, soil, and some plant material which is not grown on the site. Retail and wholesale sales of products and services are not accomplished from the site.^{*14}

LANDSCAPING: The development and decorative planting of gardens, grounds, or other natural landscapes.

LARGE TREES: Deciduous shade trees with a mature height of thirty (30) feet or greater and a mature spread of thirty (30) feet or greater.

LAWN CARE SERVICE: A business devoted to cutting grass on private or public property. Such service shall not include materials or equipment used for landscaping.

LIQUID PETROLEUM PRODUCT. See REGULATED SUBSTANCE.^{*50}

LIVESTOCK: Animals kept or raised for use, pleasure, or profit; typically farm animals. Shall include, but not be limited to: cattle, horses, poultry, sheep, and swine.

LOADING SPACE: A space within the main building or on the same lot for standing, loading, or unloading trucks.

LOT: A parcel of land occupied or to be occupied by one (1) main building or unit group of buildings and the accessory buildings or uses customarily incidental thereto, including such open spaces as are required under this Chapter or Chapter 410, and having its principal frontage upon a public or private street.

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

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to have a front yard setback for each street.

LOT, FLAG: A lot with access provided to the bulk of the lot by means of a narrow corridor. The bulk of the lot with the exception of the access area must meet the minimum lot width and area requirements for the district in which the lot is located.

LOT LINE, FRONT: The boundary line between a lot and the street right-of-way on which it borders.

LOT LINE, REAR: The boundary line which is opposite and most distant from the front street line, except that, in the case of uncertainty, the Director of the Division of Planning and Zoning shall determine the rear line.

LOT LINE, SIDE: Any lot boundary line not a front or rear line thereof.

LOT LINES: The lines bounding a lot as defined herein.

LOT OF RECORD: A lot or parcel of land, the plat or deed of which has been recorded in the office of the Recorder of Deeds of St. Charles County, Missouri, prior to the adoption of this ordinance.

LOT, THROUGH: An interior lot having frontage on two (2) streets. A through lot shall be deemed to have a front yard setback for each street.

LOT WIDTH: The horizontal distance between side lines, measured at the front building line.

LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter or Chapter 410.

MANUFACTURED HOME: A residential dwelling built after June 15, 1976 in accordance with the Federal Manufactured Home Construction and Safety Standards, which standards apply to homes to be constructed on a non-removable steel chassis.^{*14}

MANUFACTURED/MOBILE HOME PARK SUBDIVISION, EXISTING: Any area, tract, or site of land zoned "RM", Mobile Home District, whereupon manufactured or mobile homes, as defined within the ordinance, are placed or located on individual lots, and intended to be used, let, leased, or rented, for dwelling purposes.

MANUFACTURED HOME SUBDIVISIONS: A subdivision designed and/or intended for the sale of all lots for sitting manufactured and/or modular structures.^{*14}

MARINA: A dock or basin providing secure moorings for motorboats and yachts and often offering supply, repair and other facilities.

MARKET VALUE OR FAIR MARKET VALUE: An estimate of what is fair, economic, just, and equitable value under normal local market conditions.

MASSAGE PARLOR: A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or

manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MASTER PLAN: The long-range plan for the County intended to guide the future growth and development of the area. Includes analysis, recommendations, and goals and objectives for the community's population, economy, housing, transportation, community facilities, and land use.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

MICROBREWERY: A restaurant that prepares handcrafted natural beer as an accessory use for consumption on the premises. Such accessory use may occupy up to 30 percent of the gross floor area of the restaurant.^{*46}

MINING: The extraction of minerals including: solids such as coals and ores, liquids, such as crude petroleum, and gases, such as natural gases. The term also includes quarrying, milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as a part of mining activity.

MOBILE HOME: A residential dwelling unit that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards. Such structure has a chassis, axles, and a hitch, which are part of the structure and which may reasonably be equipped with wheels for transporting the structure from place to place. (Does not include recreational vehicles or travel trailers.)^{*14}

MODULAR STRUCTURE: A factory fabricated building unit, exclusive of manufactured homes and mobile homes, designed to be incorporated with one or more similar units at a building site into a modular structure to be used for residential purposes. Such a modular unit is delivered with a seal issued the Missouri Public Service Commission certifying the unit as a modular structure, and also with a purchaser's certificate of compliance certifying that the unit as a modular structure has been constructed to applicable standards by the Missouri Public Service Commission for modular units.^{*14}

MONOPOLE: A structure composed of a single spire used to support telecommunications equipment and antennas. Generally, constructed of steel and at heights typically ranging from twenty (25) to one hundred twenty-five (125) feet. The structure is usually circular in sections, with base diameters increasing with height and loads from about twenty-four (24) to about forty-eight (48) inches.

MOTEL: Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with

garage or parking space located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.

NATIVE VEGETATION: Plant life or total plant cover indigenous to the surrounding area.

NATURAL WATERCOURSE: A channel formed in the existing surface topography of the earth prior to changes made by unnatural conditions.

NEW CONSTRUCTION: See CONSTRUCTION, NEW.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: See MANUFACTURED/MOBILE HOME SUBDIVISION, NEW.

NIGHTCLUB: A commercial establishment dispensing alcoholic beverages for consumption on the premises and where a dance floor or entertainment is provided.

NON-CONFORMING USE: The lawful use of land or a building, or a portion thereof, which use does not conform with the use regulations of the district in which it is located and which use existed at the time of the adoption of this ordinance.

NURSERY: An enterprise that conducts the retail and/or wholesale sale of trees, shrubs, flowers, and grasses grown on or off the premises for transplanting as well as accessory items. Accessory products for sale may include but are not limited to fertilizers, mulch, edging material, top soil. Services associated with the nursery include landscape design and installation of materials sold from the nursery.^{*14}

NURSERY, DAY: See DAYCARE CENTER.

NURSERY SCHOOL: See PRESCHOOL.

NURSING HOME (CONVALESCENT CARE FACILITY): Any premises which provides twenty-four (24) hour accommodation, board, personal care, and nursing care or skilled nursing care services under the daily supervision of a licensed nurse or registered professional nurse and under the direction of a licensed physician to the aged or infirmed; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

OFF-PREMISE SIGN: See BILLBOARD.

ON-PREMISE SIGN: See SIGN (ON-PREMISE).

100-YEAR FLOOD: The base flood having a one percent (1%) chance of annual occurrence.

OPEN CHANNEL: A constructed ditch or channel designed for water flow.

OPEN SPACE: Area within a development which can be graded, landscaped or left in its natural state and is intended to be maintained for active or passive recreational use. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, parking areas, required landscaped areas, and required setbacks shall not constitute open space.^{*28}

OPEN STORAGE: Storage of material or goods on the ground outside a building.

OVERLAY DISTRICT: A district which acts in conjunction with the underlying zoning district or districts. The original underlying zoning district designation does not change.

PARCEL OF LAND: A separately designated area of land delineated by identifiable legally recorded boundary lines.

PARKING SPACE: A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile, and not less than nine (9) feet wide and nineteen (19) feet long, together with a parking aisle or driveway connecting the parking space with a street, road, or alley, and permitting ingress and egress for automobiles.

PASSENGER CAR: A motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles, ATV's, recreational vehicles and trucks that meet the definition of a commercial vehicle.^{*46}

PERFORMANCE GUARANTEE: Escrow agreement or lender's agreement or (for an amount of Five Thousand Dollars or less) certified check or standby letter of credit as required by Chapters 405, 410 or 412 and authorized by ordinance to secure installation of improvements or erosion and sediment controls.^{*24,*28}

PERMEABILITY TEST: A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.

PERSON: An individual, proprietorship, partnership, corporation, association, or other legal entity.

PERSONAL SERVICE ESTABLISHMENT: An establishment which offers specialized goods or services purchased frequently by the consumer. Included are barbershops, beauty shops, massage facilities, chiropractic clinics, garment repair, laundry cleaning, pressing, dyeing, tailoring, shoe repair, and other similar establishments.^{*46}

PET: A domesticated animal kept for pleasure rather than utility. Small animals including fish or fowl permitted in the house or yard and are customarily kept for personal use or enjoyment within the home. Shall include but not be limited to: dogs, cats, rabbits, small mammals, common aquarium animals, fish, domestic tropical birds (i.e. canaries, parrots, parakeets), rodents and animals which may be classified as "domestic other" (not defined as exotic or wild

animals). The number of particular type of pet may be further regulated under Exhibit 1, Permitted Animal Regulations.

PET, DOMESTIC OTHER: An animal that may be considered appropriate as a pet which is not classified as an exotic or wild animal. The animal is kept for personal use and is customarily kept within the home. This classification may include such animals as pot bellied pigs, ferrets, or other animals that may be allowed as pets by the County Community Health and the Environment Director.

PLANNED DEVELOPMENT DISTRICT: A planned development district is a comprehensively planned development containing residential, commercial, industrial, and/or other land uses on an area of land in single, partnership, or corporate ownership, and under unified control.^{*46}

PLANNED UNIT DEVELOPMENT (PUD): A single parcel or contiguous parcels of land intended to be developed in accordance with an overall design plan (preliminary development plat), which may or may not have a mixture of land uses.

PLANNING AND ZONING COMMISSION: St. Charles County Planning and Zoning Commission.

PLAT: A map, plan, or layout of a subdivision indicating to scale the location and boundaries of individual properties.

PLAT, BOUNDARY ADJUSTMENT: A plat which depicts a change in a recorded subdivision that affects any lot line, provided that no new lot or illegal zoning lot is created.

PLAT, FINAL: 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.

PLAT, PRELIMINARY: Preliminary engineering maps, drawings, or charts, and supportive material indicating the proposed layout of the subdivision.

PLAT, RESUBDIVISION: A final plat which depicts a change in a recorded final subdivision plat that affects any street layout, easement of access, right-of-way, design concept, or creates a new lot, provided that no illegal zoning is created.

POLITICAL SIGN: A sign identifying and urging voter support for a particular election issue, political party or candidate for public office.^{*28}

PRESCHOOL: A pre-kindergarten school for children, primarily between the ages of three (3) and five (5).

PUBLIC HEARING: A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

QUARRY: A place where rock, ore, stone, and similar materials are excavated for sale or off-tract use.

RECREATION, COMMERCIAL INDOOR: A commercial recreational use conducted entirely within a building, including arcade, arena, athletic clubs, fitness and health clubs, auditorium, bowling alley, gymnasium, billiard hall, skating rink, swimming pool, basketball, soccer, volleyball, racquetball, handball, tennis court.^{*23}

RECREATION, COMMERCIAL OUTDOOR: Predominantly participant recreational uses conducted in the open or partially enclosed facilities. Typical uses include swimming pools, tennis courts, racquetball courts, athletic fields, archery ranges and shooting ranges. Enclosed facilities providing accessory functions including concessions, locker rooms, restrooms and indoor space for those activities that are provided outdoors shall be permitted. The total area of the enclosed structures shall not exceed three percent (3%) of the total site area.^{*23}

RECREATIONAL EQUIPMENT: Boats, boat trailers, travel trailers, motor homes and recreational vehicles.

RECREATIONAL USES: Uses for the conduct of sports, leisure-time activities, and other customary and usual recreational activities.

RECREATIONAL VEHICLE: A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less, when measured at the largest horizontal projection;
3. Designed to be self-propelled or towable by a vehicle; and
4. Designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, but not for use as a permanent dwelling.

RECYCLING CENTER: A facility at which recyclable and recoverable material already separated from the waste stream is deposited, collected, and prepared for shipment elsewhere. Treatment of the collected material is limited to that which is necessary to prepare it for shipment, such as dismantling, crushing, shredding, and compacting. No manufacturing or conversion of the material into another product is allowed at a recycling center.

RECYCLING COLLECTION FACILITY: A collection or drop-off facility designed to allow turn-in of recyclable or reusable materials. Such a facility may utilize outdoor collection receptacles, such as bins, boxes, cans, kiosks, and igloos, as well as collection vans and trailers. A recycling collection facility must be maintained free of litter, and all collected material must

be secure from unauthorized removal. A recycling collection facility may not process or treat the collected material other than ordinary sorting, baling, and similar preparation for shipment elsewhere. The total area utilized by a recycling collection facility shall not exceed five hundred (500) square feet.

REGULATORY FLOOD ELEVATION: Elevation indicated on the Flood Insurance Rate Map as the elevation of the 100-year flood.

REGULATORY FLOOD PROTECTION ELEVATION: An elevation one (1) foot above the regulatory flood elevation.

REGULATED SUBSTANCE. Any hazardous substances, extremely hazardous substances, or liquid petroleum products which are more particularly defined as follows: ^{*50}

1. Extremely hazardous substance. Any substance so designated by the U.S. Environmental Protection Agency on their official "List of Extremely Hazardous Substances", 40 CFR 355 Appendix A, as last amended, and which is either a solid (including granular and gel) or liquid at room temperature. ^{*50}
2. Hazardous substance. Any substance so designated by the U.S. Environmental Protection Agency on their official "List of Hazardous Substances", 40 CFR 302.4, as last amended, and which is either a solid (including granular and gel) or liquid at room temperature. ^{*50}
3. Liquid petroleum product. Any flammable liquid hydrocarbon product refined from bituminous materials, including but not limited to gasoline, diesel fuel, benzene, toluene, lubricants for internal combustion engines, home heating oil, kerosene, creosote, coal oil, and naphtha. ^{*50}

RESIDENCE: Any single or multi-family living space containing kitchen and bathroom facilities and which is used, or intended by design to be used, by one or more persons as a place of occupancy. ^{*9}

RESIDENTIAL STRUCTURE, PRIMARY: The main residential structure on the property which has kitchen and bedroom facilities, not including any detached buildings.

RESOURCE RECOVERY FACILITY: A facility at which recyclable and recoverable material is separated and removed from the waste stream for reuse or remanufacture. Once removed from the waste stream, the material is processed for shipment elsewhere. Said processing may include shredding, crushing, baling, grinding, and compacting, as well as manufacturing or converting the material into another product.

RESTAURANT: An establishment where food and drink are prepared, served, and consumed by persons seated within the building (this includes cafes, cafeterias, ice cream parlors, and tea rooms).

RESTAURANT, FAST-FOOD: Restaurants where customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.^{*46}

RETENTION BASIN: A pond, lake, or basin used for the permanent storage of water runoff, without release except by means of evaporation, infiltration or emergency by-pass.^{*14}

RIGHT-OF-WAY: A dedication of land to be used generally for streets, alleys, or other public uses, wherein the owner gives up owner's rights to the property as long as it is being used for the dedicated purpose. Right-of-way is also a land measurement term meaning the distance between lot property lines which generally contains not only the street pavement, but also the sidewalks, grass area, underground utilities, and sometimes above ground utilities.

RIVERBOAT GAMBLING VESSEL: A boat or ferry, whether floating or permanently docked, licensed by the Missouri Gaming Commission, on which gambling activities are allowed.

ROAD BED: The entire improved portion of the street, including shoulders, parking lanes, travel ways, curbs, and gutters which lie between the right-of-way lines.

RURAL RECREATIONAL ACTIVITY: A permanent or seasonal commercial activity drawing clients or customers to a rural property either for such recreational purposes as picking produce for purchase (pick-your-own apple orchards or pumpkin farms, for example), visiting pumpkin patches or corn mazes or petting farms, or taking sleigh or hay-wagon rides.^{*58}

SALVAGE YARD: A parcel of land on which waste material, dismantled or inoperative vehicles, equipment, and other machinery is collected, stored, salvaged, or sold.

SANITARY LANDFILL: Land used or intended to be used, let, leased, rented, or sold for occupancy by the establishment of a landfilling method of disposing of garbage, rubbish, and ashes on land without nuisance, fire, or public health hazard.

SEDIMENT: Solid material, mineral or organic, that has been moved by erosion and deposited in a location other than the point of origin.

SEMI-PUBLIC: A private non-profit organization open to some persons outside the regular constituency (i.e., American Legion and VFW).

SETBACK, FRONT: The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

SETBACK LINE: The line parallel to the front, side, or rear lot line establishing the minimum space to be provided as the front, street, or shoreline of a lake or a river.

SETBACK, SIDE/REAR: The distance between the property line and the building or any projection thereof.

SEXUAL ENCOUNTER ESTABLISHMENT: A commercial establishment other than a hotel, motel, or similar establishment offering public accommodations which, for any form of consideration, provides a place where two (2) or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in sexual therapy.

SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, massage parlor or sexual encounter establishment.

SHRUBS: A low, woody plant, either evergreen or deciduous, with a mature height usually less than ten (10) feet, having several stems but no trunk.

SIGHT TRIANGLE: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN (OFF-PREMISE): See BILLBOARD.

SIGN (ON-PREMISE): Any words, numerals, figures, devices, designs, or trademarks by which information is made known concerning the existence of a commercial enterprise, service, or other activity conducted, sold, or offered on the premises on which the sign is erected.

SITE: A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT: Altering terrain and/or vegetation and constructing improvements.

SITE PLAN: A drawing or plan illustrating a proposed development and prepared in accordance with the regulations outlined in the various Sections of the ordinance, with special reference to Part 4, Section 405.525, Site Plan Review.

SKEET/TRAP SHOOTING CLUB: A facility for the shooting of clay pigeons. The clay targets are sprung from a trap away from the shooter, or are thrown in such a way as to simulate the angles of the flight of birds.

SMALL TREES/LARGE SHRUBS: Deciduous trees or shrubs with a mature height of ten (10) to thirty (30) feet.

SPECIFIED ANATOMICAL AREAS: Any of the following:

1. Bare human male or female genitals, buttocks, anus or pubic area with less than full opaque clothing covering;

2. The female breast below a horizontal line across the top of the areola, or a simulation thereof, at its highest point with less than fully opaque clothing covering. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, shirt, leotard, bathing or swimsuit, or other wearing apparel, provided the areola is not exposed in whole or in part; or
3. The covered male genitals in a discernibly turgid state.

SPECIFIED SEXUAL ACTIVITIES: Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. Excretory functions as part of or in connection with any the activities set forth in (1) through (2) above.

STABLE, BOARDING: A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises where the owners of the horses on the property train the horses and the horses are not utilized for remuneration or hire.^{*28}

STABLE, PRIVATE: An accessory building for the keeping of horses, ponies, or mules owned by occupants of the premises, and not kept for remuneration, hire, or sale.

STABLE, RIDING: A facility used principally for pleasure riding, polo, or driving of horses and ponies, which may also include uses such as shows in riding arenas, and the training, hire or sale of horses or ponies as additional uses to the principal use of the facility.^{*28}

START OF CONSTRUCTION: See CONSTRUCTION, START OF.

STEALTH TELECOMMUNICATION TOWER: Any telecommunication tower that is integrated as an architectural feature of a structure so that the purpose of supporting antennas is not readily apparent to a casual observer.^{*46}

STREAM BANK, TOP OF EXISTING: The top of the natural incline bordering a natural watercourse.

STREET: A thoroughfare which affords principal means of access to property abutting thereon, and including all State and County highways.

STREET, COLLECTOR: Collector streets interconnect the major arterial system with local streets; provide internal circulation within residential, commercial, and industrial areas; provide access to abutting properties; and have a moderate volume and design capacity and travel speeds.

STREET, CUL-DE-SAC: A short, minor, local street, having only one (1) end for vehicular traffic, and the other permanently terminated by a turnaround for vehicles.

STREET, MINOR: Minor streets provide access to abutting properties, have relatively short travel distance, and have a low-volume design capacity and travel speeds.

STREET RIGHT-OF-WAY LINE: The line separating a lot, tract, or parcel of land from the contiguous right-of-way of a street.

STRUCTURAL ALTERATIONS: Any change which would prolong the life of the supporting member of a building or structure, such as bearing walls, columns, beams, or girder, not including openings in bearing walls permitted by other ordinances.

STRUCTURE: Anything erected, reconstructed, altered, repaired, relocated, or portable, the use of which requires a location on a parcel of land. It includes a movable structure: it is located on land which can be used for housing, business, commercial, industrial, agricultural, or office purposes, either temporarily or permanently.

SUBDIVIDER: Any person, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein.

SUBDIVISION: Shall, for the purpose of these regulations, be the division of a tract of land:

1. Into three (3) or more lots, tracts, sites, or parcels, where each of which are less than ten (10) acres in area, providing that no illegal zoning lot is created; or^{*28}
2. The division of a tract of land into any number of lots, tracts, sites, or parcels of any size in which a public street is to be dedicated, reserved, platted, opened, or constructed, or the dedication or platting, or recording of any streets; or
3. The division of a tract of land into three (3) or more lots, tracts, sites, or parcels which front on and utilize an easement of access.^{*28}

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL ENLARGEMENT OF SEXUALLY ORIENTED BUSINESS: An increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this Article takes effect.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure", or (c) an improvement that does not require a building permit under applicable codes enacted in Title V, Ordinances of St. Charles County, Missouri.

TATTOOING: Any method of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

TATTOOING AND BODY PIERCING: The practice of physical body adornment by any method including, but not limited to, the following: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by a State Medical Board, such as implants under the skin. This definition also does not include ear piercing as fully defined in Section 645.080(B).

TATTOOING AND BODY PIERCING ESTABLISHMENT: Any place of business which performs tattooing and body piercing.

TELECOMMUNICATION FACILITY: An unmanned facility consisting of equipment buildings, shelters or cabinets, accessory equipment, and an existing or new structure or tower to support antennas used for the reception, switching, and/or transmission of wireless communications, including, but not limited to, paging, enhanced specialized mobile radio (ESMR), Personal Communications Services (PCS), domestic public cellular radio telecommunications service (Traditional Cellular), and similar technologies.^{*46}

TELECOMMUNICATION TOWER: A lattice-type, guyed or monopole structure that supports one or more antennas.^{*46}

TELECOMMUNICATION TOWER FARM: The placement of more than one telecommunication tower on a lot.^{*46}

TOWNHOUSE: A one (1) family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire-resistant walls.

TRAILERS: A vehicle standing on wheels, towed or hauled by another vehicle, and used for carrying materials, goods, or objects.^{*14}

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS: Any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

TRASH TRANSFER STATION: A facility at which municipal solid waste is unloaded from small collection vehicles and loaded onto a larger means of transport for hauling. A trash transfer station may or may not be operated in conjunction with a resource recovery facility.

TRAVEL TRAILERS: A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses.

TRAVEL TRAILER PARK: A parcel of land under a single ownership that has been planned and improved for the placement of travel trailers and recreational vehicles.

TREE CANOPY: The area in square feet of a tree's spread. Existing tree canopy is determined by measuring the ground's surface area that is covered by the branch spread of a single tree. Ultimate tree canopy is determined by assigning the following values for planted trees: one thousand (1,000) square feet for a large deciduous tree, seven hundred (700) square feet for each medium deciduous tree or conifer and three hundred (300) square feet for each small flowering tree.^{*14}

TREE PROTECTION AREA: All land within the canopy drip line of a tree.

TWINHOME: See DWELLING, TWO-FAMILY.

VARIANCE: Relief from or variation of the provisions of these regulations, other than use regulations, and as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter within Part 7 of this Chapter 405, Sections 405.590 et seq. Also, a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

VEGETATED BUFFER: Area of plant life or total plant cover established adjacent to and in order to protect a natural watercourse.

VEHICLE IMPOUND FACILITY: A parcel of land or a building that is used for the temporary storage of wrecked motor vehicles or vehicles towed due to a law enforcement

directive. Vehicles stored at the facility are to be claimed by title holders or their agent. No vehicle shall remain on the property for a period to exceed ninety (90) days.

VILLA: Typically an attached row of houses. Two (2) or more single-family dwellings sharing common wall areas, each on its own individual lot with a front and rear yard.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Chapter or Chapter 410 is presumed to be in violation until such time as that documentation is provided.

WAREHOUSE: A structure for use as a storage place for goods, materials, or merchandise.

WAREHOUSE, MINI: A building containing individual storage areas which may be rented or leased for a period of time.

WIND TURBINE: Any mechanism or device designed for the purpose of converting wind energy into electrical or mechanical power.^{*46}

WIND TURBINE FARM: The use of more than one wind turbine on a parcel that converts wind energy into electrical power for the primary purpose of resale.^{*46}

WINERY: One (1) or more buildings (including outdoor terraces or decks appurtenant to them) for the processing of wine and juice making material, sale of wine and related products, sale and service of food, and related areas for offices, laboratories, and related wine producing activities. All wine offered for sale at the winery must be produced under a State of Missouri domestic license. Retail activities are limited to the sale of grapes, juice, wine, food and gift items. In addition, a winery must be at least 300 feet from any church, grapes must be grown on at least five (5) acres of the site, and seventy-five percent (75%) of the wine for sale on site must be produced from grapes either grown on the premises, or grown on an area of not less than five (5) acres in size within St. Charles County. In any wine-making year, the quantity of wine consumed by or delivered to customers in the winery shall not exceed two (2) times the quantity of wine currently under production in the winery.^{*58}

WINERY FARMERS' MARKET: A facility accessory to and on the same tract of land as a duly permitted and functioning winery that is for the weekly sale by multiple vendors of produce and that may also be for the weekly sale by multiple vendors of other food and craft products or for instruction or demonstration of cooking or farming skills.^{*58}

WINERY LODGING: A hotel or motel that is accessory to and on the same tract of land as a duly permitted and functioning winery, that has no more than three (3) sleeping rooms for each five (5) acres of that tract of land, and that does not include a food establishment as defined and regulated by the St. Charles County Food Code, Chapter 230, Ordinances of St. Charles County, Missouri.^{*58}

WOODLAND: Any tree canopy over five thousand (5,000) square feet having at least thirty percent (30%) of the trees with a caliper of at least two and one-half (2½) inches.

WOODLAND CANOPY: Ultimate Woodland tree canopy is determined by assigning two hundred (200) square feet for each tree within a designated woodland. ^{*14}

YARD: An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Chapter or Chapter 410.

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

YARD, REAR: A yard between the rear lot line and the rear line of the main building and the side lot lines.

YARD, REQUIRED FRONT: A yard across the full width of the lot extending from the minimum front yard setback distance to the front line of the lot. ^{*28}

YARD, SIDE: A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

ZONING DISTRICT MAP: A series of maps of unincorporated St. Charles County with all notations, dimensions, references, and symbols shown thereon depicting the individual zoning districts in accordance with Section 405.065.

PART 2. DISTRICT REGULATIONS**ARTICLE I. ESTABLISHMENT OF ZONING DISTRICTS AND MAPS****SECTION 405.065: ESTABLISHMENT OF DISTRICTS**

For the purpose of regulating and restricting the use of land and the erection, construction, alteration, moving, or use of buildings or structures, all land which rests within St. Charles County and not within the corporate limits of cities, towns, or villages, is hereby divided into twenty-one (21) zoning districts and five (5) overlay zoning districts as follows:^{*21, *50}

1. Zoning Districts.

- a. "A" Agricultural District - 5 acres^{*21}
- b. "AT" Agricultural Tourism District - 40 acres^{*58}
- c. "RR" Single-Family Residential District – 3 acres^{*21, *58}
- d. "R1A" Single-Family Residential District - 1 acre^{*21, *58}
- e. "R1B" Single-Family Residential District - 20,000 square feet^{*21, *58}
- f. "R1C" Single-Family Residential District - 15,000 square feet^{*21, *58}
- g. "R1D" Single-Family Residential District - 10,000 square feet^{*21, *58}
- h. "R1E" Single-Family Residential District - 7,000 square feet^{*21, *58}
- i. "R2" Two-Family Residential District^{*21, *58}
- j. "R3A" Medium Density Residential District^{*21, *58}
- k. "R3B" Multi-Family Residential District^{*21, *58}
- l. "RM" Manufactured Home/Mobile Home Residential District^{*21, *58}
- m. "PR" Park Recreational District^{*21, *58}
- n. "RF" Riverfront District^{*21, *28, *58}
- o. "CO" Office District^{*21, *58}
- p. "C1" Neighborhood Commercial District^{*21, *58}
- q. "C2" General Commercial District^{*21, *58}

- r. "HTCD" High Technology Corridor District^{*21, *46, *58}
- s. "I1" Light Industrial District^{*21, *46, *58}
- t. "I2" Heavy Industrial District^{*21, *46, *58}
- u. "SWD" Solid Waste Disposal District^{*21, *46, *58}

2. **Overlay Districts.**

- a. "PUD" Planned Unit Development Overlay District
- b. "FF" Floodway Fringe Overlay District
- c. "FW" Floodway Overlay District
- d. "DF" Density Floodway Overlay District
- e. "WH" Wellhead Protection Overlay District^{*50}

SECTION 405.070: USES NOT PERMITTED IN ANY DISTRICT

Any use not listed herein shall be placed in a suitable district. Classification shall be made by the Director of the Division of Planning and Zoning, and consultation will be sought from the County Counselor, if needed.

SECTION 405.075: BOUNDARIES OF DISTRICTS

- A. Zoning District Maps.** Boundaries of the districts, hereby established as shown on maps prepared for that purpose, are hereby designated as the Zoning District Maps; and said maps and all the notations, references, and information shown thereon are hereby made as much a part of this Chapter as if the same were set forth in full herein. The Division of Planning and Zoning shall keep on file an authentic copy of said maps and all changes, amendments, or additions thereto.
- B. Distances Not Shown On Zoning District Map.** When definite distances in feet are not shown on the Zoning District Map, the district boundaries are intended to be along existing streets, platted lot lines, survey or land lines, or extensions of the same; and, if the exact location of such lines is not clear, it shall be determined by the Director of the Division of Planning and Zoning, due consideration being given to location as indicated by the scale of the Zoning District Map.
- C. Discrepancies Between Zoning District Map And Existing Streets, Railroad Right-of-Ways And/Or Other Physical Features.** When streets, railroad right-of-ways, and/or other physical features on the ground differ from those shown on the Zoning

District Map, the Director of the Division of Planning and Zoning shall apply the district designations on the map to the streets, railroad right-of-ways, and/or other physical features on the ground in such a manner as to conform to the intent and purpose of this Chapter and Chapter 410.

- D. Vacation Of Boundary Streets.** When a street is vacated, the particular district in which the adjacent property lies shall automatically be extended to the centerline of any such street.

SECTION 405.077: CONSISTENCY WITH COMPREHENSIVE PLAN^{*18}

The Zoning District Maps adopted or amended, or to be adopted or amended, as parts of this *Unified Development Ordinance*, shall be in accordance with the Master Plan for St. Charles County adopted by the County Council.

SECTION 405.078: COMPLIANCE WITH THE REGULATIONS^{*18}

Except as hereinafter provided:

1. No building or structure shall be erected, constructed, reconstructed, moved, or altered; nor shall any building, structure or land be used for any purpose other than is permitted within the zoning district in which such building, structure, or land is situated.
2. No building or structure shall be erected, constructed, reconstructed, moved, or altered to violate any requirement or regulation herein established for the zoning district in which such building or structure is located.
3. No lot or parcel shall be reduced or diminished below the minimum requirements of the zoning district in which it is located.
4. The number of dwelling units shall not exceed the density of dwelling units permitted in the zoning district in which it is located.
5. Every building or structure hereafter erected, constructed, reconstructed, moved, or altered shall be located on a lot or parcel of land as herein defined. In no case shall there be more than one (1) building on the lot, except as provided herein.
6. No building shall be erected, converted from one use to another, or structurally altered to the extent specifically provided hereinafter, except in conformity with the off-street parking and loading regulations of this Chapter.
7. Group home facilities shall be treated as a form of single family/single household dwelling and shall be subject to maximum occupancy restrictions defined in the Building Code. The definition of group homes shall not include halfway houses.

8. Group Home Facilities shall be a permissive use in “R” residential districts when the following conditions are met:^{*8}
- a. Standards for Group Home Facilities Qualifying As A Permissive Use: A group home facility shall be approved by the Planning and Zoning Director as a permissive use if he finds all of the following standards are met:^{*8}
- (1) The number of residents complies with the requirements of this Zoning Ordinance.
 - (2) The parking requirements as set by this Zoning Ordinance have been met.
 - (3) The proposed Group Home Facility is not within six hundred (600) feet of another existing Group Home which requires administrative approval, or one which has obtained a conditional use permit in lieu of a use with administrative approval. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the proposed use to the property line of the existing use.
 - (4) In order to ensure that the structure and rooms therein are used as originally designed and intended, the proposed use will not require or include structural alterations, except any structural alteration required to directly accommodate the disability of the residents with a disability recognized by the Americans with Disabilities Act.^{*46}
 - (5) The structure meets the requirements of the County’s housing, building and fire codes as set forth in the County Code or the codes adopted by reference therein.
 - (6) Users and/or service providers shall have received any and all required approvals from other governmental bodies which permit use of the premises in conformance with the approval for which they have applied.

ARTICLE II. "A" AGRICULTURAL DISTRICT**SECTION 405.080: "A" AGRICULTURAL DISTRICT**

- A. Statement Of Intent.** The intent of this district is to provide for agricultural, recreational, wildlife, open space, farming, river oriented uses and related uses and to discourage premature and disassociated urban development. The minimum lot size of five (5) acres is designed to support agricultural uses and home sites which require proper siting in a rural area.^{*21}
- B. Permissive Uses.**
1. Except in platted subdivisions, agriculture, farming, dairy farming, livestock and poultry raising, forestry, farm stands and other uses commonly classified as agricultural with no restrictions to operation of such vehicles and machinery that are customarily incidental to such agricultural uses, provided that no feedlot, feeding floor, or structure for housing of livestock or poultry, shall be permitted within one hundred fifty (150) feet of any property line. The platted subdivision exception as indicated above does not apply to any of the other permissive or conditional uses of the "A" Agricultural District.^{*14}
 2. Apiaries, aviaries, fish hatcheries, and fur farming or the raising of fur-bearing animals.
 3. Cemetery. Cemeteries with a crematory as an accessory use shall be on a site of not less than twenty (20) acres.^{*1, *46}
 4. Churches.
 5. Exotic or wild animal on a site of not less than ten (10) acres, provided feeding areas are located one hundred fifty (150) feet from all property lines.^{*1}
 6. Ferry landings, boat docks and marinas.
 7. Forest or wildlife reservations or small conservation uses.
 8. Golf course and clubhouse, with a driving range (unlighted) as an accessory use.^{*1}
 9. Home occupations, as regulated in Part 3, Article IV, Section 405.495 of this Chapter.^{*14}
 10. Hunting, fishing, and propagation of wildlife.^{*14}
 11. Manufactured/mobile homes (except in subdivisions platted for residential use), modular structures.^{*14, *59}

12. Public building or facility erected by a governmental agency. ^{*14}
13. Public parks or playgrounds. ^{*14}
14. Public school (elementary, middle, and high), or private school having a curriculum equivalent to a public elementary, middle, or high school. ^{*14}
15. Railroad right-of-way. ^{*14}
16. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks with screening as approved on the site plan, for the purpose of providing services to the public. ^{*1, *14}
17. Single-family/single household dwellings and modular homes. ^{*14}
18. Sod farms. ^{*14}
19. Stable, boarding and/or private, provided said stables are fifty (50) feet from all property lines (one (1) horse or pony per one (1) acre). ^{*28}
20. Utility substation or pumping station for electrical, gas, or telephone utilities on a site of not less than 10,000 square feet in size. ^{*14, *28}
21. Accessory uses and buildings incidental to the above uses when located on the same lot; examples of which are vegetable and flower gardens, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks. ^{*14, *28}

C. Conditional Uses.

1. Adult day care.
2. Airport or landing field.
3. Animal feedlot in excess of one thousand (1,000) animal units.
4. Bed and breakfast residence.
5. Blacksmith operated only by a resident of the property.
6. Boat brokerage in conjunction with a marina. ^{*12, *21}
7. Boats; the rental, sale, storage, and repair of boats, and boating supplies, including marine gas in conjunction with a marina. ^{*21}

8. Broadcast facility, provided that the distance from the center of the base of the tower to the nearest property line shall not be less than the height of the tower.^{*14}
9. Campgrounds.
10. Centralized yard waste composting facility, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.
11. Extraction, quarrying, or mining of sand, gravel, top soil, or other material.
12. Farm stands, commercial.^{*14}
13. General contracting services relating to building, electrical, heating and cooling, painting, and plumbing, provided that materials, vehicles and trailers used in connection with such services shall be stored within an enclosed building, and provided that any site occupied by services permitted under this provision shall be a compact site having at least one hundred fifty (150) feet of frontage on a public road and an area no greater than two (2) acres.^{*42}
14. Historic sites.^{*42}
15. Houseboats used as a residence.^{*7,*21,*42}
16. Institution (hospital, nursing, rest, or convalescent home, and educational or religious), provided that not more than fifty percent (50%) of the site area may be occupied by buildings, and provided further that the building shall be set back from all required yard lines a minimum of fifty (50) feet. Hospitals may include a helicopter landing pad area as an accessory use.^{*21,*42}
17. Kennels, provided that the buildings and pens are one hundred fifty (150) feet from all property lines.^{*42}
18. Lawn care service and all lawn care materials; any related equipment or vehicles are required to be stored within an accessory structure.^{*21,*42}
19. Logging operations, sawmills, and mill storage of lumber, not including any fabrication of timber structures.^{*42}
20. Nurseries.^{*14,*42}
21. Reserved (Pallets – Indoor recycling facilities for reusable wooden pallets under terms and conditions set out in Section 405.520.F of this Unified Development Ordinance this provision and any uses authorized under it shall terminate on June 1, 2010).^{*14,*42}
22. Preschool, daycare, special, or other private school.^{*14,*42}

23. Private clubs, provided said private club is a minimum of one hundred (100) feet from all property lines. ^{*1,*14,*42}
24. Recreation, commercial outdoor. ^{*14,*21,*23,*42}
25. Reserved. ^{*14,*42,*58}
26. Single-family/single household dwellings and manufactured/modular homes utilized as a second (2nd) dwelling on a temporary basis not to exceed five (5) years. ^{*14,*28,*42}
27. Stable, riding. ^{*28,*42}
28. Taxidermy. ^{*44}
29. Telecommunication tower as regulated in Part 3, Article VIII Section 405.505. ^{*14,*28,*42,*44,*46}
30. Veterinary clinic. ^{*14,*28,*42,*44}
31. Wind turbines and wind turbine farm. ^{*46}
32. Winery, subject to development standards set forth in Part 4, Section 405.520.F.2-4. ^{*14,*28,*42,*44,*46,*58}

D. Height, Area And Lot Requirements.

1. **Maximum height.** Forty (40) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.). ^{*28}
2. **Minimum front yard.** Fifty (50) feet.
3. **Minimum side yard.** Forty (40) feet.
4. **Minimum rear yard.** Fifty (50) feet.
5. **Minimum lot width.** One hundred fifty (150) feet.
6. **Minimum lot area.** Five (5) acres unless otherwise specified in this section. ^{*51}
 - a. Parcels or lots duly recorded in the county recorder's office, as of, and unaltered since the date of adoption of this ordinance and those lots within subdivisions which have received preliminary plat approval prior to the date of adoption of this ordinance may be developed with any Agricultural

District permitted use provided that all other requirements of the Unified Development Ordinance are met.^{*21, *51}

- b. The owner of a lot improved by a residential structure existing prior to February 13, 2006, may record in the County Recorder's Office a deed or deeds establishing a three (3) acre tract as the site of that residential structure while leaving the remainder as a separate tract, provided however that such division of land meets all other applicable requirements of this Unified Development Ordinance, except that if the lot to be divided is within a plat recorded on or before November 2, 1959, a re-subdivision plat is not required for such divisions.^{*51}
7. **Minimum dwelling size (living space).** Eight hundred (800) square feet for single-family.
8. **Minimum front yard for lots of record less than one (1) acre in size.** Twenty-five (25) feet.
9. **Minimum side yard for lots of record less than one (1) acre in size.** Seven (7) feet.
10. **Minimum rear yard for lots of record less than one (1) acre in size.** Twenty-five (25) feet.

E. Accessory Structure.

1. **Maximum total size of an accessory structure or of more than one accessory structures on any given parcel may not exceed the following limits.**^{*56}
 - a. For parcels less than one (1) acre in size:
Fifty percent (50%) of the base area of the main structure.^{*56}
 - b. For parcels at least (1) but less than three (3) acres in size:
One thousand, five hundred (1,500) square feet.^{*56}
 - c. For parcels at least three (3) but less than four (4) acres in size:
Two thousand, four hundred (2,400) square feet.^{*56}
 - d. For parcels at least four (4) but less than five (5) acres in size:
Three thousand (3,000) square feet.^{*56}
 - e. For parcels at least five (5) but less than six (6) acres in size:
Three thousand, six hundred (3,600) square feet.^{*56}
 - f. For parcels at least six (6) but less than seven (7) acres in size:
Four thousand, two hundred (4,200) square feet.^{*56}

- g. For parcels at least seven (7) but less than ten (10) acres in size:
Four thousand, eight hundred (4,800) square feet. ^{*56}
- h. For parcels at least ten (10) acres in size, or more:
None. ^{*56}
- i. For any agricultural use structure:
None. ^{*56}

- 2. **Minimum front yard of accessory structure.** Fifty (50) feet.
- 3. **Minimum side yard of accessory structure.** Seven (7) feet.
- 4. **Minimum rear yard of accessory structure.** Seven (7) feet.
- 5. **Minimum distance from main structure to accessory structure.** Ten (10) feet (except swimming pools). Accessory structures that will be less than ten (10) feet from the main structure must meet the same setbacks as the main structure and meet applicable building code requirements. A detached garage may be located in the front yard, however, no part of the structure may be located directly in front of the main structure.
- 6. **Minimum setbacks for boarding and/or private stables.** Fifty (50) feet from all property lines. ^{*28}

F. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

G. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

H. Solid Waste Disposal Screening Regulations. Other than for agricultural uses and residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. ^{*21}

SECTION 405.085: "AT" AGRICULTURAL TOURISM DISTRICT^{*58}

- A. Statement Of Intent.** The intent of this district is to provide for agricultural, recreational, wildlife, open space, and farming uses, as well as agriculture- or winery-related-tourism uses and economic development in a way that protects and preserves agricultural land and open-space, and discourages premature and disassociated urban development. Specifically, the intent is to authorize agriculture- and winery-related tourism as conditional uses in rural areas subject to a minimum lot size of forty (40) acres and special development standards to ensure low concentrations of such uses within the district and adjoining areas so that their rural agricultural character is maintained while allowing these more intensive uses within the district. Such uses are declared to be agriculture-related because sited on large tracts mostly dedicated to agricultural and open-space uses. The following are declared to be agriculture- or winery-related-tourism uses: Conference/Events/Lodging Center, Dinner theater, Farm stands (commercial), Gallery or museum, Golf course clubhouse, Microbrewery, Outdoor theater, Restaurant, Rural recreational activity, Winery, Winery Farmers' Market, and Winery Lodging.^{*58}
- B. Permissive Uses.^{*58}**
1. Agriculture, farming, dairy farming, livestock and poultry raising, forestry, farm stands (but not commercial farm stands as defined in Section 405.050, OSCCMo) and other uses commonly classified as agricultural with no restrictions to operation of such vehicles and machinery that are customarily incidental to such agricultural uses, provided that no feedlot, feeding floor, or structure for housing of livestock or poultry shall be permitted within one hundred fifty (150) feet of any property line.^{*58}
 2. Apiaries, aviaries.^{*58}
 3. Forest or wildlife reservations or small conservation uses.^{*58}
 4. Golf course with an outdoor driving range (unlighted) as an accessory use.^{*58}
 5. Historic sites.^{*58}
 6. Hunting, fishing, and propagation of wildlife.^{*58}
 7. Open space, park land or playgrounds.^{*58}
 8. Sod farms.^{*58}
 9. Stable, riding, boarding and/or private, provided said stables are fifty (50) feet from all property lines (one (1) horse or pony per one (1) acre).^{*58}
 10. Accessory uses and buildings incidental to the above uses when located on the same lot.^{*58}

C. Agriculture- or Winery-Related-Tourism Conditional Uses.^{*58}

1. Conference/Event/Lodging Center, subject to development standards set forth in Part 4, Section 405.520.F.^{*58}
2. Dinner theater, subject to development standards set forth in Part 4, Section 405.520.F.^{*58}
3. Farm stands, commercial, subject to development standards set forth in Part 4, Section 405.520.F.^{*58}
4. Gallery or museum, subject to development standards set forth in Part 4, Section 405.520.F.^{*58}
5. Golf course clubhouse, in connection with a golf course on the same tract of land, subject to development standards set forth in Part 4, Section 405.520.F.^{*58}
6. Microbrewery, subject to development standards set forth in Part 4, Section 405.520.F.^{*58}
7. Outdoor theater (excluding movie or drive-in movie theater), subject to development standards set forth in Part 4, Section 405.520.F.^{*58}
8. Restaurant, subject to development standards set forth in Part 4, Section 405.520.F.^{*58}
9. Rural recreational activity, subject to development standards set forth in Part 4, Section 405.520.F.^{*58}
10. Winery, subject to development standards set forth in Part 4, Section 405.520.F.^{*58}
11. Winery Farmers' Market, subject to development standards set forth in Part 4, Section 405.520.F.^{*58}
12. Winery Lodging, subject to development standards set forth in Part 4, Section 405.520.F.^{*58}

D. Height, Area And Lot Requirements, except as provided in Part 3, Article I, Section 405.405 et seq., and in Part 4, Section 405.520.F, if and as applicable.^{*58}

1. **Maximum height.** Forty (40) feet.^{*58}
2. **Minimum front yard.** Fifty (50) feet.^{*58}

3. **Minimum side yard.** Forty (40) feet.^{*58}
 4. **Minimum rear yard.** Fifty (50) feet.^{*58}
 5. **Minimum lot width.** One hundred fifty (150) feet.^{*58}
 6. **Minimum lot area.** Forty (40) acres.^{*58}
- E. Accessory Structures,** except as provided in Part 3, Article I, Section 405.405 et seq., and in Part 4, Section 405.520.F, if and as applicable.^{*58}
1. Maximum total size of an accessory structure or of more than one accessory structures on any given parcel may not exceed the following limits.^{*58}
 - a. For any agricultural use structure: No size restriction.^{*58}
 2. Minimum setbacks for riding, boarding and/or private stables. Fifty (50) feet from all property lines.^{*58}
- F. Additional Requirements.** See Part 3, Article I, Section 405.405 et seq., if and as applicable.^{*58}
- G. Parking, Loading And Sign Regulations.** See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.^{*58}
- H. Solid Waste Disposal Screening Regulations.** Other than for agricultural uses and residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.^{*58}

ARTICLE III. RESIDENTIAL DISTRICTS

SECTION 405.090: "RR", "R1A", "R1B", "R1C", "R1D" AND "R1E" SINGLE-FAMILY RESIDENTIAL DISTRICTS^{*21}

A. Statement Of Intent. Except as provided in Subsection C, Paragraph 12, below, the intent of these districts is to provide for detached single-family residential development on minimum lot sizes varying from three (3) acres to seven thousand (7,000) square feet. Lots less than three (3) acres in size shall be served by sanitary sewers and a public water supply. These districts and their related minimum lot sizes are as follows: ^{*1,*21}

1. "RR" – three (3) acre; ^{*21}
2. "R1A" - one (1) acre; ^{*21}
3. "R1B" - twenty thousand (20,000) square feet; ^{*21}
4. "R1C" - fifteen thousand (15,000) square feet; ^{*21}
5. "R1D" - ten thousand (10,000) square feet; and ^{*21}
6. "R1E" - seven thousand (7,000) square feet. ^{*21}

These districts also allow for land uses which are incidental or accessory thereto.

B. Permissive Uses.

1. Cemetery on a site of not less than five (5) acres. Cemeteries with a crematory as an accessory use on a site of not less than twenty (20) acres. ^{*28,*46}
2. Churches.
3. Cluster developments in accordance with subsection 405.090.I. ^{*41}
4. Golf course and clubhouse, driving range (unlighted) as an accessory use; no miniature golf course operated for commercial purposes. ^{*41}
5. Home occupations, as regulated in Part 3, Article IV, Section 405.495 of this Chapter. ^{*41}
6. Horses and private stables as an accessory building on three (3) acres or more, provided said stables are fifty (50) feet from all property lines. ^{*41}
7. Parks or playgrounds. ^{*41}
8. Public building or facility erected by a governmental agency. ^{*41}

9. Public school (elementary, middle, or high), or a private school having a curriculum equivalent to public elementary, middle, or high school.^{*41}
10. Railroad right-of-ways, not including railroad yards.^{*41}
11. Recreational areas for subdivision developments within common ground areas.^{*41}
12. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks, for the purpose of providing services to the public.^{*41}
13. Single-family/single household dwellings, including modular structures to be used as dwellings, provided (a) that persons applying for land use permits for such modular structures voluntarily apply also for building permits for those structures, (b) that such modular structures meet the requirements of Title V of the Ordinances of St. Charles County, Missouri, and (c) that if a court of competent jurisdiction finds that either of the preceding provisos is unconstitutional or unlawful, that proviso shall not be severed from any other language herein beginning with “including modular structures to be used as dwellings”, but all of that language shall likewise be deemed unconstitutional or unlawful.^{*14,*41}
14. Two-family/two household dwellings designated at the time of platting in the R1C, R1D, and R1E districts.^{*1,*41}
15. Accessory uses and buildings incidental to the above uses, when located on the same lot; examples of which are vegetable and flower gardens, the raising and keeping of pets on a non-commercial basis, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.^{*41}

C. Conditional Uses.

1. Adult day care.
2. Bed and breakfast residence.^{*46}
3. Group Home Facility which is the same as that defined in Section 405.060 except that it may house 9 to 15 persons, or a group home which meets the definition of 405.060 but does not meet all of the standards as a permissive use as required by Section 405.078.^{*46}
4. Historic sites.^{*46}

5. Houseboats.^{*7, *46}
6. Housing unit or units in the R1E district with a minimum dwelling size (living space) of eight hundred (800) square feet, a minimum lot area of six thousand (6,000) square feet, and on lots sixty (60) feet wide and with side yards six (6) feet in width.^{*46}
7. Institution (hospital, nursing, rest, or convalescent home, and educational or religious) on a site of not less than five (5) acres, provided that not more than fifty percent (50%) of the site area may be occupied by buildings, and further provided that the buildings shall be set back from all required yard lines a minimum of fifty (50) feet. Hospitals may include a helicopter landing pad area as an accessory use.^{*7, *46}
8. Kennels, on a site of not less than three (3) acres, provided all pens are one hundred fifty (150) feet from all property lines.^{*7, *46}
9. Lawn care service, on a site of not less than one (1) acre, and all lawn care materials; any related equipment or vehicles are required to be stored within an accessory structure.^{*7, *46}
10. Manufactured and modular structure(s) not utilized as a dwelling.^{*46}
11. Manufactured home subdivisions, manufactured homes and modular structures not meeting the provisions within Section 405.090.B.12, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.^{*7, *14}
12. Preschool, daycare, special, or other private school.^{*7, *46}
13. Private clubs on a site of not less than two (2) acres.^{*7, *46}
14. Private or commercial recreational facility, including a lake, swimming pool, tennis court, boarding stable, riding stable, or golf course on a site of not less than five (5) acres.^{*7, *46}
15. Top soil removal operation.^{*7, *46}
16. Utility substation for electric, gas, or telephone utilities, on a site of not less than 10,000 square feet in size in the RR, R1A, R1B and R1C districts and not less than 6,000 square feet in the R1D and R1E districts.^{*7, *28, *46}
17. Wind turbines.^{*46}

D. Height, Area And Lot Requirements, except as otherwise provided for cluster developments pursuant to subsection 405.090.I.^{*41}

1. **Maximum height.** Forty (40) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).^{*28}
2. **Minimum front yard.**
 - a. Fifty (50) feet in “RR”.^{*21}
 - b. Thirty-five (35) feet in "R1A".^{*21}
 - c. Twenty-five (25) feet in "R1B" and "R1C".^{*1,*21}
 - d. Twenty (20) feet in “R1D” and “R1E”.^{*1,*21}
3. **Minimum side yard.**
 - a. Forty (40) feet in “RR”.^{*21}
 - b. Twenty (20) feet in "R1A".^{*21}
 - c. Ten (10) feet in "R1B" and "R1C".^{*21}
 - d. Seven (7) feet in "R1D" and "R1E".^{*21}
4. **Minimum rear yard.**
 - a. Fifty (50) feet in “RR”.^{*21}
 - b. Thirty-five (35) feet in "R1A".^{*21}
 - c. Twenty-five (25) feet in "R1B", "R1C", "R1D", and "R1E".^{*21}
5. **Minimum lot width.**
 - a. One hundred fifty (150) feet in “RR”.^{*21,*28}
 - b. One hundred twenty-five (125) feet in “R1A”.^{*28}
 - c. One hundred (100) feet in "R1B".^{*28}
 - d. Eighty (80) feet in "R1C" and "R1D".^{*28}
 - e. Seventy (70) feet in "R1E".^{*28}

6. **Minimum lot area.**
 - a. One hundred thirty thousand six hundred eighty (130,680) square feet in "RR".^{*21}
 - b. Forty-three thousand five hundred sixty (43,560) square feet in "R1A".^{*21}
 - c. Twenty thousand (20,000) square feet in "R1B".^{*21}
 - d. Fifteen thousand (15,000) square feet in "R1C".^{*21}
 - e. Ten thousand (10,000) square feet in "R1D".^{*21}
 - f. Seven thousand (7,000) square feet in "R1E".^{*21}
7. **Minimum dwelling size (living space).** One thousand (1,000) square feet for single-family.
8. **Lots to be used for two-family/two household development.** The developer of a proposed subdivision may work with the Director of the Division of Planning and Zoning or his/her assigns in locating lots with R1C, R1D, and R1E residential districts that are to be used for two-family/two household dwellings. These lots, if any are approved, shall be stated as such on both the preliminary and final plats and their number will not exceed ten (10) percent of the total number of lots within each respective subdivision plat having ten or more lots. Any fraction thereof will be considered the next lowest number. For subdivision plats having five to nine lots one two-family/two household lot may be granted. For subdivision plats having fewer than five lots, no two-family/two household lots are permitted.^{*1,*21,*46}

E. Accessory Structure.

1. **Maximum total size of all accessory structures (except stables).** For parcels less than one (1) acre, up to fifty percent (50%) of base area of main structure. For parcels from one (1) to three (3) acres, up to one thousand five hundred (1,500) square feet. For parcels three (3) acres to ten (10) acres, two thousand four hundred (2,400) square feet.^{*21,*28}
2. **Maximum size of private stable.** Three thousand (3,000) square feet for stables in RR through R1E zoning districts. Such stables must be fifty (50) feet from all property lines.^{*21,*28}
3. **Minimum front yard of accessory structure.** Fifty (50) feet.
4. **Minimum side yard of accessory structure.** Seven (7) feet.

5. **Minimum rear yard of accessory structure.** Seven (7) feet.
 6. **Minimum distance from main structure to accessory structure.** Ten (10) feet (except swimming pools). Accessory structures that will be less than ten (10) feet from the main structure must meet the same setbacks as the main structure and meet applicable building code requirements. A detached garage may be located in the front yard; however, no part of the structure may be located directly in front of the main structure.
 7. **Design Requirements.** All accessory, non-residential buildings over two hundred (200) square feet, except accessory structures and stables in the RR district, must be constructed of building materials and designed architecturally to be in substantial compliance with the primary structure. The use of metal siding, including, but not limited to, aluminum and steel, in the construction of an accessory structure is prohibited.^{*14,*21}
- F. Additional Requirements.** See Part 3, Article I, Section 405.405 et seq.
- G. Parking, Loading And Sign Regulations.** See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.
- H. Solid Waste Disposal Screening Regulations.** Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.
- I. Cluster Development.** Cluster development shall be subject to the following regulations, but shall remain subject to all other applicable provisions of this Unified Development Ordinance not modified by the following regulations:^{*41}
1. Statement of Intent. The intent of the following regulations is:^{*41}
 - a. To provide permissive, voluntary, and alternate procedures within the RR, R1A, R1B, R1C, R1D, and R1E Single Family Residence Districts by permitting flexibility in lot requirements and dwelling unit types while maintaining the maximum dwelling unit density limitations of the particular parcel's zoning district.^{*41}
 - b. To encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography.^{*41}
 - c. To protect environmentally sensitive areas of a development site and preserve on a permanent basis open space, natural features and agricultural lands.^{*41}

- d. To promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the length of streets.^{*41}
- e. To protect the public health, safety, and general welfare by avoiding surface and groundwater pollution, contaminated run-off, air quality contamination, and urban heat islands that result from pavement and the clearing of natural vegetation.^{*41}
2. Standards for Cluster Development.^{*41}
- a. Minimum size of tract and number of lots or units. Cluster Development is permitted on tracts containing five (5) or more acres and five (5) or more lots or units.^{*41}
- b. Residential uses only. Cluster Development may be utilized for developments of single family attached or detached dwellings. Development plans and plats required by and submitted pursuant to these regulations shall note which types of units are utilized in the subdivision.^{*41}
- c. Maximum lot sizes. Maximum lot sizes in a Cluster Development shall be as follows:^{*41}

Zoning District	Maximum Lot Area in Cluster Development	Permitted Density of the Zoning District
RR	1 acre	1 unit per 3 acres
R1A	14,500 sq. ft.	1 unit per 1 acre
R1B	9,000 sq. ft.	2.1 units per 1 acre
R1C	6,700 sq. ft.	2.9 units per 1 acre
R1D	5,500 sq. ft.	4.3 units per 1 acre
R1E	4,200 sq. ft.	6.2 units per 1 acre

- d. Density Calculations. The maximum number of lots or units allowable shall be calculated by dividing the net area of the development by the minimum lot area requirements of the Residential District or Districts in which the subdivision is located. The net area is the gross are of the development minus the following:^{*41}
- (1) Land within the Floodway as depicted on the Flood Insurance Rate Map (FIRM);^{*41}
 - (2) Land which is utilized for roadway right-of-way purposes.^{*41}

- e. Planning and platting or dedication of open space. Open space areas are the parks, natural features, and passive open space that distinguish this use pattern from other types of development. Open Space areas shall be designated on the development plan and on any preliminary or final plat and shall be subject to the following minimum requirements:^{*41}
- (1) The minimum land area that shall be devoted to open space shall consist of an area equal to the net area of the development minus the maximum number of lots having the maximum lot size. Open space in excess of the minimum may also be included in open space.^{*41}
 - (2) Open Space shall not be further subdivided.^{*41}
 - (3) Open Space shall not be developed except as provided below.^{*41}
 - (4) Open Space may be included in the net acreage of the development for density calculations only if it is used as:^{*41}
 - (a) Conservation of open space in its natural state.^{*41}
 - (b) Recreation including, but not limited to, trails, picnic areas, community gardens, playing fields, playgrounds and courts, lakes and ponds.^{*41}
 - (c) Water supply and sewage disposal systems for the development.^{*41}
 - (d) Pasture and stables for recreational horses on 10 acres or more of open space (if horses are pastured the number of horses shall not exceed 1 horse per acre of pasture).^{*41}
 - (e) Easements for drainage, access, sewer or water lines or other public purposes.^{*41}
 - (f) Stormwater management facilities.^{*41}
 - (g) Parking areas to serve recreational areas.^{*41}
 - (h) Agricultural area to be used for crops and the grazing of animals.^{*41}
 - (5) Open Space areas shall to the extent possible, abut existing conservation areas, parks, open space, or farmland on adjacent parcels.^{*41}

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- (6) Open Space may be designated for dedication for public use, and in such cases be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or dwelling units that may be authorized, only if:^{*41}
- (a) The area of the proposed Cluster Development is at least 30 acres;^{*41}
 - (b) The proposed public use site is dedicated to the public in a manner approved by the County Counselor or legal counsel of the public agency prior to recording of the subdivision plat and the use on the site shall be in conformance with Section 405.090.I.2.e (3) above;^{*41}
 - (c) Prior to the recording of the subdivision plat, a written agreement between the petitioner and the public agency shall be submitted to the Director of the Planning and Zoning Division for review and approval. This agreement shall indicate who is responsible for the installation of required improvements and indicate when the improvements will be installed;^{*41}
 - (d) The subdivision plat for record identifies the boundaries of the dedicated tract within the Cluster Development;^{*41}
 - (e) The deed of dedication for public use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision in which it is located as common land. The Trust Indenture required herein shall provide for the manner in which the common land shall be treated.^{*41}
- (7) Open space not dedicated to the public shall be titled to subdivision trustees, as provided herein.^{*41}
- (a) In developments where common ground which may include open spaces, recreational areas, or other common ground, are provided and the acreage of which is included in the gross acreage for density calculation purposes, a trust indenture shall be recorded simultaneously with the final plat. The indenture shall provide for the proper and continuous maintenance and supervision of said common land by Trustees to be selected and to act in accordance with the terms of such indenture, and the common land shall be deeded to the Trustees.^{*41}

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- (b) In addition, the trust indenture shall contain the following provisions:^{*41}
- (I) That the common ground, including open spaces, recreational areas, or other common ground, shall be for the sole benefit, use, and enjoyment of the lot or unit owners, present and future, of the entire Cluster Development or that the common ground may also be used by residents outside the Cluster Development.^{*41}
 - (II) If residents outside the Cluster Development are permitted to use the common ground, the indenture shall contain provisions which shall provide, in essence, the following:^{*41}
 - (i) No resident of the Cluster Development shall be denied the use of the open space, recreational facilities, or other common ground for any reason related to the extension of such privilege to non-residents of the Cluster Development;^{*41}
 - (ii) All rules and regulations promulgated pursuant to the indenture with respect to residents of the Cluster Development shall be applied equally to the residents;^{*41}
 - (iii) All rules and regulations promulgated pursuant to the indenture with respect to non-residents of the Cluster Development shall be applied equally to the non-residents;^{*41}
 - (iv) At any time after the recording of the indenture, a majority of the residents of the Cluster Development, by election duly called, may elect to allow or disallow usage of the open space, recreational facilities or other common grounds by non-residents of the Cluster Development.^{*41}
- (8) Trust indentures for Cluster Development shall also include:^{*41}

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- (a) Provisions for the maintenance of all common ground and facilities and the means of collecting assessments necessary for the maintenance; and^{*41}
 - (b) Provisions for maintenance of common walls, in Cluster Developments containing attached single family units.^{*41}
 - 3. Application for approval of Cluster Development – preliminary review by Division of Planning and Zoning.^{*41}
 - a. Applications for a Cluster Development shall be filed with the Division of Planning and Zoning on a form supplied by the Division. The application shall include a statement regarding the proposed development’s compliance with the intent of this subsection and a development plan depicting the arrangement of buildings on the site, building elevations depicting the architectural character and design of the proposed buildings, proposed landscaping and open space design. The development plan may be combined with a preliminary plat submitted pursuant to Chapter 410 of this Unified Development Ordinance.^{*41}
 - b. Upon verification by the Division’s staff that an application for a Cluster Development is complete, the application (along with the preliminary plat, if combined with the development plan) shall be submitted to the Planning and Zoning Commission for review and approval.^{*41}
 - 4. Approval of Cluster Development by Planning & Zoning Commission - Criteria. The Planning and Zoning Commission may approve an application for a cluster development if the Commission finds that it meets the following criteria for approval.^{*41}
 - a. In preparing a development plan the applicant must:^{*41}
 - (1) Investigate and address the impacts of the proposed development on the site to be developed, on adjacent tracts, and on public infrastructure, and^{*41}
 - (2) Identify and plan for the density, intensity, land uses, pedestrian and bicycle ways, trails, parks, open space, lot configuration, street, and drainage patterns established for a site in the platting process.^{*41}
 - b. Further, the Planning and Zoning Commission shall not approve a subdivision plat and development plan for a cluster development unless all of the following findings with respect to the proposed development are made:^{*41}

- (1) The proposed land use is in accord with the adopted master plan, and the official zoning map, or that the means for reconciling any differences have been addressed. A preliminary plat may be processed concurrently with a rezoning request.^{*41}
- (2) The proposed cluster subdivision conforms to all relevant requirements of the county. The plat and plan shall:
 - (a) Meet all requirements with respect to lot size, density and area as provided in this subsection;^{*41}
 - (b) Meet all development standards of this Unified Development Ordinance not modified by this subsection;^{*41}
 - (c) In no way creates a violation of any applicable current ordinances, statutes, or regulations.^{*41}
- (3) The proposed development, including its lot sizes, density, design, access, and circulation, is compatible with the existing and/or permissible future use of adjacent property.^{*41}
- (4) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development.^{*41}
- (5) Rights-of-way and easements of adequate size and dimension are provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.^{*41}
- (6) The proposed cluster subdivision provides the appropriate land and improvements necessary to satisfy the requirements of the open space standards provided in this chapter.^{*41}
- (7) The proposed subdivision provides adequate pedestrian access to parks and open space.^{*41}
- (8) The soils, topography, and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.^{*41}
- (9) Any land located within Zone A, as shown on the currently adopted flood insurance rate maps, is determined to be suitable for its intended use, and the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential,

or any other flood plain-related risks to the health, safety, or welfare of the future residents of the proposed subdivision in a manner consistent with the provisions of this Unified Development Ordinance not modified by this subsection.^{*41}

- c. Approval of a development plan for a cluster development shall constitute acceptance of the land-use, building and architectural character, development intensity, general street patterns, drainage patterns, lot patterns, parks and open space lands, and the general layout of pedestrian and bicycle trails, provided that these may be modified by the Planning and Zoning Commission in conjunction with subsequent approvals if additional information reveals development constraints that are not evident during preliminary plat review.^{*41}
5. Denial of Approval by Planning and Zoning Commission – Approval by County Council by Ordinance. If the Planning and Zoning Commission withholds approval of a Cluster Development, the application shall be forwarded to the County Council and such application must then be approved by an ordinance with approval of five (5) members of the County Council, and the reasons for approval or failure to approve such application shall be spread upon the records of the Governing Body and certified to the Planning and Zoning Commission.^{*41}
6. The Planning and Zoning Commission shall approve preliminary and final plats for cluster developments as provided in the regulations for the subdivision of land in Chapter 410 of this Unified Development Ordinance. However, no such plat may be approved unless it is in substantial conformity with an approved development plan for the cluster development and with these regulations.^{*41}

SECTION 405.095: "R2" TWO-FAMILY RESIDENTIAL DISTRICT

- A. Statement Of Intent.** The intent of this district is to provide for medium density residential development of an urban character for one- and two-family homes on a minimum lot size area of seven thousand (7,000) square feet served by sanitary sewers and a public water supply. The district also allows for land uses which are incidental or accessory thereto.
- B. Permissive Uses.**
1. Cemetery on site of not less than five (5) acres. Cemeteries with a crematory as an accessory use on a site of not less than twenty (20) acres.^{*28, *46}
 2. Churches.
 3. Golf course and clubhouse, driving range (unlighted) as an accessory use; no miniature golf course operated for commercial purposes.
 4. Home occupations, as regulated in Part 3, Article IV, Section 405.495 of this Chapter.
 5. Public building or facility erected by a governmental agency.
 6. Public parks or playgrounds.
 7. Public school (elementary, middle, and high), or private school having curriculum equivalent to a public elementary, middle, or high school.
 8. Railroad right-of-ways, not including railroad yards.
 9. Sewage treatment plants and related facilities including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks, for the purpose of providing services to the public.
 10. Single-family/single household dwelling.
 11. Two-family/two household dwelling, including duplexes and twin homes.
 12. Accessory uses and buildings incidental to the above uses, when located on the same lot; examples of which are vegetable and flower gardens, the raising and keeping of pets on a non-commercial basis, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), community carports, community garages, unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.^{*46}

C. Conditional Uses.

1. Adult day care.
2. Historic sites.
3. Institutional (hospital, nursing, rest, or convalescent home, and educational or religious) on site of not less than five (5) acres, provide that not more than fifty percent (50%) of the site area may be occupied by buildings, and further provided that the building shall be set back from all required yard lines a minimum of fifty (50) feet. Hospitals may include helicopter landing pad area as an accessory use.
4. Preschool, daycare, special, or other private school.
5. Private clubs on a site of not less than two (2) acres.
6. Utility substation for electric, gas, or telephone utilities.
7. Wind turbines.^{*46}

D. Height, Area And Lot Requirements.

1. **Maximum height.** Forty (40) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).^{*28}
2. **Minimum front yard.** Twenty-five (25) feet.
3. **Minimum side yard.** Seven (7) feet (zero lot line will be allowed as a common party wall between units).
4. **Minimum rear yard.** Twenty-five (25) feet.
5. **Minimum lot width.**
 - a. Seventy (70) feet for single-family.
 - b. Thirty-five (35) feet for each residential unit (two-family).
 - c. Minimum lot area. Seven thousand (7,000) square feet for single-family.
 - d. Minimum lot area per family. Three thousand five hundred (3,500) square feet.
 - e. Minimum dwelling size (living space).

- (1) One thousand (1,000) square feet for single-family.
- (2) Seven hundred (700) square feet per family for two-family.

E. Accessory Structure.

1. **Maximum size of accessory structure.** Two hundred fifty (250) square feet per residential unit.
2. **Minimum front yard of accessory structure.** Twenty-five (25) feet. Storage sheds less than two hundred (200) total square feet shall have a front yard of fifty (50) feet.
3. **Minimum side yard of accessory structure.** Seven (7) feet except that where zero lot lines are allowed as a common party wall for the main structure, that setback shall apply for the accessory structure along the same property line as the common party wall.^{*46}
4. **Minimum rear yard of accessory structure.** Seven (7) feet.^{*46}
5. **Minimum distance from main structure to accessory structure.** Ten (10) feet. Accessory structures less than ten (10) feet from the main structure must meet the same setbacks as the main structure and meet current building code requirements.^{*46}
6. **Design Requirements.** All accessory, non-residential buildings over 200 square feet must be constructed of building materials and designed architecturally to be in substantial compliance with the primary structure. The use of metal siding, including, but not limited to, aluminum and steel, in the construction of an accessory structure is prohibited.^{*14}

F. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

G. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

H. Solid Waste Disposal Screening Regulations. Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

SECTION 405.100: "R3A" MEDIUM DENSITY RESIDENTIAL DISTRICT

- A. Statement Of Intent.** The intent of this district is to provide for medium density residential development in environments which will be compatible with surrounding land uses. Types of development permitted include apartments, townhouses, villas, condominiums, and cluster homes. Such developments must be served by sanitary sewers and a public water supply, and shall not exceed a housing unit density of ten (10) units per acre. The district also allows for land uses which are incidental or accessory thereto.
- B. Permissive Uses.**
1. Adult day care.
 2. Golf course and clubhouse, driving range (unlighted) as an accessory use; no miniature golf course operated for commercial purposes.
 3. Home occupations, as regulated in Part 3, Article IV, Section 405.495 of this Chapter.
 4. Multi-family/multiple household dwellings, including apartments, cluster homes, condominiums, townhouses, and villas.
 5. Preschool, daycare, special, or other private school.
 6. Public building or facility erected by a governmental agency.
 7. Public parks or playgrounds.
 8. Public school (elementary, middle, or high), or private school having a curriculum equivalent to a public elementary, middle, or high school.
 9. Railroad right-of-ways, not including railroad yards.
 10. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks, for the purpose of providing services to the public.
 11. Single-family/single household dwellings.
 12. Two-family/two household dwellings.
 13. Accessory uses and buildings incidental to the above uses, when located on the same lot; examples of which are vegetable and flower gardens, the raising and keeping of pets on a non-commercial basis, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), community

carports, community garages, unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.

14. A group home facility which is the same as that defined in Section 405.060 except that the group home facility may house up to 15 persons.^{*8}

C. Conditional Uses.

1. Historic sites.
2. Private clubs on a site not less than two (2) acres.
3. Utility substation for electric, gas, or telephone utilities.
4. Wind turbines.^{*46}

D. Height, Area And Lot Requirements.

1. **Maximum height.** Forty-five (45) feet.
2. **Minimum front yard.** Twenty (20) feet from the external limits of the development site.^{*1, *46}
3. **Minimum side yard.** Ten (10) feet from the external limits of the development site.^{*46}
4. **Minimum rear yard.** Twenty-five (25) feet from the external limits of the development site.^{*46}
5. **Minimum yards** within a development site shall be as shown on the preliminary plat or site plan.^{*1, *46}
6. **Minimum lot area.** Four thousand (4,000) square feet for detached single family residences.^{*1, *46}
7. **Minimum dwelling size (living space).**
 - a. One thousand (1,000) square feet for single-family.
 - b. Seven (700) square feet (per family) for two-family.
 - c. Five hundred (500) square feet (two (2) or more bedrooms) for multi-family.
 - d. Four hundred (400) square feet (one (1) bedroom) for multi-family.

- e. Three hundred (300) square feet (efficiency unit combination bedroom/living room) for multi-family.

E. Accessory Structure.

1. **Maximum size of accessory structure.** Two hundred fifty (250) square feet per residential unit.
 2. **Minimum front yard of accessory structure.** Twenty-five (25) feet.
 3. **Minimum side yard of accessory structure.** Seven (7) feet except that where zero lot lines are allowed as a common party wall for the main structure, that setback shall apply for the accessory structure along the same property line as the common party wall.^{*46}
 4. **Minimum rear yard of accessory structure.** Seven (7) feet.^{*46}
 5. **Minimum distance from main structure to accessory structure.** Ten (10) feet. Accessory structures less than ten (10) feet from the main structure must meet the same setbacks as the main structure and meet applicable building code requirements.^{*46}
 6. **Design Requirements.** All accessory, non-residential buildings over 200 square feet must be constructed of building materials and designed architecturally to be in substantial compliance with the primary structure. The use of metal siding, including, but not limited to, aluminum and steel, in the construction of an accessory structure is prohibited.^{*14}
- F. Maximum Number Of Living Units.** The maximum number of living units in the R3A District shall not exceed ten (10) living units per acre.
- G. Additional Requirements.** See Part 3, Article I, Section 405.405 et seq.
- H. Parking, Loading And Sign Regulations.** See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.
- I. Solid Waste Disposal Screening Regulations.** Other than for single-family and two-family residential uses, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

SECTION 405.105: "R3B" MULTI-FAMILY RESIDENTIAL DISTRICT

- A. Statement Of Intent.** The intent of this district is to provide for medium and high density residential development; density of such development is not to exceed twenty (20) units per acre in environments which will be compatible with surrounding land uses. Such development must be served by sanitary sewers and a public water supply. The district also allows for land uses which are incidental or accessory thereto. ^{*1}
- B. Permissive Uses.**
1. Adult day care.
 2. Boarding houses.
 3. Cemetery on a site not less than five (5) acres. Cemeteries with a crematory as an accessory use on a site of not less than (20) acres. ^{*28, *46}
 4. Churches.
 5. Golf course and clubhouse, driving range (unlighted) as an accessory use; no miniature golf course operated for commercial purposes.
 6. Home occupations, as regulated in Part 3, Article IV, Section 405.495 of this Chapter.
 7. Institution (hospital, nursing, rest, or convalescent home, and educational or religious) on a site not less than five (5) acres, provided that not more than fifty percent (50%) of the site area may be occupied by buildings, and further provided that the building shall be set back from all required yard lines a minimum of fifty (50) feet. Hospitals may include a helicopter landing pad area as an accessory use.
 8. Multi-family/multiple household dwellings, including apartments, cluster homes, condominiums, townhouses, and villas.
 9. Preschool, daycare, special, or other private school.
 10. Private clubs or fraternal orders, except those whose chief activity is carried on as a business.
 11. Public building or facility erected by a governmental agency.
 12. Public parks or playgrounds.
 13. Public school (elementary, middle, and high), or private school having a curriculum equivalent to a public elementary, middle, or high school.

14. Railroad right-of-ways, not including railroad yards.
15. Sewage treatment plants and related facilities, including water supply plants, pumps, reservoirs, wells, and elevated storage tanks, for the purpose of providing services to the public, including substations or pumping stations.
16. Single-family/single household dwellings.
17. Two-family/two household dwellings.
18. Accessory uses and buildings incidental to the above uses, when located on the same lot; examples of which are vegetable and flower gardens, the raising and keeping of pets on a non-commercial basis, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), community carports, community garages, unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.^{*46}

C. Conditional Uses.

1. Historic sites.
2. Private clubs on a site not less than two (2) acres.
3. Utility substation for electric, gas, or telephone utilities.
4. Wind turbines.^{*46}

D. Height, Area And Lot Requirements.

1. **Maximum height.** Forty-five (45) feet.
2. **Minimum front yard.** Twenty (20) feet from the external limits of the development site.^{*1, *46}
3. **Minimum side yard.** Ten (10) feet from the external limits of the development site.^{*46}
4. **Minimum rear yard.** Twenty-five (25) feet from the external limits of the development site.^{*46}
5. **Minimum yards** within a development site shall be as shown on the preliminary plat or site plan.^{*1, *46}

6. **Minimum lot area.** Four thousand (4,000) square feet for detached single family residences.^{*1, *46}
7. **Minimum dwelling size (living space).**
 - a. One thousand (1,000) square feet for single-family.
 - b. Seven hundred (700) square feet (per family) for two-family.
 - c. Five hundred (500) square feet (two (2) or more bedrooms) for multi-family.
 - d. Four hundred (400) square feet (one (1) bedroom) for multi-family.
 - e. Three hundred (300) square feet (efficiency unit combination bedroom/living room) for multi-family.

E. Accessory Structure.

1. **Maximum size of accessory structure.** Two hundred fifty (250) square feet per residential unit.
2. **Minimum front yard of accessory structure.** Twenty-five (25) feet.
3. **Minimum side yard of accessory structure.** Seven (7) feet except that where zero lot lines are allowed as a common party wall for the main structure, that setback shall apply for the accessory structure along the same property line as the common party wall.^{*46}
4. **Minimum rear yard of accessory structure.** Seven (7) feet.^{*46}
5. **Minimum distance from main structure to accessory structure.** Ten (10) feet. Accessory structures less than ten (10) feet from the main structure must meet the same setbacks as the main structure and meet applicable building code requirements.^{*46}
6. **Design Requirements.** All accessory, non-residential buildings over 200 square feet must be constructed of building materials and designed architecturally to be in substantial compliance with the primary structure. The use of metal siding, including, but not limited to, aluminum and steel, in the construction of an accessory structure is prohibited.^{*14}

F. Maximum Number Of Living Units. The maximum number of living units in the R3B District shall not exceed twenty (20) living units per acre.^{*1}

G. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

- H. Parking, Loading And Sign Regulations.** See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.
- I. Solid Waste Disposal Screening Regulations.** Other than for two-family residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

SECTION 405.110: "RM" MANUFACTURED/MOBILE HOME RESIDENTIAL DISTRICT**A. Statement Of Intent.**

1. The purpose of the "RM" District is to provide for well-designed mobile home and manufactured home parks and subdivisions which are adequately served by public utilities. An "RM" District may be established, provided both a preliminary and a final development plat has been prepared, submitted, and approved in accordance with the regulations of this Chapter and those embodied in the Land Subdivision Regulations, as found in Chapter 410 of this Code. The preliminary development plat shall be submitted in conjunction with the application for rezoning to an "RM" District.
2. The total area of land to be included in an "RM" District and so designated shall be at least five (5) acres in size.
3. The location of any "RM" District shall be on property which has an acceptable relationship to major thoroughfares, and the Planning and Zoning Commission must satisfy itself to the adequacy of the thoroughfare to carry the additional traffic generated by the development.
4. The plat for the proposed development must present a unified and organized arrangement of sites and service facilities which shall have a fundamental relationship to the properties comprising the planned development.
5. Uses Subsections (B) (2) through (8) (below) must be shown on the approved development plat, have site plan approval, and not be utilized for residential purposes.

B. Permissive Uses. In an "RM" District, no building, structure, land, or premise shall be used, and no building shall be erected, constructed, reconstructed, or altered, except for one (1) or more of the following uses:

1. Adult day care.
2. Home occupations, as regulated in Part 3, Article IV, Section 405.495.
3. Laundry facilities.
4. Lift or pumping station for electric, gas, or telephone utilities.
5. Manufactured/mobile homes.
6. Off-street parking and storage areas.

7. Preschool, daycare, special, or other private school.
8. Recreational facilities and open space.
9. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks, for the purpose of providing services to the public.
10. Accessory uses and buildings incidental to the above uses, when located on the same lot; examples of which are vegetable and flower gardens, the raising and keeping of pets on a non-commercial basis, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.^{*55}

C. Height, Area And Lot Requirements.

1. No more than one (1) manufactured/mobile home shall be placed on any one (1) lot.
2. Each manufactured/mobile home lot shall have a minimum width of sixty (60) feet.
3. No manufactured/mobile home shall be placed, located, or permitted upon any lot less than six thousand (6,000) square feet.
4. All manufactured/mobile homes shall be located or placed at a minimum of twenty (20) feet from any street right-of-way.
5. No manufactured/mobile home nor extensions or additions thereto shall be placed upon any lot within a manufactured/mobile home park closer than ten (10) feet to the side and rear property lines of said lot. Any awnings, decks, or unenclosed porches may extend five (5) feet into the required side yard. The maximum height for any structure in this district shall be thirty-five (35) feet.
6. No attached additions, detached carports, or any structure shall be allowed closer than twenty-five (25) feet from any street right-of-way.

D. Additional Requirements.

1. Each manufactured/mobile home park shall include a buffer strip, exclusive of lot area, around the outer boundary, except where the park is adjacent to an existing mobile home park, which shall be one (1) of the following types as determined after review of the park plan, streets, topography, and surrounding land use:

- a. A heavily landscaped buffer zone strip which shall be no less than fifty (50) feet in width, or a heavily landscaped buffer zone strip at least twenty-five (25) feet in width, with a fence or heavily landscaped berm of such a height as to screen the manufactured/mobile home park from adjoining properties. In no case shall a manufactured/mobile home be closer than seventy (70) feet to an existing dwelling.
2. At least five hundred (500) square feet of recreational area shall be provided for each manufactured/mobile home lot contained within a manufactured/mobile home park. The improvements and equipment must be depicted on the preliminary plat.
3. Two (2) paved parking spaces off the street right-of-way shall be provided for each manufactured/mobile home lot. If additional parking spaces are needed for residents or visitors, such spaces shall be located in off-street parking bays.
4. Every manufactured/mobile home space shall be provided with devices for anchoring the unit, as required in the current building code of St. Charles County, Missouri.
5. The minimum size of the manufactured/mobile home unit shall be six hundred (600) square feet.
6. Accessory structures are permitted subject to subsection E.^{*55}

E. Accessory Structure.

1. **Maximum total size of any or all accessory structures on each manufactured/mobile home lot.** Up to fifty percent (50%) of base area of main structure.^{*55}
2. **Minimum front yard of accessory structure.** Twenty-five (25) feet.
3. **Minimum side yard of accessory structure.** Five (5) feet.
4. **Minimum rear yard of accessory structure.** Five (5) feet.

F. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. Solid Waste Disposal Screening Regulations. Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

ARTICLE IV. RECREATIONAL DISTRICT**SECTION 405.115: "PR" PARK RECREATIONAL DISTRICT**

- A. Statement Of Intent.** The intent of this district is to provide for outdoor recreational uses in a natural setting. The district also allows for land uses, which are incidental or accessory thereto.
- B. Permissive Uses.**
1. Baseball/softball diamonds, soccer fields, and related uses without lights.
 2. Boat docks, marinas, ferry landings, wharves, piers, and ramps for the use of leisure craft only.
 3. Campgrounds, travel trailers, and recreational vehicle parks, in accordance with the requirements for site plans in Part 4, Section 405.525, Site Plan Review.
 4. Commercial fishing lakes or sites on rivers.
 5. Forest and wildlife reservations.
 6. Golf course, miniature golf course, and driving range, provided that all buildings are two hundred (200) feet from any residential zoned subdivision.
 7. Public building or facility erected by a governmental agency.
 8. Public parks or playgrounds.
 9. Railroad rights-of-ways, not including railroad yards.
 10. Rental, repair, and storage of boats and bicycles, boating, bicycling, and fishing supplies, and the sale of boating, bicycling, fishing, camping, picnicking, and pre-packaged food supplies.
 11. Restaurant, or the sale of food items prepared on the premises.
 12. Riding stables, tracks, and roping arenas (commercial), provided that no building or structure shall be located closer than fifty (50) feet from property lines.
 13. Sale of marine gasoline.
 14. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks, for the purpose of providing services to the public.

C. Conditional Uses.

1. Commercial recreational uses, such as skeet shooting, swimming pools, baseball/softball diamonds with lights, soccer fields with lights, and related uses.
2. Historic sites.
3. Houseboats.^{*7}
4. Private boat, yacht, fishing, gun, skeet, duck, or social club.^{*7}
5. Sale of boats.^{*7}
6. Topsoil removal operation.^{*7}
7. Utility substation for electric, gas, or telephone utilities.^{*7}

D. Height, Area And Lot Requirements.

1. **Maximum height.** Forty-five (45) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).
2. **Minimum front yard.** Twenty-five (25) feet.
3. **Minimum side yard.** Ten (10) feet.
4. **Minimum rear yard.** Twenty-five (25) feet.
5. **Minimum lot width.** None.
6. **Minimum lot area.** One (1) acre.

E. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

F. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. Solid Waste Disposal Screening Regulations. All exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

ARTICLE V. RIVERFRONT DISTRICT^{*22}**SECTION 405.120: "RF" RIVERFRONT DISTRICT**^{*22}

- A. Statement of Intent.** The intent of this district is to provide for various entertainment, recreational, residential and commercial activities along the Missouri and Mississippi Rivers, (major rivers). All development may also be subject to the requirements of the FF, FP and DF overlay districts.^{*22}
- B. Permissive Uses.**
1. Boat club.^{*22}
 2. Boat docks, marinas, and piers.
 3. Boat launching ramps, public and private.^{*22}
 4. Boat storage, indoor and outdoor associated with a marina.^{*22}
 5. Camping and recreational vehicle parks, in accordance with the requirements for site plans in Part 4, Section 405.525, Site Plan Review.^{*22}
 6. Dock houses and houseboats, non-motorized.^{*22}
 7. Excursion boats.^{*22}
 8. Ferry boats and landings.^{*22}
 9. Food and retail sales accessory to a marina.^{*22}
 10. Marine sales, service and repair.^{*22}
 11. Marine fuel sales.^{*22}
 12. Outdoor recreation and entertainment, e.g. golf courses, tennis courts, swimming pools.^{*22}
 13. Park and recreation facilities.^{*22}
 14. Residential unit in conjunction with a marina for a required night watchman or harbor master.^{*22}
 15. Restaurant accessory to a marine with over forty (40) slips.^{*22}

C. Conditional Uses.^{*22}

1. Commercial lodging in conjunction with a marina.^{*22}
2. Riverboat gambling vessels including associated boat support facilities, docking facilities, employee support facilities, ground transportation support facilities, passenger ticketing facilities, parking facilities, and security facilities.^{*22}
3. Drinking establishments, nightclubs, and floating operations of such uses which have at least 6 transient boat docking facilities.^{*22}
4. Restaurants which have at least six (6) boat docking facilities for transient use.^{*22}

D. Height And Area Regulations.^{*22}

1. No minimum site area for all uses except for riverboat gambling vessels. The minimum site area for riverboat gambling vessels shall be no less than twenty-five (25) acres.^{*22}
2. The minimum frontage along a major river shall be three hundred (300) feet.^{*22}
3. The maximum height for permitted uses in this district shall be fifty (50) feet.^{*22}
4. The maximum height that may be considered for conditional uses shall be seventy-five (75) feet.^{*22}
5. The minimum building line setbacks unless specified otherwise in this ordinance, shall be thirty (30) feet from all property lines, except for frontage along the river.^{*22}
6. The minimum building line setbacks from the waterfront for commercial lodging in conjunction with a marina shall be no less than one hundred fifty (150) feet.^{*22}
7. The minimum lot width shall be two hundred (200) feet at the front building line.^{*22}

E. Specific Provisions for Riverfront Development Plans. All development requiring a conditional use permit within an RF district shall conform to the approved riverfront development plan. Any riverfront development plan submitted for approval pursuant to this ordinance shall include, but not be limited to:^{*22}

1. Site Layout Plan showing:^{*22}
 - a. The location of buildings, parking facilities, loading docks, boats, barges, vessels, piers, slips, etc.;^{*22}

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- b. On site circulation;^{*22}
 - c. Existing vegetation and vegetation to be removed;^{*22}
 - d. Landscaping and screening;^{*22}
 - e. The location of outdoor lighting on the property. All outdoor lighting shall have an arrangement and a level of intensity which will not interfere with adjacent streets or properties. No lighting shall be flashing or intermittent;^{*22}
 - f. Signage;^{*22}
 - g. Building orientation, height, and setbacks;^{*22}
 - h. All identified wetland areas must be depicted in the development plan. Wetland determinations must be made for the site by the U.S. Army Corps of Engineers.^{*22}
 - i. Open space and amenities;^{*22}
 - j. Other elements as specified by the Planning and Zoning Director.^{*22}
2. Architecture and Design Plan:^{*22}
- a. An architecture and design plan shall be submitted that depicts the architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, treatment and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements, and the scale, height, mass, proportion, form, style, detail, construction material, and roof design of a project or building.^{*22}
 - b. Accompanying the development plan will be photographs, artists' renderings, or other visual presentations that will assist the County in evaluating the plan.^{*22}
 - c. The architecture and design plan shall be reviewed for its conformity with certain minimum design standards of appearance and for its harmony with surrounding structures and land uses. The purpose of such review is to ensure that unsightly, grotesque and unsuitable structures, detrimental to the stability of property values, to the welfare of surrounding property, residents and occupants, and to the general welfare and happiness of the community, be avoided, and that appropriate standards of beauty and appearance be fostered and encouraged.^{*22}

3. Other plan submittal requirements: ^{*22}
 - a. The prospective developer will supply information relative to expected infrastructure improvements, such as water service, sanitary sewer service, natural gas, electricity and roadways. ^{*22}
 - b. All applicable structures and facilities must comply with the requirements of the FF, FW, and DF overlay districts. ^{*22}
 - c. Implementation strategy and schedule; ^{*22}
 - d. Other information that may be required includes: ^{*22}
 - (1) Information relating to the number of employees and visitors to be accommodated, with expected daily, monthly, and yearly operations. ^{*22}
 - (2) A detailed plan covering the requirements for on-site security, fire protection, and emergency services. ^{*22}
 - (3) A traffic impact analysis may also be required. Such an analysis must include expected access routes, expected traffic volume, peak hours of operation, projected road improvements, and traffic controls necessary to accommodate the proposed uses and volumes. The developer also must provide written evidence that the concepts and/or designs have been approved by the Missouri Department of Transportation and/or a municipal government if such signalization or improvements are within their jurisdiction. ^{*22}

F. Parking and Loading Regulations. ^{*22}

1. Parking for the riverboat gambling vessel operation shall be one (1) parking space for every two (2) customers, based upon maximum occupancy, plus one (1) space per employee on the maximum shift. All other uses shall provide parking as specified in Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. ^{*22}
2. There shall be a minimum of two (2) loading spaces provided for the riverboat gambling vessel. All other uses shall provide loading spaces as specified in Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. ^{*22}
3. There shall be a minimum of four (4) full-size bus parking spaces provided near the riverboat gambling vessel. ^{*22}

G. Sign Regulations. All other signage on the site shall be regulated by the requirements in Part 3, Article III, Section 405.470, et seq. or as specified in the development plan. ^{*22}

- H. Solid Waste Disposal Screening Regulations.** All exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible material.^{*22}

ARTICLE VI. OFFICE AND COMMERCIAL DISTRICTS**SECTION 405.125: "CO" OFFICE DISTRICT**

- A. Statement Of Intent.** The intent of this district is to provide attractive office facilities for low-intensity businesses and professional offices. The district also may serve as a transitional area between higher commercial uses and residential areas. Uses within this district shall generate a light vehicular and pedestrian traffic flow. No use shall be permitted which involves retailing, wholesaling, or manufacturing activities.
- B. Permissive Uses.**
1. Abstracting services.
 2. Advertising services.
 3. Architectural, engineering, urban planning, and related professional services.
 4. Artists, painters, sculptors, composers, and authors.
 5. Auditing, accounting, and bookkeeping services.
 6. Broadcast facility sixty (60) feet or less in height, provided that the distance from the center of the tower base to the nearest property line shall not be less than the height of the tower.^{*14}
 7. Business and management consulting services.
 8. Business association offices.
 9. Charitable and welfare services.
 10. Chiropractors, optometrists, and other similar health services.
 11. Commodity and security broker dealers.
 12. Computer and data processing services.
 13. Credit and collection services.
 14. Dental and laboratory services.
 15. Detective and protective services.
 16. Holding and investment services.

17. Insurance agents' and brokers' services.
18. Legal services and offices for attorneys and paralegals.
19. Medical services; physicians' offices and clinics.
20. Office building or complex.
21. Photographic studios.
22. Psychiatric and/or psychological services.
23. Public building or facility erected by a governmental agency.
24. Real estate agents', brokers', and management services.
25. Residential uses when located within a commercial structure and located above or behind the commercial use. ^{*1}
26. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks, for the purpose of providing services to the public. ^{*46}
27. Telecommunication facility as regulated in Part 3, Article VIII, Section 405.505. ^{*14, *46}
28. Travel agencies. ^{*14, *46}

C. Conditional Uses.

1. Broadcast facility in excess of sixty (60) feet in height, provided that the distance from the center of the tower base to the nearest property line shall not be less than the height of the tower. ^{*14}
2. Manufactured structures not utilized as a dwelling. ^{*28}
3. Restaurant, cafeteria, or deli within an office building or office complex.
4. Single-family/single household dwellings and manufactured/modular homes and modular structures utilized as a dwelling, with the conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.
5. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505. ^{*14, *46}

D. Height, Area And Lot Requirements.

1. **Maximum height.** Thirty-five (35) feet (except as regulated in Part 3, Article I, Section 405.405 et seq).
2. **Minimum front yard.** Twenty-five (25) feet.
3. **Minimum side yard.** Zero (0) feet or ten (10) feet where a side yard adjoins a property within an A, Agricultural District or R, Residential District property. ^{*28}
4. **Minimum rear yard.** Fifteen (15) feet.
5. **Minimum lot width.** None.
6. **Minimum lot area.** None (except seven thousand (7,000) square feet for a dwelling).
7. **Minimum dwelling size (living space):** ^{*1}
 - a. Eight hundred (800) square feet for single-family. ^{*1}
 - b. Seven hundred (700) square feet (per family) for two-family. ^{*1}
 - c. Five hundred (500) square feet (two (2) or more bedrooms) for multi-family ^{*1}
 - d. Four hundred (400) square feet (one (1) bedroom) for multi-family. ^{*1}
 - e. Three hundred (300) square feet (efficiency unit combination bedroom/living room) for multi-family. ^{*1}

E. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

F. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. Solid Waste Disposal Screening Regulations. Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

SECTION 405.130: "C1" NEIGHBORHOOD COMMERCIAL DISTRICT

- A. Statement Of Intent.** The intent of this district is to provide commercial areas for retail and service establishments which primarily serve local surrounding residential areas. The convenient shopping facilities typically occupy small sites and are located at the intersections of or along major transportation arteries.
- B. Permissive Uses.**
1. Any permissive use or a conditional use of the "CO" Office District, except single family/single household dwellings, manufactured/modular structures, or broadcast facilities and telecommunication facilities.^{*1,*14}
 2. Adult day care.
 3. Bank or financial institution.
 4. Broadcast facility one hundred (100) feet or less in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower.^{*14}
 5. Cemetery on a site of not less than five (5) acres. Cemeteries with a crematory as an accessory use on a site of not less than twenty (20) acres.^{*28,*46}
 6. Churches.
 7. Dressmaking, tailoring and alterations, shoe repair, repair of household appliances, jewelry, clocks, watches, bicycles, catering and bakery with sales of bakery products on premises, interior decoration, locksmith service, and other uses of similar character.
 8. Duplicating, mailing, stenographic service, and private postal service.
 9. Florist, garden supplies, nursery and garden center.^{*14}
 10. Group home facility.
 11. Historic sites.
 12. Home occupations, as regulated in Part 3, Article IV, Section 405.495.
 13. Horses and private stable as an accessory building on three (3) acres or more, provided that said stable is fifty (50) feet from all property lines.
 14. Institution (hospital, nursing, rest, or convalescent home, and educational or religious) on a site of not less than five (5) acres, provided that not more than fifty

percent (50%) of the site area may be occupied by buildings, and further provided that the buildings shall be set back from all required yard lines a minimum of fifty (50) feet. Hospitals may include a helicopter landing pad area as an accessory use.

15. Kennels, on a site of not less than three (3) acres, provided all pens are one hundred fifty (150) feet from all property lines.
16. Lawn care service, on a site of not less than one (1) acre, and all lawn care materials and any related equipment or vehicles, are required to be stored within an accessory structure.
17. Mortuary.
18. Park or playground.
19. Personal service use, including art studio, barber shop, beauty shop, laundry or dry cleaning, pet grooming, launderette or self-service laundry, and other uses of similar character.^{*28}
20. Preschool, daycare, special, or other private school.
21. Private clubs on a site of not less than two (2) acres.
22. Private or commercial recreational facility, including a lake, swimming pool, tennis court, boarding stable, riding stable, or golf course on a site of not less than five (5) acres.
23. Private school, including art, dancing, martial arts, and music.
24. Public school (elementary, middle, or high), or a private school having a curriculum equivalent to public elementary, middle, or high school.^{*28, *46}
25. Railroad right-of-ways, not including railroad yards.^{*28, *46}
26. Retail store, including antiques, art and hobby supplies, books and magazines, candy, nut and confectionery, camera and photographic supplies, cigarettes and cigars, clothing, drug and pharmaceutical, dry goods, gift, glass and china, hardware, jewelry, leather, luggage, metalware, music, notions, novelty, pastry, pet, pottery, radio, shoes, sporting goods, stationery, and toy shops, in connection with which there shall be no slaughtering of animals or poultry, nor commercial fish cleaning or processing on the premises.^{*28, *46}
27. Telecommunication facility as regulated in Part 3, Article VIII, Section 405.505.^{*14, *28, *46}

28. Utility substation for electric, gas, or telephone utilities.^{*14,*28,*46}
29. Accessory uses customarily incidental to any of the above.^{*14,*28,*46}

C. Conditional Uses.

1. Automobile fuel sales, not including service and repair.
2. Bed and breakfast residence.
3. Broadcast facility in excess of one hundred (100) feet in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower.^{*14}
4. Convenience store, which may include the sale of gasoline and an automobile car wash (store limitation of five thousand (5,000) gross square feet).
5. Houseboats.^{*7,*14}
6. Liquor, wine, and beer, retail.^{*7}
7. Manufactured structures not utilized as a dwelling.^{*7,*28}
8. Recycling collection facility.^{*7}
9. Restaurant, fast-food restaurant, cafeteria, ice cream parlor, tea room, bar, and tavern.^{*7}
10. Single-family/single household dwellings and manufactured homes and modular structures utilized as a dwelling, with the conditions regulated in Part 4, Section 405.520, Development Standards or Certain Conditional Uses.^{*7}
11. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505.^{*7,*14,*46}
12. Temporary fireworks stand.^{*7,*14}
13. Temporary recreation and entertainment.^{*7,*14}

D. Height, Area And Lot Requirements For All Structures.

1. **Maximum height.** Forty-five (45) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).
2. **Minimum front yard.** Twenty-five (25) feet.

3. **Minimum side yard.** Zero (0) feet or ten (10) feet where a side yard adjoins a property within an A, Agricultural District or R, Residential District property. ^{*28}
 4. **Minimum rear yard.** Fifteen (15) feet.
 5. **Minimum lot width.** None.
 6. **Minimum lot area.** None (except seven thousand (7,000) square feet for residential).
 7. **Minimum dwelling size (living space):** ^{*1}
 - a. Eight hundred (800) square feet for single-family. ^{*1}
 - b. Seven hundred (700) square feet (per family) for two-family. ^{*1}
 - c. Five hundred (500) square feet (two (2) or more bedrooms) for multi-family. ^{*1}
 - d. Four hundred (400) square feet (one (1) bedroom) for multi-family. ^{*1}
 - e. Three hundred (300) square feet (efficiency unit combination bedroom/living room) for multi-family. ^{*1}
- E. Additional Requirements.** See Part 3, Article I, Section 405.405 et seq.
- F. Parking, Loading And Sign Regulations.** See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.
- G. Solid Waste Disposal Screening Regulations.** Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

SECTION 405.135: "C2" GENERAL COMMERCIAL DISTRICT

- A. Statement Of Intent.** The intent of this district is to provide locations for a wide range of commercial, retail, and service activities serving a large community trade area. The regulations embodied in this district facilitate the establishment of conditions suitable for operations of businesses catering to the general public.
- B. Permissive Uses.**
1. Any permissive use or conditional use of the Park Recreational "PR" and Neighborhood Commercial "C1" Districts, except single family/single household dwellings, houseboats, temporary fireworks stands, bed and breakfast residences, or broadcast facilities and telecommunication facilities.^{*1,*7,*14}
 2. Art gallery and museum.
 3. Automobile car wash.^{*33}
 4. Automobile service station and automobile repair, including auto body shop, provided that wrecked or dismantled vehicles or parts are stored in a building or enclosed within an eight (8) foot sight-proof fence.^{*33}
 5. Bed and breakfast inn.^{*33}
 6. Blacksmithing and welding service.^{*33}
 7. Broadcast facility of one hundred (100) feet or less in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower.^{*14,*15,*33}
 8. Business or commercial school or academy.^{*14,*33}
 9. Carpentry and woodworking related to furniture and small wood products employing not more than four (4) individuals, and provided there is no open storage of materials or products.^{*14,*33}
 10. Dyeing, cleaning, printing, tinsmithing, tire sales and service, upholstery, and other general service and repair establishment of similar character. Not more than ten percent (10%) of the lot or tract occupied by such an establishment shall be used for the outside storage of materials or equipment within an eight (8) foot sight-proof fence.^{*14,*33,*46}
 11. Department and discount store.^{*14,*33,*46}
 12. Display and sales room.^{*14,*33,*46}

13. Farm machinery and equipment, sales, and repair. ^{*14,*33, *46}
14. Farm or feed store, including accessory storage of liquid or solid fertilizer. ^{*14,*33,*46}
15. Frozen food lockers and cold-storage facility. ^{*14,*33, *46}
16. Furniture, home furnishing, and floor covering, retail. ^{*14,*33, *46}
17. General contracting services relating to building, electrical, heating and cooling, painting, and plumbing with no outside storage except for trucks and dump trucks which may be stored outside. ^{*14,*33, *46}
18. Halfway House. ^{*16,*33, *46}
19. Health and exercise club, reducing salon, and athletic club. ^{*14,*16,*33, *46}
20. Laboratory--research, experimental, or testing. ^{*14,*16,*33, *46}
21. Landscaping contracting services. ^{*14,*16,*33, *46}
22. Mail order facilities, including direct mail and similar facilities. ^{*14,*16,*33, *46}
23. Microbrewery. ^{*46}
24. Motel or hotel. ^{*14,*16,*33, *46}
25. Nightclub. ^{*14,*16,*33, *46}
26. Public parking garage facility. ^{*14,*16,*33, *46}
27. Radio or television broadcasting station or studio and telegraph offices. ^{*14,*16,*33,*46}
28. Recreation, commercial indoor. ^{*46}
29. Rental agency. ^{*14,*16,*33, *46}
30. Supermarket. ^{*14,*16,*33,*44, *46}
31. Tattooing/body piercing establishment, established pursuant to Chapter 645, Ordinances of St. Charles County, Missouri, provided that the premises occupied be at least one thousand (1,000) feet from the site of any public or private school. ^{*14,*16,*33,*44, *46}

32. Taxidermy.^{*44, *46}
33. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505.^{*14, *16, *33, *44, *46}
34. Theatre, stage, or motion picture, indoor.^{*14, *16, *33, *44, *46}
35. Veterinarian, animal hospital, or kennel, if within an enclosed building.^{*46}
36. Accessory use customarily incidental to any of the above including a crematory as an accessory use to a mortuary.^{*14, *16, *33, *44, *46}

C. Conditional Uses.

1. Airport or landing field.^{*46}
2. Amphitheater, aquarium, arena and fieldhouse, auditorium, convention center, planetarium, stadium, and zoo.^{*46}
3. Amusement game machine complex.^{*46}
4. Amusement park or any outdoor amusement area.^{*46}
5. Automobile, boat, truck, mobile home, manufactured home, modular home, recreational vehicle sales, rental and leasing (new and used).^{*28, *33, *46}
6. Automobile, boat, truck, mobile home, manufactured home, modular home, recreational vehicle storage.^{*33, *46}
7. Bed and breakfast residence.^{*28, *33, *46}
8. Broadcast facility in excess of one hundred (100) feet in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower.^{*14, *28, *33}
9. Drive-in theatre.^{*28, *33}
10. Firewood-cutting, sales and storage.^{*28, *33, *46}
11. Helicopter landing pad area.^{*46}
12. Houseboats.^{*7, *14, *28, *33, *46}
13. Lumberyard and building materials.^{*7, *28, *33, *46}

14. Regional shopping center. ^{*46}
15. Self-storage or mini warehouses. ^{*7,*28,*33,*46}
16. Single-family/single household dwellings and manufactured homes and modular structures utilized as a dwelling, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses. ^{*7,*28,*33,*46}
17. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505. ^{*7,*14,*28,*33,*46}
18. Temporary fireworks stands. ^{*7,*14,*28,*33,*46}
19. Truck or bus terminal. ^{*7,*14,*28,*33,*46}
20. Truck stop, with or without restaurant and motel facilities. ^{*46}
21. Vehicle washing facility for tractor trailers. ^{*46}
22. Warehouse or wholesale establishment. ^{*7,*14,*28,*33,*46}

D. Height, Area And Lot Requirements For All Structures.

1. **Maximum height.** Sixty (60) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).
2. **Minimum front yard.** Twenty-five (25) feet.
3. **Minimum side yard.** Zero (0) feet or ten (10) feet where a side yard adjoins a property within an A, Agricultural District or R, Residential District property. ^{*28}
4. **Minimum rear yard.** Fifteen (15) feet.
5. **Minimum lot width.** None.
6. **Minimum lot area.** None (except seven thousand (7,000) square feet for residential).
7. **Minimum dwelling size (living space):** ^{*1}
 - a. Eight hundred (800) square feet for single-family. ^{*1}
 - b. Seven hundred (700) square feet (per family) for two-family. ^{*1}
 - c. Five hundred (500) square feet (two (2) or more bedrooms) for multi-family. ^{*1}

- d. Four hundred (400) square feet (one (1) bedroom) for multi-family. ^{*1}
- e. Three hundred (300) square feet (efficiency unit combination bedroom/living room) for multi-family. ^{*1}

E. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

F. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. Solid Waste Disposal Screening Regulations. Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

SECTION 405.140: RESERVED^{*46}

ARTICLE VII. "HTCD" HIGH TECHNOLOGY CORRIDOR DISTRICT**SECTION 405.145: STATEMENT OF INTENT**

The purpose and intent of the High Technology Corridor District (HTCD) is to provide a controlled and protected environment for the orderly growth and development of high technology businesses and industries within a park-like setting. This district also may allow, as conditional uses, other selected activities and facilities which provide services to or complement the permitted uses. All uses within the "HTCD" must conform to the Regulations and Performance Standards described within this district. The "HTCD" regulations apply to both individual lots and larger developments with multiple lots. However, whenever possible, the development of "HTCD" parks is encouraged for those that offer the opportunity to provide a planned office/research/ technology environment with common amenities, infrastructure, and management.

SECTION 405.150: PERMISSIVE USES

The following activities are permitted, subject to the regulations and standards set forth herein:

1. Administrative, headquarter, or processing offices for any of the following permissive uses.
2. Computer programming and other software services.
3. Educational facilities.
4. Engineering, architectural, urban planning, and design services.
5. Federal, State, County, City, or public utility owned and operated buildings and uses.
6. Manufacture of scientific, precision, and research instruments.
7. Offices for medical and telecommunications organizations.
8. Offices serving educational, governmental, scientific, research and development, manufacturing, assembly, and professional organizations.
9. Research and testing laboratories.
10. Any proposed use not listed above shall be reviewed by the Planning and Zoning Commission for determination as to compatibility with other uses in the district, and the Commission shall forward a recommendation to the Governing Body for a final determination and approval.

SECTION 405.155: CONDITIONAL USES

The following activities which support, or are an adjunct to, the permitted uses may, at the discretion of the Planning and Zoning Commission, be allowed, subject to the regulations and standards set forth herein and any other conditions deemed necessary to ensure compatibility with adjacent and surrounding uses. Some of the conditional uses listed in this Section may be appropriate within the context of an "HTCD" park:

1. Banks, savings and loans, and credit unions.
2. Child care facilities.
3. Conference and training facilities.
4. Hotels, motels, and extended-stay rental lodging facilities.
5. Light manufacturing and assembly facilities.
6. Recreational facilities such as golf courses, tennis courts, fitness centers, and indoor facilities.
7. Restaurants.
8. Retail and personal service establishments.

SECTION 405.160: ACCESSORY USES

Accessory uses shall be complementary and subordinate to a principal use which is permitted within the zoning district. Permitted accessory uses in this zoning district shall include the following uses and structures:

1. Buildings for storage of documents, records, testing and research equipment, experimental models, and other personal property related to the principal use.
2. Bus shelters.
3. Clinics, cafeterias, lounges, and recreational areas for employees.
4. Conference or training facilities accessory to any permitted use.
5. Receiving and transmitting antennas and communication towers that are accessory to a principal use.
6. Sign structures which are used to advertise, promote, or identify commercial activity that is on the same premises as the sign.

SECTION 405.165: REGULATIONS AND STANDARDS

The following regulations shall apply in all High Technology Corridor Districts (HTCD):

1. **Administrative requirements.**
 - a. The applicant requesting "HTCD" zoning, or development within an existing "HTCD", must submit to the Planning and Zoning Commission prior to any development taking place on the site a preliminary, site development plan and color rendering of building elevations. The plan shall depict: proposed uses for all lots; access and traffic circulation; parking and loading areas; a landscape plan indicating the selection of tree and shrub species for the park and/or individual lots as they are developed; the design of common open space areas; location and design of signs; typical building elevations; and additional items set forth herein.
 - b. The applicant must, simultaneously, file a preliminary subdivision plat for the tract and follow the entire platting process as indicated in Chapter 410 (the preliminary plat can be reviewed concurrently with the rezoning if the site is not already zoned "HTCD").
 - c. The applicant shall include with the plat application covenants and restrictions for the development, if applicable.
 - d. The applicant shall describe within the covenants and restrictions the organization and operation of the governing board that is set up to enforce said covenants. The covenants shall also address the integration of individual site developments with the overall site plan.
2. **Design requirements.**
 - a. **Design unity.** Development within an "HTCD" should demonstrate a logical layout and pattern of streets and open space, a well-conceived landscape plan, and design unity of street furniture and signage.
 - b. The development should integrate a common open space system and stormwater drainage system: the common open space system shall include recreational areas; environmental reserves protected from development or retained for their scenic beauty; a storm drainage system; and open space around any centralized management, service, or administrative center. The storm drainage system includes conduits, swales, streams, wetlands, detention basins, and surcharge retention ponds sufficient to contain storm drainage on the tract and to avoid localized flooding on individual lots or other abutting and nearby parcels outside the tract.

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- c. The development should demonstrate a site layout and design that integrates individual lots within the overall development context.
 3. **Site area.** There is no minimum lot area for "HTCD" developments. All developments are subject to site development and subdivision plat review and must demonstrate the development site is sufficient to meet all development standards of the "HTCD" District.
 4. **Lot width.** The minimum lot width shall be one hundred (100) feet at the front of the building line, except that lots of five (5) acres or greater shall have a minimum width of two hundred (200) feet at the front of the building line.
 5. **Lot coverage.** The maximum lot coverage shall not exceed seventy percent (70%). This represents that portion of the site which is covered by impermeable surfaces, such as buildings or paving for access, circulation, loading, and parking.
 6. **Yard requirement.**
 - a. **Front yard.** All buildings must be set back a minimum of thirty (30) feet from any public right-of-way. All required front yards must be kept clear of parking, loading areas, accessory uses, and buildings.
 - b. **Side yard.** All buildings must be at least twenty (20) feet from the side property line of any adjacent lot, except in the case of a corner lot, where the side yard shall be thirty (30) feet.
 - c. **Rear yard.** All buildings must be at least thirty (30) feet from the rear property line.
 7. **Height requirements.** Except as otherwise provided in this Chapter, no building or structure shall exceed sixty (60) feet.
 8. **Landscaping and screening.**
 - a. All side and rear yards shall maintain a minimum of a fifteen (15) foot landscape strip adjacent to the property line. A minimum of a one and one-half (1½) inch caliper tree per thirty (30) feet linear distance for each boundary line shall be provided.
 - b. When adjacent to a residential use or residentially zoned property, the landscape buffer shall not be less than thirty (30) feet in width.
 - c. All front yards under this Article shall be landscaped and maintained.

- d. A fence, wall, hedge, landscaping, earth berm, natural buffer, or any combination thereof, shall be provided to screen uses or portions of uses which represent a potential negative impact on adjacent properties.

The following specific uses or features shall be screened from adjacent properties and from the view of any existing or proposed public street:

- (1) Dumpster and trash hauling areas.
 - (2) Service entrances and utility facilities.
 - (3) Loading docks or spaces.
 - (4) Outdoor storage or material stocks, or equipment, including, but not limited to: motor vehicles, farm or construction equipment, or other similar items.
 - (5) Screening standards. In addition to the standards set forth elsewhere in this Article, the following standards apply to all screening:
 - (a) Minimum height of any screening shall be that which is sufficient to visually separate uses within the subject property from adjoining properties and streets.
 - (b) Height of any screening materials on a corner is controlled by vehicular sight distances.
 - (c) Shrubs used as screening materials shall be of the evergreen variety.
9. **Utilities.**
- a. Any area zoned High Technology Corridor District shall be served by approved public water and sewer facilities or PSC-approved private utilities.
 - b. All utility distribution lines and conduits must be placed underground. In the instance of external equipment, such as transformers, screening will be required.
10. **Parking.**
- a. Off-street parking shall be provided for all uses consistent with the provisions of Part 3, Article II, Section 405.440, et seq.

- b. Loading areas shall not be located within any front yard and shall be properly screened so as to be not visible from any existing or proposed street. Screening may consist of earth berms or landscaping.
- c. All off-street parking areas, which shall include drives within the parking areas greater than twenty (20) automobiles shall have at least five percent (5%) of the interior of parking area landscaped in planting islands or peninsulas. Width of the planting area or peninsula shall be seven (7) feet between the backs of the curbs and at least one (1) tree, one and one-half (1½) inch caliper, per twenty (20) parking spaces, shall be planted within the planting islands or peninsulas.
- d. Design of parking lots should encourage the use of mass transit and ridesharing.

11. Performance standards.

- a. All operations must take place within a fully enclosed building.
- b. All storage of materials and equipment shall be within a fully enclosed building or a screened rear yard not visible to any adjacent property. Screening shall be defined as berms, dense vegetation, or wood or brick fences.
- c. Access points shall minimize traffic congestion. Whenever possible, access to a roadway shall be made to service more than one (1) lot.

12. Signs.

- a. Master sign plan. For developments containing three (3) or more structures, a master sign plan shall be required. This plan shall include information as to the type of sign allowed within the development, colors, lettering styles, and locations.
- b. The only signs permitted within the "HTCD" will be for identification purposes and shall be located on-premise. No off-premise outdoor advertising signage billboards shall be allowed.
- c. Park directory signs and/or map locator signs will be allowed at the entrance to an "HTCD" park. Such signs shall not be over twelve (12) feet in height and will have a face no greater than thirty-two (32) square feet.
- d. Standards. Only two (2) types of signs will be permitted per lot in the "HTCD" -- monument and attached. The following standards shall apply, in addition to those set forth in Part 3, Article III, Section 405.470, et seq.

- (1) Monument signs.
 - (a) Maximum area of face. One hundred (100) square feet.
 - (b) Setback. Ten (10) feet from the right-of-way.
- (2) Attached signs.
 - (a) Maximum area of face. Ten percent (10%) of the wall area which faces a street.
- e. Design. All signs shall reflect the architectural design scheme of the project and must be submitted as part of the site plan.

13. **Architectural design standards**

- a. Structures must be architecturally finished on all sides.
- b. Metal-clad buildings are prohibited.
- c. Acceptable exterior surface finish materials for buildings shall include masonry, brick, glass, stucco, or selected forms of aggregate.
- d. All rooftop equipment shall be screened from view on all four (4) sides.
- e. Pre-engineered and pre-fabricated structures are prohibited. However, this prohibition shall not extend to components or accessory functions of a building.

ARTICLE VIII. INDUSTRIAL DISTRICTS**SECTION 405.170: "I1" LIGHT INDUSTRIAL DISTRICT**

- A. Statement Of Intent.** The intent of this district is to provide for locations with a variety of less-intense industrial, warehouse, and wholesale operations. Such an establishment in this district is relatively free of objectionable influence in its operation and appearance. Industrial work, in which the finished product is generally produced from semi-finished material, applies to this district.
- B. Permissive Uses.**
1. Any permissive use or conditional use of the "C2", General Commercial District, except automobile, boat, truck, mobile home, manufactured home, modular home, recreational vehicle sales, rental and leasing (new and used); dwellings, unless to be for and occupied by: a watchperson, attendant, guard, or other personnel who customarily resides on the premises; temporary fireworks stands; broadcast facilities and telecommunication facilities. ^{*14,*33,*46}
 2. Broadcast facility of one hundred fifty (150) feet or less in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower. ^{*14,*15}
 3. Baking plant, with baked goods not sold on premise. ^{*46}
 4. Bottling works and food packaging. ^{*46}
 5. Brewery. ^{*46}
 6. Cabinet, carpentry, pattern shop, planing mill, and woodworking plant. ^{*14,*46}
 7. Chemical laboratory not producing noxious fumes or odor. ^{*14,*46}
 8. Commercial and industrial machinery, equipment, and supplies, sales, and service. ^{*14,*46}
 9. Distillery (facility that produces alcoholic drinks for human consumption). ^{*45,*46}
 10. Docks, piers, and wharves, and equipment and structure incidental to river barge traffic. ^{*14,*45,*46}
 11. Grain elevator and flour mill. ^{*14,*45,*46}
 12. Laundry or dry cleaning plant. ^{*14,*45,*46}

13. Machine shop, electroplating, photoengraving, plumbing and sheet metal shop, and other similar uses. ^{*14,*45,*46}
14. Manufacturing or processing of articles, materials, and products, except those uses permitted in Section 405.175.: ^{*14,*45,*46}
15. Masonry and stonework operation. ^{*14,*45,*46}
16. Monument and marble work. ^{*14,*45,*46}
17. New and used construction equipment and heavy machinery, sales, lease, rental, repair, and storage. ^{*46}
18. Pet crematories. ^{*46}
19. Railroad switching yard, railroad terminal, freight yard, and facility. ^{*14,*45}
20. RESERVED. ^{*46}
21. Redi-mix concrete operation and batch plant, if product is to be used off-site. ^{*14,*45,*46}
22. Sales area and bulk storage yard or warehouse for such material as: asphalt, brick, building material, cement, coal, cotton, feed, fertilizer, fuel, grain, gravel, grease, hay, ice, lead, lime, lumber, metal, oil, plaster, roofing, rope, sand, stone, tar, tarred or creosoted product, terracotta, timber, tobacco leaf and tobacco product, wood, and wool. ^{*14,*45,*46}
23. School for industrial training, trade, or business. ^{*46}
24. Sewage treatment plants and water supply plants. ^{*46}
25. Sexually oriented business. ^{*14,*45,*46}
26. Storage area and storage yard for cable television operation, well-drilling contractors' supplies, asphalt and concrete paving firm, and contractors' heavy construction equipment, including excavating and grading equipment. ^{*14,*45,*46}
27. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505. ^{*14,*45,*46}
28. Vehicle impound facility, provided that vehicles are stored in a building or enclosed within an eight (8) foot sightproof fence. ^{*14,*45,*46}
29. Accessory uses customarily incidental to any of the above. ^{*14,*45,*46}

C. Conditional Uses.

1. Automobile, boat, truck, mobile home, manufactured home, modular home, recreational vehicle sales, rental and leasing (new and used).^{*33,*46}
2. Broadcast facility in excess of one hundred fifty (150) feet in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower.^{*14,*33}
3. Centralized yard waste composting facility, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.^{*33}
4. Houseboats.^{*7,*14,*33}
5. Race track for vehicles or animals, including go-cart race track.^{*46}
6. Recycling center, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.^{*7,*33,*46}
7. Resource recovery facility, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.^{*7,*33,*46}
8. Single-family/single household dwellings and manufactured homes and modular structures utilized as a dwelling, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.^{*7,*33,*46}
9. Telecommunication tower and telecommunication farm as regulated in Part 3, Article VIII, Section 405.505.^{*7,*14,*33,*46}
10. Temporary fireworks stand.^{*7,*14,*33,*46}
11. Trash transfer station, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.^{*7,*14,*33,*46}

D. Height, Area And Lot Requirements.

1. **Maximum height.** Sixty (60) feet.
2. **Minimum front yard.** Thirty-five (35) feet.
3. **Minimum side yard.** Ten (10) feet.
4. **Minimum rear yard.** Fifteen (15) feet.
5. **Minimum lot width.** None.

6. **Minimum lot area.** None (except seven thousand (7,000) square feet for residential).

7. **Minimum dwelling size (living space).** One thousand (1,000) square feet.

E. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

F. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. Solid Waste Disposal Screening Regulations. Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

SECTION 405.175: "I2" HEAVY INDUSTRIAL DISTRICT

A. Statement Of Intent. The intent of this district is to provide for locations with basic heavy manufacturing and primary industrial facilities and related industrial activities. Many of these industries characteristically store bulk quantities of raw or scrap materials for processing to semi-finished or finished products.

B. Permissive Uses.

1. Any permissive use of the "I1" Light Industrial District.
2. Acid manufacture.
3. Aircraft and space vehicle manufacturing.
4. Automobile, truck, motorcycle, and other motor vehicle and related equipment, manufacturing.
5. Biological product manufacturing.
6. Boat, barge, ship building, and repair service.
7. Bottled gas storage facility.
8. Chemical manufacturing.
9. Clay refractory manufacturing.
10. Coal mining.
11. Construction, mining, and material handling machinery and equipment, manufacturing.
12. Engine and turbine manufacturing.
13. Extraction, quarrying or mining of sand, gravel, top soil, or other material.
14. Farm machinery and equipment manufacturing.
15. Gun, howitzer, and related equipment, not including ammunition manufacturing.
16. Hot mix asphalt facility.
17. Industrial machinery and equipment manufacturing.
18. Lime product manufacturing.

19. Manufactured home, modular home, and recreational vehicle manufacturing.
20. Oilcloth, plastic fabric, and vinyl product manufacturing.
21. Ornamental iron work manufacturing.
22. Paint, varnish, lacquer, enamel, and allied product manufacturing.
23. Rubber product, fabricated, manufacturing.
24. Steel wire drawing, steel nail and spike, manufacturing.
25. Structural metal product manufacturing.
26. Tank (military) and tank component, manufacturing.

C. Conditional Uses.

1. Agricultural chemical and fertilizer manufacturing.
2. Ammunition manufacturing and complete assembly of guided missiles.
3. Automobile wrecking, car and part storage, and sales.
4. Asphalt cement plant.
5. Asphalt felt and coating manufacturing.
6. Blast furnace, steel work, and the rolling of ferrous metal.
7. Broadcast facility in excess of one hundred fifty (150) feet in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower.^{*14}
8. Cement, lime, gypsum, or plaster of Paris manufacturing.
9. Centralized yard waste composting facility, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.
10. Distillation, manufacture, or refining of bone, coal, or tar asphalt.
11. Drawing, rolling, and extrusion of non-ferrous metal, manufacturing.
12. Electric generating plant.

13. Explosive devices or materials, manufacture or storage or year-round distribution or sale, at retail or wholesale. ^{*28}
14. Fat, grease, lard, or tallow rendering or refining.
15. Foundry, non-ferrous metal manufacturing.
16. Gas production plants and storage.
17. Gelatin and glue manufacturing.
18. Grease and lubricating oil manufacturing.
19. Houseboats. ^{*7,*14}
20. Meat packing manufacturing and stock yard. ^{*7}
21. Petroleum refining and petroleum products terminal. ^{*7}
22. Prison and correctional institution, privately operated. ^{*7}
23. Reclamation of rubber. ^{*7}
24. Recycling center, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses. ^{*7}
25. Resource recovery facility, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses. ^{*7}
26. Salvage yard. ^{*7}
27. Smelting plant. ^{*7}
28. Telecommunication tower and telecommunication farm as regulated in Part 3, Article VIII, Section 405.505. ^{*7,*14,*46}
29. Temporary fireworks stands. ^{*7,*14}

D. Height, Area And Lot Requirements.

1. **Maximum height.** Sixty (60) feet.
2. **Minimum front yard.** Thirty-five (35) feet.
3. **Minimum side yard.** Ten (10) feet.

4. **Minimum rear yard.** Fifteen (15) feet.

5. **Minimum lot width.** None.

6. **Minimum lot area.** None.

E. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

F. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. Solid Waste Disposal And Screening Regulations. All exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

ARTICLE IX. SOLID WASTE DISPOSAL DISTRICT**SECTION 405.180: "SWD" SOLID WASTE DISPOSAL DISTRICT**

- A. Statement Of Intent.** The intent of this district is to provide and regulate the use of land for the sanitary disposal of solid waste, as defined in the St. Charles County Solid Waste Management Code. This does not include the disposal of special wastes that require special handling (e.g., hazardous waste, medical waste, derelict automobiles, and dead animals). This district allows, with a conditional use permit, the establishment of sanitary landfills, demolition landfills, solid waste incineration facilities, trash transfer stations, material recovery facilities (MRF), and other facilities relating to regulated and safe disposal of solid waste.
1. Sanitary landfill areas and solid waste incineration facilities shall, for the purpose of these regulations, be the use of land for the sanitary disposal of solid waste, as defined in the St. Charles County Solid Waste Management Code. This does not include the disposal of special wastes that require special handling (e.g., hazardous waste, radioactive waste, medical waste, derelict automobiles, and dead animals). Sanitary landfills, demolition landfills, solid waste incineration facilities, trash transfer stations, and materials recovery facilities (MRF) must meet the following minimum conditions:
 - a. The facility must be operated within an enclosed building, except for sanitary and demolition landfills.
 - b. The facility must be fenced to prevent the escape of materials from the waste stream and/or recyclable materials. A vector control plan must be in place, and regularly documented inspections must be made after the start of operations.
 - c. The facility shall not accept hazardous waste of any type. For purposes of this regulation, "hazardous waste" shall be defined as any waste or combination of wastes, as determined by the Hazardous Waste Management Commission of the State of Missouri, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating irreversible, illness, or pose a present or potential threat to the health of humans or the environment.
 - d. Recyclable material or recovered commodities stored outside the enclosed building must be contained or stored inside covered storage to prevent nuisance, hazard, or unsightly appearance.
 - e. In the case of recycling centers and resource recovery facilities, the owner/operator of the facility will be required to submit to the County a

monthly report summarizing the quantity and categories of recyclable material removed from the waste stream at the facility during the preceding month. The report must also identify the end-use markets and final destinations/disposition of all recovered commodities. Each monthly report will be due by the fifteenth (15th) of the following calendar month.

- f. A site development plan for the facility must be submitted and approved prior to the operation of the facility.
2. The owner, lessee, tenant, or authorized representative of a tract of land subject to a rezoning map, designated as an SWD, shall submit with any application for rezoning a site development plan prepared by a registered engineer licensed by the State of Missouri. Such a site development plan shall include, but not be limited to, the following information:
 - a. The existing and proposed final topography of the site at contour levels of two (2) feet or less.
 - b. All land uses and zoning designations within a one-quarter ($\frac{1}{4}$) mile of the site, including the location of all residences, buildings, individual waste treatment systems, wells, watercourses, springs, rock outcroppings, caves, sinkholes, and soil and rock borings.
 - c. All electric, fiber optic cable, gas, water, sanitary sewer, storm sewer, and other utility easements or lines that are located on, over, or under the proposed disposal site as depicted in the site development plan.
 - d. The internal system of all-weather roadways for accessibility of waste collection vehicles transporting solid waste to the landfill working face. The site must be served by a road system design capable of handling traffic to the site, including gross weight of the largest delivery vehicle. Both internal and external roads serving the landfill facility must be designed and constructed to withstand maximum weight bearing loads.
 - e. Areas of anticipated earth materials excavation should be detailed on the site development plan.
 - f. Provisions for controlling decomposition gases and mitigating migration hazards must be included with any structural plans.
 - g. Trenches, conduits, and other stormwater improvements which will direct surface water and drainage runoff away from the working face of the sanitary landfill. On-site drainage structures and open channels should be designed for a minimum 20-year rainfall event.

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- h. The geology and hydrology of the site shall be evaluated and characterized to enable effective monitoring and minimize operational impact on surface water and ground water resources.
 - i. Characteristics of on-site soil conditions shall be evaluated with respect to intended operations. Profiles must be delineated sufficiently to define ground water aquifer impact zones and protective mechanism.
 - j. Location and design details for leachate collection and treatment systems.
 - k. The location of fencing and other devices to control blowing litter.
 - l. The location of trees and shrubbery for windbreaking and related greenbelts to improve site aesthetics.
 - m. The ground water elevation and the proposed separation between the lowest point of the lowest cell and the predicted maximum water table elevation.
 - n. Location and design details of monitor wells and sampling stations.
 - o. Intended sources of cover material(s) for daily, intermediate, and final covering operations.
 - p. Design of landfill gas (LFG) control and disposition infrastructure and equipment.
 - q. Indicate on the plan the owner(s) of the property, and the name of the operator of the proposed landfill. Documentation of property ownership, including legal title, chain record, and operator of record (including corporative structures).
 - r. Site location map, with plan scale.
 - s. Clearly defined property boundary limits and waste boundary delineation.
 - t. Specifications on pavement radii and facility ingress/egress.
 - u. Depiction of right-of-way for all roads accessing the site.
 - v. Description of vehicle mud control provisions, including shaker bar or truck washing devices.
 - w. Any additional information required by local, State, or Federal Statutes, regulations, operating permit conditions, or other relevant regulatory agency standards.

3. The County Planning and Zoning Commission shall approve or deny the application(s) and the site development plan by majority vote and report such action to the Governing Body. The Governing Body shall then approve or disapprove the application for rezoning, the conditional use permit, and the site development plan. In the case of an adverse report by the Planning and Zoning Commission, such change may not be passed, except by the favorable vote of five (5) of the seven (7) members of the County Council.
4. After a property has been rezoned to a Solid Waste Disposal District by the Governing Body, the owner, lessee, tenant, or their authorized representative(s) shall obtain a permit from the Missouri Department of Natural Resources to operate a solid waste processing facility or solid waste disposal area, in accordance with provisions of Sections 260.200 to 260.300, RSMo.
5. The use of land as a sanitary landfill in a Solid Waste Disposal District shall not be subject to an amendment to the Zoning District Map for a stabilization period of fifteen (15) years after the sanitary landfill has been completed or commencing at the termination of the license to operate a refuse disposal area. After a ten (10) year period, the owner, lessee, tenant, or their authorized representative(s) of a tract of land in a Solid Waste Disposal District, shall engage a registered professional engineer licensed by the State of Missouri to inspect the site and conduct suitable testing site to determine stabilization and level of compliance with applicable closure/post-closure provisions. The results of such examination shall be submitted for review by the Missouri Department of Natural Resources, the Division of Planning and Zoning, and the Community Health and the Environment Department. Upon receipt of site approval, the owner, lessee, tenant, or their authorized representative(s) of the tract of land in the Solid Waste Disposal District may request a waiver of the fifteen (15) year stabilization period by application to the Planning and Zoning Commission. In all Solid Waste Disposal Districts, the minimum closed site stabilization period shall be ten (10) years for a permitted sanitary landfill.
6. The Governing Body shall require a bond or other surety to ensure a continued maintenance program during the stabilization period. The maintenance program shall include ongoing collection and treatment of leachate and landfill gas (LFG) control, as well as inspection for and continuing control of rodents, vegetation control of filled areas, and other obligations to prevent possible nuisances, public health hazards, or environmental impacts. The amount and type of the bond or surety shall be determined by the Governing Body after consultation with the County Counselor and other County Officials.
7. Up to a three hundred (300) foot buffer strip may be required on any side of the proposed landfill site at the discretion of the Planning and Zoning Commission and the Governing Body. Visual screening within the buffer by fencing, trees, shrubbery, or other appropriate aesthetic control features may also be required.

8. All solid waste incineration facilities must be bound by a minimum thirty (30) foot landscaped buffer and an eight (8) foot sight-proof fenced buffer.

ARTICLE X. "PUD" PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**SECTION 405.185: STATEMENT OF INTENT**

The general purpose of this Article of the Unified Development Ordinance is to permit greater flexibility and more creative and imaginative design for the development of mixed land uses that is generally possible under conventional zoning regulations. This district is intended to promote a more economical and efficient use of land, to provide a harmonious variety of housing choices, to provide greater flexibility in the placement of buildings, to preserve the natural scenic qualities of open space, and to utilize the best potentials for site development relating to such features as topography, geography, and the size and shape of properties.

SECTION 405.190: STATEMENT OF OBJECTIVES**A. Improve Development Design.**

1. By providing a planned mixture of land uses while maintaining adequate open space, common facilities, and buffers between uses.
2. By permitting land use designs that incorporate natural terrain features, to preserve natural open spaces and encourage the philosophy of design with nature.

B. Address And Accommodate Housing Needs.

1. By providing a mixture of housing types while maintaining density standards to protect residents from overdevelopment.
2. By allowing zero (0) lot line development to reduce housing costs.

C. Establish, Maintain And Strengthen The Neighborhood Concept In The Community Setting.^{*28}

1. By allowing non-residential uses within the planned unit development, thereby discouraging strip commercial development.
2. By encouraging pedestrian and non-motorized vehicle paths and ways utilizing natural terrain features rather than traditional design.

SECTION 405.195: PERMITTED USES

All permitted uses, accessory uses, conditional uses, and on-premises signs of the following districts are permitted in accordance with their respective district requirements and subject to the provision for the review standards of development and approval by the Planning and Zoning Commission and County Council:

"PUD" Overlay District Designated in District	Uses Permitted by the Following Districts
"RR", "R1A", "R1B", "R1C", "R1D", "R1E", "A" only those approved prior to the enactment of this UDO (August 23, 1999) ^{*21}	"RR", "R1A", "R1B", "R1C", "R1D", "R1E", "R2", "R3A", "R3B", "CO", "C1" ^{*21}
"R2"	"R1A", "R1B", "R1C", "R1D", "R1E", "R2", "R3A", "R3B", "CO", "C1"
"R3A", "R3B"	"R1A", "R1B", "R1C", "R1D", "R1E", "R2", "R3A", "R3B", "CO", "C1"
"CO", "C1"	"CO", "C1", "C2", ^{*10}
"C2",	"CO", "C1", "C2", "I1" ^{*10}
"I1"	"R3A", "R3B", "CO", "C1", "C2", "I1"
"I2"	"CO", "C1", "C2", "I1", "I2"

All uses permitted, as listed above, shall comply with the procedures and standards of each respective district, and of this Article of the Unified Development Ordinance. Any conflicts between the respective zoning district regulations and the regulations of this Article, and the regulations, standards, and procedures of the Planned Unit Development "PUD" Overlay District Article, shall prevail.

SECTION 405.200: DESIGN STANDARDS

- A.** For all zoning districts, the minimum area required will be ten (10) acres for establishing a "PUD" Overlay District in each of the respective zoning designations.
- B.** In calculating the minimum area for a "PUD" Overlay District, the measurements shall not include any existing dedicated streets, roads, or detention basins.^{*46}

- C. A minimum of fifteen percent (15%) of the total project area must be dedicated as open space. All areas within the floodway must be platted as common ground. Pre-developed slopes of twenty percent (20%) or more shall remain undisturbed and platted as common ground. The Director of the Division of Planning and Zoning may waive the common ground requirement for slopes between twenty percent (20%) and thirty percent (30%) if a geotechnical report conforming to the requirements of Section 40.60 of the St. Charles County Highway Department Design Criteria for the Preparation of Improvement Plans as issued in February, 2002, or as amended thereafter, is submitted and approved prior to the approval of the PUD.

SECTION 405.205: PROJECT AREA DENSITIES

- A. For purposes of this Subsection (or other designation), "projected area" means the total area of the "PUD" Overlay District, less the area to be dedicated, for street right-of-way and detention basins.^{*46}
- B. To enhance the attractiveness of developing under PUD regulations, the applicant may be eligible for a maximum increase of twenty-five percent (25%) in the total number of dwelling units to be developed under a rezoning to a "PUD" Overlay District. Percentage increases in the number of dwelling units are to be applied individually and treated as additive, and not compounded. Such percentage increases in density may be recommended by the Planning and Zoning Commission and approved by the Governing Body, according to the following:^{*1}

<i>Maximum Percentage Increase</i>	<i>Design Element</i>
2%	Provision of pedestrian ways and bicycle paths beyond conventional sidewalk requirements, as required in Chapter 410 of this Title.
2%	Provision of tree and shrub planting, including peripheral and interior screening, fences, the landscaping of parking lots, and the use of existing trees in the plan.
2%	Building site designs and placements which advance the conservation of natural terrain, and minimize future water runoff and erosion problems.
3%	Recreational facilities, not to exceed one percent (1%) for each: swimming pool, tennis court, community center, or clubhouse building.
3%	At least twenty-five percent (25%) of the projected area is to be devoted to improved usable open space.
3%	The dedication of a minimum of five percent (5%) of the net development area to be utilized as a school site, a park, or a site for public building.
10%	Provision of mixed income housing, upon a showing by the applicant and a finding by the Governing Body that the proposed planned unit development serves the public interest in the provision of mixed income housing. ^{*1}

The net development area (dwelling units) which may be constructed within a "PUD" Overlay District shall be determined by dividing the project area by the required lot area by dwelling unit, which is required by the zoning district in which the PUD is located, or as modified in the Project Area Densities Subsection. Notwithstanding any other provision of the UDO to the contrary, property zoned or used commercially shall not be used to calculate allowable density in residential areas of the PUD. ^{*10}

SECTION 405.210: MAINTENANCE, MANAGEMENT AND THE USE OF OPEN SPACE IN A "PUD"

In a "PUD" Overlay District, all land not subdivided into lots or used as the building site for multi-family dwellings, for public or private roads, streets, privately maintained off-street parking facilities, drainage and utility easements, potential or existing school sites, retention or detention basins, and drainage canals, shall be deemed "common ground" and have ownership vested with a non-profit property owners' association. The association shall maintain the common ground and any buildings, recreational facilities, detention and retention basins, sidewalks, or private streets upon it. The homeowners' association shall levy assessments among all owners of lots and all owners of condominiums for the purpose of raising funds to:

1. Maintain the common ground, recreational facilities, retention and detention facilities, etc.
2. Pay real estate taxes assessed on the common ground.
3. Pay for any insurance premiums on the common ground.
4. Pay for any improvements which the homeowners' association deems necessary or desirable for the common ground and all buildings and facilities upon it.

SECTION 405.215: REVIEW STANDARDS FOR DEVELOPMENT

- A.** The County Planning and Zoning Commission shall review the proposed PUD for conformity with the adopted Master Plan for unincorporated St. Charles County, and recognized principles for architecture, design, and site planning. The Planning and Zoning Commission may vary the height, area and lot requirements of the zoning district in which the development is located. However, no deck or enclosed room addition may extend closer than 15 feet to the rear property line within a "PUD" Overlay District. It will be the responsibility of the Planning and Zoning Commission to ensure an appropriate relationship between the uses of high intensity and height within the "PUD" Overlay District and the uses of low intensity or height, existing or future, outside the proposed "PUD" Overlay District. The Planning and Zoning Commission may also require compliance with the respective district regulations for minimum lot sizes, yard setbacks, and maximum heights inside of and near the boundaries of the "PUD" Overlay District. ^{*14}

- B.** The planning staff of the County Division of Planning and Zoning shall present a written report to the Planning and Zoning Commission and the Governing Body on the proposed "PUD", and the report shall comment specifically on the following:
1. General compliance with the Master Plan for unincorporated St. Charles County.
 2. Compliance with the Intent and Objectives of a Planned Unit Development as set forth in Sections 405.185 and 405.190 of Article X.^{*28}
 3. The adequacy of proposed facilities serving the development, including sanitary sewers, water supply and distribution, and recreational areas.^{*28}
 4. The general layout of the internal street system serving the proposed development and its relationship to the existing transportation system.^{*28}
 5. The relationship of land uses within the PUD to each other, and the relationship of the land uses within the PUD with surrounding external land uses, both present and future.^{*28}
 6. Compliance with the requirements of this Article of the Unified Development Ordinance regarding the concept plan, and relating to land uses and housing density, including reasons for increased density if such a recommendation is made.^{*28}

SECTION 405.220: PROCEDURE FOR REVIEW OF PLANNED UNIT DEVELOPMENTS—INITIAL APPROVAL^{*10}

Applications for any Planned Unit Development (PUD) Overlay District shall be made to the Planning and Zoning Commission for the rezoning of the property.

1. The applicant for a "PUD" Overlay District shall first meet with the planning staff of the Division of Planning and Zoning and other County departments invited by the planning staff for a preliminary review of the proposed development, and to become familiar with all the requirements of this Article of the Unified Development Ordinance, Chapter 410, and the district applied for.
2. The applicant for a "PUD" Overlay District shall then prepare and submit to the Division of Planning and Zoning for its inspection and review a rezoning application for the entire area to be rezoned which shall include twenty-five (25) folded copies of a concept plan showing the proposed land use of all areas in the tract, the type and number of structures in each land use area, residential densities, general routes for circulation and other appropriate information required by the Division of Planning and Zoning.^{*10}

3. A development schedule shall be indicated on the concept plan submitted to the Planning and Zoning Commission indicating the approximate stages in which the development project will be built.^{*28}
4. The application for rezoning to a "PUD" Overlay District shall be set for hearing before the Planning and Zoning Commission not later than sixty (60) days from the date of filing the same. Procedures for the public hearing shall conform to those set out in Part 5, Section 405.535. After the final hearing of the application for rezoning, the County Planning and Zoning Commission shall approve or deny the same by majority vote and report such action, together with a recommendation for final approval or denial, to the Governing Body. The Governing Body shall then approve or disapprove the application for rezoning for the "PUD" Overlay District. In the case of an adverse report by the County Planning and Zoning Commission, such change may not be passed, except by the favorable vote of five (5) of the seven (7) members of the County Council. Approval under this Section shall authorize the applicant to seek further and final approvals of "PUD" rezoning as provided below in Sections 405.223 and 405.225 of this Article.^{*10}

SECTION 405.223: PROCEDURE FOR REVIEW OF PLANNED UNIT DEVELOPMENTS – PRELIMINARY AND FINAL DEVELOPMENT PLAN^{*10}

- A.** The developer of a "PUD" Overlay District shall prepare and submit twenty-five (25) folded copies of a preliminary plat and final development plan, for the entire area of the "PUD" Overlay District, to the Division of Planning and Zoning no later than one (1) year after zoning approval by the Governing Body. The preliminary plat and final development plan may be provided in one document. The review fee for the preliminary plat and final development plan may be provided in one document. The review fee for the preliminary plat and final development plan shall be the same as for preliminary plats, as indicated in Chapter 410. Information on the preliminary plat and final development plan shall include, but not be limited to, the following:^{*10,*28}
1. Proposed name of the development.^{*10}
 2. Name(s) of the owner(s) of the property and the developer, and the name of the professional engineer or surveyor responsible for the plat.^{*10}
 3. North point, a scale of one (1) inch equals two hundred (200) feet or larger, and the date of survey.^{*10}
 4. Exact acreage of tract.^{*10}
 5. A statement to the effect that "this plat is not for record" shall be stamped or printed on all copies of the preliminary development plat.^{*10}
 6. Location of boundary lines and their relation to established section lines, fractional section lines, or survey lines.^{*10}

7. Physical features of the property, including bodies of water, watercourses, ravines, floodplain areas, floodways, culverts, bridges, present structures, and other features important to lot and street layout.^{*10}
 8. Topography of tract with contours at two (2) feet or at five (5) feet intervals.^{*10}
 9. Existing easements: location, width, and purpose.^{*10}
 10. Names of any adjacent subdivisions and/or property lines around the perimeter within one hundred (100) feet, showing any existing streets, roads, highways, structures, etc.^{*10}
 11. Location and width of existing and proposed streets, roads, lots (approximate dimensions), building lines, easements, common ground and open space, structures, and other features of the proposed development.^{*10}
 12. Approximate gradients of streets.^{*10}
 13. Designation of type of land use: single-family residential, multi-family residential, commercial, industrial, or public.^{*10}
 14. Zoning on and adjacent to the development tract.^{*10}
 15. Designation of utilities to serve the proposed development, water service, sanitary sewers, electric, gas, telephone, etc.^{*10}
 16. Location, existing or proposed, of fire hydrants.^{*10}
 17. Off-street parking areas, parking drives, and aisles, if applicable.^{*10}
 18. All other information or data as may be required by the Land Subdivision Regulations, Division of Planning and Zoning, or the County Planning and Zoning Commission.^{*10}
- B.** Notification. After receiving a preliminary plat and final development plan, the Division of Planning and Zoning will give notice by U.S. mail to the adjacent property owners. Notice shall be given to the adjacent property owners at least fifteen (15) days prior to the Planning and Zoning Commission meeting that the preliminary plat and final plan will be presented.^{*10}
- C.** Approval By The Planning and Zoning Commission And County Council: No preliminary plat and final development plan shall be deemed approved unless and until it is voted on by the Planning and Zoning Commission. If, however, such preliminary plat and final development plan is rejected by the Planning and Zoning Commission, or if the Council or Board of Trustees of any municipality files with the St. Charles County

Registrar a certified copy of a resolution of such Council or Board protesting against the action of the Planning and Zoning Commission approving any such preliminary plat and final development plan of any land lying within one and one-half (1 1/2) miles of the limits of the incorporated area of such municipality, or as prescribed by the State Statutes, such approval shall be deemed overruled, and such plat and plan must then be approved by an ordinance with approval of five (5) members of the County Council, and the reasons for the approval or failure to approve such preliminary plat and final development plan shall be spread upon the records of the Governing Body and certified to the Planning and Zoning Commission.^{*10}

SECTION 405.225: PROCEDURE FOR REVIEW OF PLANNED UNIT DEVELOPMENTS --FINAL PLAT^{*10}

- A.** Within two (2) years of the approval of the preliminary plat, the applicant will then submit fifteen (15) folded copies of a final plat for the "PUD" to the Planning and Zoning Division for their review and approval. The procedures, policies, and requirements that must be followed for final plat approval are those embodied in the Land Subdivision Regulations for St. Charles County, Missouri. No subdivision plat shall be filed for record or recorded in the office of the Recorder of Deeds for St. Charles County, Missouri, unless and until the approval of the Secretary or Chairperson of the Planning and Zoning Commission and the County Executive or Director of the Division of Planning and Zoning are endorsed thereon, and until a performance guarantee has been posted or the public improvements have been constructed to County standards.^{*10,*28}
- B.** No lot shall be sold for such subdivision plat until it has been reviewed and approved, as provided above, and filed for record in the office of the Recorder of Deeds of St. Charles County, Missouri. No building permit, including for display purposes, will be issued until the preliminary plat and sediment and erosion control plans are approved. Further, no dwelling unit may be occupied until the public or private improvements are complete, unless a performance guarantee has been posted for the completion of said improvements.^{*28}

SECTION 405.230: ADJUSTMENTS AND CHANGES

- A.** After the final development plan and final plat of the PUD have been approved, and when, in the course of carrying out this plan and plat, major adjustments or rearrangements of streets, buildings, setback lines, parking areas, entrances, heights, common ground, etc., are requested by the applicant (and such requests generally conform to both the preliminary plat and final development plan), such major adjustments may be approved by the Governing Body after receiving recommendations from the Planning and Zoning Commission. Minor changes may be made upon approval in writing by the Director of Community Development or his/her designee.^{*10,*28}
- B.** After the plan and plat have been carried out such that improvements have been built and approved, and such that lots have been sold or are being sold, minor changes may be

approved by the Director of Community Development or his/her designee, as provided in this subsection.^{*28}

1. For the purposes of this Subsection, minor changes include modifications of side and rear setbacks, parking, landscaping and other minor improvements designated on final development plans or final plats.^{*28}
2. Applications for minor changes shall be made by letter to the Director of Community Development or his/her designee with a site sketch where appropriate.^{*28}
3. Applications for minor changes may be made only by owners of the property to be affected by the proposed change.^{*28}
4. The applicant shall submit to the Director of Community Development proof of notice of the application to all owners within 200 feet of the subject property and the homeowner's association if in existence. Notice shall include a copy of the application and a request for submission of written comments within thirty (30) days of the date of the notice to the Director of Community Development.^{*28}
5. Upon receipt of written comments the Director of Community Development or his/her designee may approve the application upon finding that it generally conforms to the preliminary plat and final development plan/plat. Such approvals shall be in writing with a copy sent to applicant and all recipients of notification as set out in 4. above.^{*28}

SECTION 405.235: IMPROVEMENT PLANS AND INSTALLATIONS

Before the actual recording of a final plat for a "PUD", the applicant must have submitted and obtained approval of improvement plans for the "PUD". The applicant will also have to have installed said improvements in accordance with approved improvement plans, preliminary plat and final development plan, or in lieu of installation of said improvements, a County approved performance guarantee required by Chapter 410 must be submitted. Installation of said improvements is also subject to the requirements of Chapter 412, as applicable.^{*18,*24,*46}

SECTION 405.240: REVIEW OF ABANDONED PROJECTS

The preliminary plat and final development plan must be submitted within one (1) year of zoning approval by the Governing Body and the final plat must be submitted within the time frames established in Section 410.140 paragraph 1. An extension of time may be requested in writing by the developer for approval by the Director of Community Development. The Governing Body may remove the PUD Overlay classification without further hearing if the preliminary plat or final development plan expire.^{*10,*28}

ARTICLE XI. "FW", "FF" AND "DF", FLOODWAY, FLOODWAY FRINGE AND DENSITY FLOODWAY OVERLAY DISTRICTS**SECTION 405.245: STATEMENT OF INTENT**

It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize losses from periodic flooding; to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22 (a)(3); and to meet the requirements of 44 CFR 60.3 (d) by applying the provisions of this ordinance to:^{*46}

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of the initial construction.
3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

SECTION 405.250: FLOOD LOSSES RESULTING FROM PERIODIC INUNDATION

The special flood hazard areas of St. Charles County, Missouri, are subject to inundation, which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect public health, safety, and general welfare.^{*46}

SECTION 405.255: GENERAL CAUSES OF THE FLOOD LOSSES

Flood losses are caused by:

1. The cumulative effect of obstructions in floodways causing increases in flood heights and velocities; and
2. The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

SECTION 405.260: METHODS USED TO ANALYZE FLOOD HAZARDS

This Article of the *Unified Development Ordinance* uses a reasonable method of analyzing flood hazards, which consist of a series of interrelated steps.^{*46}

1. Selection of regulatory flood which is based upon engineering calculations that permit a consideration of such flood factors as its expected frequency of

occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this Article of the Unified Development Ordinance is representative of large floods which are reasonably characteristic of what can be expected to occur on the streams subject to these regulations. It is in the general order of a flood which can be expected to have a one percent (1%) chance of occurrence in any one (1) year, as delineated on the Federal Emergency Management Agency's Flood Insurance Study, Flood Insurance Rate Maps, and illustrative materials dated March 17, 2003, as amended hereafter.^{*46}

2. Calculation of water surface profile based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
3. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
4. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
5. Delineation of floodway fringe (i.e., that are outside the floodway encroachment lines), but which still is subject to inundation by the regulatory flood.
6. Delineation of density floodway (i.e., the area outside the floodway encroachment lines which is not included in the Floodway Fringe Overlay District, but which still is subject to inundation by the regulatory flood).

SECTION 405.265: STATEMENT OF PURPOSE

It is the purpose of this *Unified Development Ordinance* Article to promote public health, safety, and general welfare, and to minimize those losses described in Part 1, Sections 405.025 through 405.030, Chapter 405 and Part 1, Sections 405.010, 405.015, and 405.077, Chapter 405 by applying the provisions of this *Unified Development Ordinance* Article to:^{*46}

1. Restrict or prohibit uses which are dangerous to public health, safety, or property in times of flooding, or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
4. Ensure that eligibility is maintained for property owners in the County to purchase flood insurance in the National Flood Insurance Program.

SECTION 405.270: ADOPTION OF THE FLOOD INSURANCE RATE MAPS, THE FLOODWAY MAPS AND THE DENSITY FLOODWAY MAPS

St. Charles County has adopted the Flood Insurance Rate Map, the Floodway, the Density Floodway Map, and the Flood Insurance Study dated March 17, 2003, as amended hereafter, provided by the Federal Emergency Management Agency.^{*46}

SECTION 405.275: LANDS TO WHICH THIS ARTICLE OF THE UNIFIED DEVELOPMENT ORDINANCE APPLIES

The "FW", "FF", and "DF" Districts apply to all lands within the jurisdiction of unincorporated St. Charles County identified on the Flood Insurance Rate Map (FIRM), dated December 6, 1999, as amended hereafter, as numbered and unnumbered A Zones (including AE Zones) and within the Zoning Districts "FW", "FF", and "DF", established in Establishment of Zoning Districts of this *Unified Development Ordinance* Article. In all areas covered by these overlay zoning districts, no development shall be permitted, except upon a floodplain development permit issued by the Division of Planning and Zoning under such safeguards and restrictions as St. Charles County may reasonably impose for the promotion and maintenance of the general welfare, safety, and health of the inhabitants of unincorporated St. Charles County.

SECTION 405.280: ENFORCEMENT OFFICER

The Director of the Division of Planning and Zoning of the County is hereby designated as the Governing Body's duly designated Enforcement Officer under this *Unified Development Ordinance Article*.

SECTION 405.285: LAND USES PERMITTED

Any uses permitted by the underlying zoning districts shall be permitted in the "FW", "FF", and "DF" Districts upon meeting all of the conditions, regulations, and requirements prescribed in this Article of the *Unified Development Ordinance*.

SECTION 405.290: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The boundaries of the Floodway, Floodway Fringe, and Density Floodway Overlay Districts shall be determined by scaling distances on the official County zoning map, parcel maps provided by the County Assessor's office, or other in-house map products. Where interpretation is needed as to the exact location of the boundaries of the districts, as shown on the official zoning maps of the Floodway and Floodway Fringe Overlay Districts (where there appears to be a conflict between a mapped boundary and actual field conditions), the Division of Planning and Zoning shall make the necessary interpretation based upon all available technical evidence.^{*46}

SECTION 405.295: COMPLIANCE

No development located within known flood hazard areas of unincorporated St. Charles County shall be located, extended, converted, or structurally altered without full compliance with the terms of this Article of the *Unified Development Ordinance* and all other applicable regulations.

SECTION 405.300: ABROGATION AND GREATER RESTRICTIONS

It is not intended by this *Unified Development Ordinance* Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this *Unified Development Ordinance* Article imposes greater restrictions, the provision of this *Unified Development Ordinance* Article shall prevail. All other *Unified Development Ordinance* Sections inconsistent with this *Unified Development Ordinance* Article are hereby repealed to the extent of the inconsistency only.

SECTION 405.305: WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Article of the *Unified Development Ordinance* is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This Article of the *Unified Development Ordinance* does not imply that areas outside of floodway, floodway fringe, and density floodway overlay district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This Article of the *Unified Development Ordinance* will not create liability on the part of St. Charles County or any officer or employee thereof for any flood damages that may result from the reliance on this Article of the *Unified Development Ordinance* of any administrative decision lawfully made thereof.

SECTION 405.310: SEVERABILITY

If any Section, clause, provision, or portion of this *Unified Development Ordinance* Article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this *Unified Development Ordinance* Article shall not be affected thereby.

SECTION 405.315: APPEAL

When a request for a floodplain development permit to develop in a flood hazard area is denied by the Division of Planning and Zoning, the applicant may apply for a variance from the regulations and requirements of this Article directly to the Board of Zoning Adjustment. The Board of Zoning Adjustment shall grant or deny such request for variance within forty-five (45) days of the public hearing.^{*46}

SECTION 405.320: ADMINISTRATION

- A.** The Director of the Division of Planning and Zoning shall be the official appointed to administer and implement the provisions relating to Floodway, Floodway Fringe, and Density Floodway Overlay Districts.
- B.** The duties of the Director of the Division of Planning and Zoning under this Article of the *Unified Development Ordinance* shall include, but not be limited to:
1. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If the proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
 - a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Be constructed of materials resistant to flood damage;
 - c. Be constructed by methods and practices that minimize flood damage; and
 - d. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities permanently elevated to a minimum of one foot above base flood elevation.⁴⁶
 2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which prior approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 3. Notify, in riverine situations, adjacent communities and the State Emergency Management Agency and require the submittal of a map revision to the Federal Emergency Management Agency (FEMA) prior to any alteration or relocation of a watercourse, and submit copies of evidence of such notifications to FEMA.⁴⁶
 4. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained by method of hydrologic analysis.^{*46}
 5. Obtain and maintain a record of the elevation (in relation to mean sea level) of the lowest floor, including crawl spaces and enclosed areas below the first finished floor, and lowest floor of all new and substantially improved structures.^{*46}
 6. Obtain, if a non-residential structure has been dry-floodproofed in accordance with attendant utility and sanitary facilities, and maintain a design such that below one foot above the base flood level the structure is watertight, with the walls substantially impermeable to the passage of water, and with structural

components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, the elevation (in relation to mean sea level) to which the structure was floodproofed.^{*46}

7. When dry-floodproofing is utilized for a non-residential structure, the Director of the Division of Planning and Zoning shall be presented certification from a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable Sections of this Chapter or Chapter 410. A record of such certificates, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Director of the Division of Planning and Zoning.^{*46}
8. Review and approve requests for administrative variance for accessory and agricultural structures. All requests for administrative variances must meet the standards set forth within Section 405.375 (E) and (F) of this Article, and may be subject to review by the Board of Zoning Adjustment as defined within Section 405.375.

SECTION 405.325: FLOODPLAIN DEVELOPMENT PERMIT

No person, firm, or corporation shall initiate any development not exempt under Section 412.050.A.8, substantial improvement, or regrading of a property used for non-agricultural purposes, or cause the same to be done in a designated flood hazard area, without first obtaining a separate floodplain development permit for each improvement on the property.^{*28,*40}

SECTION 405.330: APPLICATION FOR A FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant must apply for such a floodplain development permit with the County Division of Planning and Zoning. A floodplain development permit must be signed by the applicant on the form furnished. For the purpose of investigating an application for a floodplain development permit and monitoring compliance with it, an applicant authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property while work authorized by that permit is in progress. This authority shall cease upon completion of that work and closure of the permit. Every such floodplain development permit shall:^{*46}

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work.
2. Identify and describe the work to be covered by the floodplain development permit.
3. Indicate the use or occupancy for which the proposed work is intended.

4. Indicate the assessor's current market value of the structure.^{*46}
5. Specify whether development is located in designated flood fringe or floodway.
6. Identify the existing base flood elevation and the elevation of the proposed development, including without limitation, the crawl space or basement, heating, cooling or other mechanical components, and garage, of all structures or areas to be filled on the property.^{*46}
7. Give such other information as reasonably may be required by the Director of the Division of Planning and Zoning.
8. Be accompanied by plans and specifications for proposed construction, fill area, or grading.^{*46}
9. Be signed by the property owner or his/her authorized agent who may be required to submit evidence to indicate such authority.^{*46}
10. Be issued by the Director of the Division of Planning and Zoning or his or her designee.^{*28}
11. Be accompanied by a fee as set by ordinance. The fee is not applicable for any reissue of a Floodplain Development Permit for a structure within a consecutive twelve month period. If a Letter of Map Revision (LOMR) is required, the applicant shall submit publication fees for community notification.^{*28,*46}
12. Be valid for the same period as the Building Permit. In the event there is no Building Permit, the Floodplain Development Permit will be in effect for two (2) years from the date of issuance.^{*14}

SECTION 405.335: SUBSTANTIAL DAMAGE/IMPROVEMENT

- A.** The following items shall be included in the determination of substantial damage/improvement except as provided in subsection C below: spread or continuous foundation footing and pilings; monolithic or other types of concrete slabs; bearing walls, tie beams and trusses; wood or reinforced concrete decking or roofing; floors and ceilings; attached decks and porches; interior partition walls; exterior wall finishes (e.g., brick, stucco, or siding), including painting and decorative moldings; windows and doors; reshingling or retiling a roof; hardware; tiling, linoleum, stone, or carpet over subflooring; bathroom tiling and fixtures; wall finishes (e.g., drywall, painting, stucco, plaster, paneling, marble, or other decorative finishes); kitchen, utility, and bathroom cabinets; built-in bookcases, cabinets, and furniture; hardware; HVAC equipment; repair or reconstruction of plumbing and electrical services; light fixtures and ceiling fans; security systems; built-in kitchen appliances; central vacuum systems; water filtration, conditioners, or recirculation systems; and overhead and profit.^{*46}

- B.** The following items shall be excluded in the determination of substantial damage/improvement: plans and specifications; survey costs; permit fees; debris removal (e.g., removal of debris from building or lot dumpster rental, transport fees to landfill, and landfill tipping fees) and cleanup (e.g., dirt and mud removal, building dry-out, etc.); items not considered real property, such as: throw rugs (carpeting over finished floors), furniture, refrigerators, freestanding stoves, etc.; landscaping, sidewalks; fences; yard lights; swimming pools; screened pool enclosures; sheds; gazebos; detached structures (including garages); and landscape irrigation systems.
- C.** Determinations of substantial improvement under this Section shall be made only for improvements for which applicable codes enacted in Title V, Ordinances of St. Charles County, Missouri, require building permits.^{*46}
- D.** All applications for floodplain development permits for improvements to existing structures shall require a substantial damage/improvement review.^{*46}

SECTION 405.340: CUMULATIVE IMPROVEMENT/SUBSTANTIAL DAMAGE^{*28}

- A.** A structure may be improved (remodeled, repaired or enlarged) without conforming to current requirements for elevation, as long as the cumulative value of all work done within a consecutive five (5) year period does not exceed fifty percent (50%) of the structure's current assessor's market value. Permits for incremental improvements, additions and repairs shall be tracked by the Division of Planning and Zoning beginning January 1, 2005.^{*28,*46}
- B.** If the cumulative value of the improvements exceeds fifty percent (50%) of the structure's current market value, the structure must be brought into compliance with Subsection (C) of Section 405.350 of this Article, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District, and the Density Floodway Overlay District, which requires elevation of residential structures to or above the base flood elevation or the elevation/dry-floodproofing of non-residential structures to one foot above the base flood elevation.^{*28,*46}
- C.** In any case, however, the structure's owner may apply to the Director of Planning and Zoning for a determination that the structure is a "repetitive loss structure" as defined at Section III-D-3-a-(1) of the National Flood Insurance program's authorized forms for flood insurance, 44 C.F.R. Part 61, Appendices A(1), (2) and (3). The structure's owner shall make that application on a form provided by the Director and the Director shall make that determination in writing, based on information supplied by the structure's owner as well as information and records relating to the structure retained by the Division of Planning and Zoning, and shall serve that determination upon the structure's owner.^{*46}

SECTION 405.345: ESTABLISHMENT OF THE FLOODWAY, FLOODWAY FRINGE AND DENSITY FLOODWAY OVERLAY DISTRICTS

- A.** The mapped floodplain areas within the jurisdiction of this Article of the *Unified Development Ordinance* are hereby divided into the three (3) following districts:
1. A Floodway Overlay District (FW),
 2. A Floodway Fringe Overlay District (FF), and
 3. A Density Floodway Overlay District (DF) identified in the Flood Insurance Study (Flood Insurance Rate Maps (FIRM)).
- B.** Within these districts, all uses not meeting the standards of this Article of the *Unified Development Ordinance* and those standards of the underlying zoning district are prohibited. These zones shall be consistent with the A Zones (including AE Zone), as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Emergency Management Agency.^{*28}

SECTION 405.350: STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT, THE FLOODWAY FRINGE OVERLAY DISTRICT AND THE DENSITY FLOODWAY OVERLAY DISTRICT

- A.** No floodplain development permit shall be granted for new construction, substantial improvement, and other improvements including the placement of manufactured homes, modular homes, and mobile homes within all A Zones (including AE Zone), unless the conditions of this Article are satisfied.^{*28}
- B.** No new construction, substantial improvements or other development, including structural and nonstructural development, shall be permitted within A Zones on the FIRM unless the base flood elevation and floodway delineation data are provided by the applicant. The county shall utilize any base flood or floodway delineation data currently available from Federal, State, or other sources. If data is not available, the director of Planning and Zoning shall require the applicant to provide technical modeling analysis establishing the BFE and floodway delineation.^{*28,*46}
- C.** New construction, subdivision plats, substantial improvements, prefabricated buildings, placement of manufactured homes, mobile homes, or modular homes, and other developments, shall require:
1. Design for adequate anchorage to prevent flotation, collapse, or lateral movement due to flooding of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. New and replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding.

3. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damage, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are **dry**-floodproofed or permanently located so as to prevent water from entering, damaging, or accumulating within the components during conditions of flooding.^{*46}
4. All new and replacement utility and sanitary facilities be elevated or dry-floodproofed up to the regulatory flood protection elevation of one foot above base flood elevation. Single electric service for recreational uses must be elevated a minimum of ten (10) feet above existing average grade.^{*46}
5. That, until a floodway has been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A and AE on the County's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood elevation more than one (1) foot at any point within the County.^{*28}
6. Storage of material and equipment.
 - a. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, is prohibited unless the storage of such materials is in an approved floodproofed and/or tethered containment.^{*28}
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.
 - c. All company owned L.P. gas tanks, one hundred twenty-five (125) gallons and larger, that are threatened by high water conditions are to be tethered with a suitable material (please see suggested L.P. Gas Tank Tie Down method), or elevated on reinforced concrete piers in a manner that will prevent uncontrolled movement and/or flotation of the tank.

Note: In that all tanks may not be affected by floodwater on an annual basis, a permanent tether may not be required. The tether, itself, could be a threat to personal safety and property damage, although it shall remain the responsibility of the tank's owner to adequately tether the tank before flotation occurs. In areas where there is a flash flood potential, permanent tethers must be utilized.

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- d. All company owned L.P. gas tanks are to be identified with the name and a telephone number of the distributor or local office responsible for servicing the tank. This information shall be placed on a clearly visible surface of the tank.
 - e. All L.P. gas jobbers doing business in St. Charles County must register with the proper authority, Emergency Management Agency, providing the name of the company, the location of the local branch or office, an emergency telephone number, and the name of a contact person(s). Such reports shall be kept current at all times. The Division of Emergency Management shall provide such information to appropriate fire protection districts.
7. Review subdivision proposals and other proposed new developments, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:
- a. All such proposals are consistent with the need to minimize flood damage within the flood-prone area.
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to eliminate flood damage.^{*46}
 - c. Adequate drainage is provided to reduce exposure to flood hazards.
 - d. Subdivision proposals for developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall be included within such base flood elevation data.
 - e. Subdivision plats on filled areas in floodplain overlay districts must apply for a Letter of Map Revision from FEMA prior to construction of any residences.^{*28}
8. Structures (agricultural) used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed, provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this Chapter; and a floodplain development permit has been issued.^{*46}

9. Structures (accessory) used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than four hundred (400) square feet, may be constructed at-grade and wet-floodproofed, provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Chapter; and a floodplain development permit has been issued.

SECTION 405.355: FLOODWAY FRINGE OVERLAY DISTRICT

A. Permitted Uses. Any use permitted in Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District, and the Density Floodway Overlay District Floodway Overlay District, Subsection (C)(7) of this Article, shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District, and the Density Floodway Overlay District Floodway Overlay District are met.

B. Standards For The Floodway Fringe Overlay District.

1. Require that all new construction and substantial improvements of residential structures, including manufactured homes within Zones A and Zone AE on the County's FIRM, have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation.^{*28}
2. Require that all new construction and substantial improvements of non-residential structures within Zones A and Zone AE on the County's FIRM have the lowest floor (including basement) elevated one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that below one (1) foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the official as set forth in Section 405.320 (B) (7) of this Article.^{*28,*46}
3. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer, or meet or exceed the following minimum criteria: A minimum of two (2) openings in no less than two walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than

one (1) foot above grade; openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Windows and doors will not be used to calculate permanent openings.^{*46}

SECTION 405.360: MANUFACTURED/MOBILE HOMES

- A.** All manufactured/mobile homes shall be elevated and anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines in addition to applicable State and local anchoring requirements for resisting wind forces. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:^{*46}
1. Over-the-top ties be provided at each of the four (4) corners of the manufactured/mobile home, with two (2) additional ties per side at intermediate locations; manufactured/mobile homes less than fifty (50) feet in length require one (1) additional tie per side.
 2. Frame ties shall be provided at each corner of the manufactured/mobile home, with five (5) additional ties per side at intermediate points, with manufactured/mobile homes less than fifty (50) feet in length requiring four (4) additional ties per side.
 3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds, or as determined by the current local applicable building code.
 4. Any additions to manufactured/mobile homes shall be similarly anchored.
- B.** Require that manufactured/mobile homes which are placed on sites or substantially improved within the A and AE Zones on the County's FIRM be:^{*28,*46}
1. Outside a manufactured/mobile home park or subdivision;
 2. In a new manufactured/mobile home park or subdivision;
 3. In an expansion to an existing manufactured/mobile home park or subdivision;
 4. In an existing manufactured/mobile home park or subdivision on which a mobile or manufactured home has incurred "substantial damage" as the result of a flood;
or
 5. Elevated on a permanent foundation such that the lowest floor of the manufactured/mobile home is elevated one (1) foot above the base flood elevation

and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement.

- C. Require that parcel owners or their designee obtain an annual floodplain development permit for no more than one (1) recreational vehicle to be actively used while located on a parcel. The permit shall state that the recreational vehicle may not be located on the parcel for more than one hundred eighty (180) days in a calendar year. Recreational vehicles located within approved campgrounds or travel trailer parks are not required to obtain an annual floodplain development permit. The recreational vehicle must be currently licensed and ready for highway use within the A and AE Zones on the County's FIRM.^{*28,*46}

A recreational vehicle is ready for highway use if it is on its wheel or jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions other than those specified by the manufacturer. In the Floodway Overlay District, the RV must be equipped with a self-contained water and sewage disposal system. All electrical utilities for recreational use shall be elevated ten (10) feet above the established grade or one (1) foot above the 100-year flood elevation if less than ten (10) feet.^{*46}

SECTION 405.365: FLOODWAY OVERLAY DISTRICT

- A. **Permitted Uses.** Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other Section of the *Unified Development Ordinance*. All encroachments, including fill, new construction, substantial improvements, and other developments are prohibited unless certification by a registered professional engineer is provided, demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase flood levels of the regulatory flood elevation. These uses are subject to the standards of the Floodway, Floodway Fringe, and Density Floodway Overlay Districts. The following are recommended uses for the Floodway District:^{*28}

1. Agricultural uses, such as general farming, pasture, nurseries, and forestry.
2. Residential accessory uses, such as lawns, gardens, and parking and play areas.^{*46}
3. Non-residential areas, such as loading areas, parking, and airport landing strips.
4. Public and private recreational uses, such as golf courses, archery ranges, picnic grounds, parks, wildlife, and nature preserves.
5. In Zone A, obtain, review, and reasonably utilize any floodway data available through Federal, State, or other sources or Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density

Floodway Overlay District, Subsection (C)(7) of this Article, in meeting the standards of this Article.^{*28}

SECTION 405.370: DENSITY FLOODWAY OVERLAY DISTRICT

- A. Purpose.** The purpose of the density floodway is to address a variety of issues related to the planning, development, and management of the floodplain and to do so by permitting development to occur in a fashion that disperses and spreads it throughout the density floodway. The following criteria must be considered in minimizing the negative impacts of encroachments on flood flows across the density floodway: the density floodway regulations apply to the development that occurs coincidentally behind a uniform 20-year levee at the L15 location; the configuration or orientation of development within each lot/parcel will be such as to minimize the loss of effective conveyance for the entire density floodway; the development of each lot/parcel shall be located on one (1) of the higher areas of the lot/parcel and oriented in such a way that its location and orientation provide the greatest overall floodplain conveyance.
- B. Permitted Uses.** Any use permitted in Section 405.365, Floodway Overlay District of this Article shall be permitted in the Density Floodway Overlay District to the extent that they are not prohibited by any other Unified Development Ordinance Section. These uses are subject to Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, of this Article.
- C. Standards For The Density Floodway Overlay District.**
1. With a "No-Rise Certification", any development on a lot/parcel which creates fill or blockage in the density floodway shall be permitted. A no-rise certification shall be provided by a registered professional engineer demonstrating that the development shall not result in any increase in the base flood elevation. The analysis for the no-rise certification must be calculated and evaluated on a lot/parcel basis only; it is not to be calculated for the entire density floodway. Such development can be caused by activities including fill (which shall include continuous fill, with the exception of a uniform 20-year levee at the L15 location), new construction, substantial improvements, and minor improvements.
 2. Lacking a "No-Rise Certification", the maximum surface area of each lot/parcel that can be developed is limited to not more than eighteen percent (18%). Any such fill or development must not be continuous (with the exception of a uniform 20-year levee at the L15 location) or contiguous with other developments so as to restrict the flow of floodwater, in keeping with the purpose statement (Section 405.015) of this Chapter. In the event that continuous or contiguous fill or development is deemed necessary, the provisions of Subsection (C)(1) of this Section must be met. Percent development is equal to the surface area of a lot/parcel within the density floodway as recorded in the St. Charles County Recorder of Deeds office on or before December 15, 1992, that will be occupied

by a development divided by the total surface area of the lot/parcel expressed as a percentage. Structures which are constructed to replace structures existing before December 15, 1992, but which are demolished after December 15, 1992, will not be counted toward the eighteen percent (18%) limitation on development.

3. Once the eighteen percent (18%) limitation on development on a lot/parcel has been attained, no future development shall be allowed, unless allowed pursuant to a "No-Rise Certification", as stated in Section 405.370, Density Floodway Overlay District, Subsection (C)(1) of this Article.
4. The future sale of a portion of a lot/parcel in the density floodway shall result in the remaining developed area being apportioned between the lots/parcels, unless it is set out differently in the deeds as recorded in the St. Charles County Recorder of Deeds office on or before December 15, 1992.
5. St. Charles County intends to maintain the eighteen percent (18%) of developable area for each lot/parcel and the total area of the density floodway, as depicted on the Flood Insurance Rate Map (FIRM), dated March 17, 2003, as amended hereafter.^{*46}

D. Application Procedure For Floodplain Development Permits In The Density Floodway.

1. When an individual requests a floodplain development permit in the density floodway, the following materials will be provided to the applicant upon the submittal of the deed to the property recorded on or before December 15, 1992:
 - a. The brochure *All About Building in the Floodplain*.
 - b. A copy of the Flood Insurance Rate Map for the area which is proposed to be developed.
 - c. A statement indicating the maximum amount of allowable encroachment area in square feet and/or acres.
 - d. A copy of the density floodway regulations.
 - e. Instructions that the applicant must provide two (2) copies of the development plans showing the location and nature of the development along with an elevation certificate indicating the existing grade elevation (an elevation certificate is not required for routine maintenance or minor improvements).
2. Upon receipt of the plans, as stipulated in Section 405.370, Density Floodway Overlay District, Subsection (D)(1)(e), the Director of the Division of Planning and Zoning or his or her designee shall:^{*28}

- a. Review submittal to determine compliance.
- b. Release a floodplain development permit (in most applications to allow construction of foundation only).
- c. Upon submittal of a second (2nd) elevation (certificate), release approved floodplain development permit, if elevation meets or exceeds requirement of one (1) foot above the 100-year floodplain.
- d. Record the actual loss of area for the lot/parcel on the Assessor's tax parcel map(s).

SECTION 405.375: VARIANCE

- A. The Board of Zoning Adjustment, as established by St. Charles County, shall hear and decide appeals and requests for variances from this Article of the *Unified Development Ordinance*.
- B. Agricultural and accessory structures, as defined in Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District of this Article, may be eligible for administrative review for variance approval by the Director of Community Development or his/her designee. All requests for administrative variances must meet the conditions of this Chapter or Chapter 410. All approved administrative variances may be subject to review by the Board of Zoning Adjustment.
- C. The Board of Zoning Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Director of the Division of Planning and Zoning in the enforcement and administration of this Article of the *Unified Development Ordinance*.
- D. In passing upon such applications for variances, the Board of Zoning Adjustment shall consider all technical evaluation, all relevant factors, standards, and requirements specified in other Sections of the *Unified Development Ordinance*, and:
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use to the Master Plan and floodplain management program for that area;^{*28}
8. The relationship of the proposed use to the Master Plan and the floodplain management program for that area;^{*28}
9. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site; and
10. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Conditions For Variances.

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section provided the proposed activity will not preclude the structures continued historic designation.^{*46}
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.^{*46}
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.^{*46}
4. Variances shall only be issued upon:^{*46}
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, extraordinary public expense, additional threats to public safety, creating nuisances, case fraud on or victimization of the public, or conflict with existing local laws and regulations.
5. St. Charles County shall notify the applicant in writing over the signature of the Director of the Division of Planning and Zoning that:^{*46}

- a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
- b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter or Chapter 410.
- c. All utilities and facilities such as sewer, gas, electrical, and water systems are located one foot above base flood elevation or dry-floodproofed to eliminate flood damages.^{*28,*46}

F. Agricultural Structure Variance. Any variance granted for an agricultural structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions, as well as those criteria and conditions set forth within Section 405.375, Variance, Subsection (D) and (E) of this Article.^{*46}

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

1. All agricultural structures considered for a variance from the floodplain management regulations of this Chapter or Chapter 410 shall demonstrate that the varied structure is located in wide, expansive floodplain areas, and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farmhouses, cannot be considered agricultural structures.
2. Use of the varied structures must be limited to agricultural purposes in Zone A or AE only, as identified on the community's Flood Insurance Rate Map (FIRM).^{*46}
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance within Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (C)(3) of this Article.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance within Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (C)(1) of this Article. All of the building's structural components must be capable of

- resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located one foot above the base flood elevation or dry-floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance within Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (C)(3) of this Article.^{*46}
 6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain permanent openings that will permit the automatic entry and exit of floodwaters in accordance within Section 405.355, Floodway Fringe Overlay District, Subsection (B)(3) of this Article.^{*46}
 7. The agricultural structures must comply with the floodplain management floodway encroachment provision within Section 405.365, Floodway Overlay District of this Article. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
 8. Major equipment, machinery, or other contents must be protected from any flood damage.
 9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
 10. St. Charles County shall notify the applicant in writing over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter or Chapter 410.
 11. Wet-floodproofing construction techniques must be reviewed and approved by the the Division of Building Code Enforcement prior to the issuance of any floodplain development permit for construction.^{*46}

- G. Accessory Structure Variance.** Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions, as well as those criteria and conditions set forth within Section 405.375, Variance, Subsection (D) and (E).^{*46}

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed:

1. Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only, as identified on the community's Flood Insurance Rate Map (FIRM).
2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials, in accordance within Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (C)(3) of this Article.
3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure, in accordance within Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (C)(1) of this Article. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
4. Any mechanical, electrical, or other utility equipment must be located one foot above the base flood elevation or dry-floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions, in accordance within Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (C)(3) of this Article.^{*46}
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100- year flood, contain permanent openings on a minimum of two walls that will permit the automatic entry and exit of floodwaters, in accordance within Section 405.355, Floodway Fringe Overlay District, Subsection (B)(3) of this Article. Windows and doors will not be considered as required openings.^{*46}
6. The accessory structures must comply with the floodplain management floodway encroachment provisions within Section 405.365, Floodway Overlay District, of this Article. No variances may be issued for accessory structures within any

- designated floodway, if any increase in flood levels would result during the 100-year flood.
7. Equipment, machinery, or other contents must be protected from any flood damage.
 8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
 9. St. Charles County shall notify the applicant in writing over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter or Chapter 410.
 10. Wet-floodproofing construction techniques must be reviewed and approved by the Division of Building Code Enforcement prior to the issuance of any floodplain development permit for construction.^{*46}

SECTION 405.380: NON-CONFORMING USE

- A.** A structure, or the use of a structure, on premises which was lawful before the adoption of this Article of the *Unified Development Ordinance*, but which is not in conformity with the provisions of this Article of the *Unified Development Ordinance*, may be continued subject to the following conditions:
 1. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.
 2. If such use is discontinued for one hundred eighty (180) consecutive days, any future use of the building premises shall conform to this Article of the *Unified Development Ordinance*.
- B.** If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the current market value, as provided by the St. Charles county Assessor, of the structure before the damage occurred, except that it is reconstructed in conformity with the provisions of this Article of the *Unified Development Ordinance*. This limitation does not include the cost of any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historical Places.^{*46}

SECTION 405.385: PENALTIES FOR VIOLATION

- A. Violation of the provisions of this Article of the *Unified Development Ordinance* or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this Article of the *Unified Development Ordinance* or who fails to comply with any of its requirements shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00) per day or six (6) months' imprisonment, or both. Each and every day that such violation continues shall constitute a separate offense.
- B. Any person who constructs, alters, repairs, or commences the construction or alteration of a building or structure or regrades a property without a Floodplain Development Permit or is served with a stop work order for any work in the FF, FW, or DF overlay districts shall pay an administrative penalty of two hundred fifty dollars (\$250.00) when a Floodplain Development Permit is issued.^{*28}
- C. Nothing herein contained shall prevent St. Charles County or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.^{*28}

SECTION 405.390: AMENDMENTS

The regulations, restrictions, and boundaries set forth in this *Unified Development Ordinance* Article may, from time to time, be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the Administration Building of the County and on the St. Charles County Government web site. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this Article of the *Unified Development Ordinance* are in compliance with the National Flood Insurance Program Regulations, as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976.^{*60}

SECTION 405.400: RESERVED^{*28}

ARTICLE XII. WELLHEAD PROTECTION OVERLAY DISTRICT^{*25, *50}**SECTION 405.402: STATEMENT OF INTENT**^{*50}

The intent of the following provisions is to protect the quality of groundwater serving public alluvial wells by regulating and restricting land uses within boundary perimeters surrounding wellheads of such wells.

SECTION 405.403: ESTABLISHMENT AND MODIFICATION^{*50}

- A.** Establishment of Wellhead Protection Overlay Districts.
1. Applications to the Planning and Zoning Commission to establish Wellhead Protection Overlay Districts may be initiated only as follows:
 - a. by resolution of the County Council;
 - b. by resolution of the Planning & Zoning Commission; or
 - c. by request of the Division of Planning and Zoning.
 2. All such rezoning applications shall include a legal description of the circular boundary perimeter of the proposed Wellhead Protection Overlay District meeting the requirements of subsection 405.404.A, below.
 3. All notices and hearings relating to such rezoning applications shall be as provided by this Unified Development Ordinance, except as provided otherwise in subsection 405.403.B, below.
- B.** Modification of circular boundary perimeters of proposed or established Wellhead Protection Overlay Districts.
1. Modification of circular boundary perimeters of a proposed or existing Wellhead Protection Overlay District may be sought only by application by owners of land, or by a water district, municipality or other unit of government having a well, within such circular boundary perimeters.
 2. If such an application is made during proceedings to establish a Wellhead Protection Overlay District pursuant to subsection 405.403.A, above, the following procedural regulations shall govern the application.
 - a. Notice of intent required: The applicant must give notice of intent to file such an application by submitting to the Division of Planning & Zoning, on a form provided by the Division, an affidavit of intent to modify the circular boundary perimeter of a proposed Wellhead Protection Overlay District, along with the deposit required in subsection 405.403.B.4, below.

- b. Time of notice of intent: Such notice of intent must be filed no later than the date of the Planning & Zoning Commission's initially scheduled public hearing to form a new district.
 - c. Effect of notice timely filed: Provided such notice is filed on time, it will postpone for 180 days the Commission's scheduled hearing on the proposed district.
 - d. Completion of application: An applicant must complete an application to modify within 90 days of the date of the filing of the notice of intent, by filing the remaining required submittals enumerated in Section 405.403.B.4. If an applicant fails to do so, the Division shall treat the application as withdrawn and refund the applicant's deposit, but the applicant is not barred from proceeding under subsection 405.403.B.3 to modify an existing Wellhead Protection Overlay District's boundary after the district's establishment.
3. If an application to modify the circular boundary perimeter of a Wellhead Protection Overlay District is filed after its establishment, the following procedural regulations shall govern the application.
 - a. Rezoning application: Such an application shall be treated as a separate rezoning application governed by this Unified Development Ordinance.
 - b. Completeness of application: Such an application shall be accompanied by required submittals enumerated in subsection 405.403.B.4, below.
4. All applications to modify the circular boundary perimeter of a proposed or existing Wellhead Protection Overlay District shall be accompanied by the following submittals.
 - a. A legal description of the proposed amendment to the circular boundary perimeter of a proposed and established Wellhead Protection Overlay District;
 - b. A sealed engineer's report on groundwater and subsoil conditions affecting the wellhead protected or to be protected by the Wellhead Protection Overlay District, and justifying the proposed amended boundary; and
 - c. A deposit may be required to defray the costs of an engineering consultant engaged by the County to review that sealed engineer's report (deposit subject to refund to the extent it exceeds actual costs and to supplementation to the extent that it is insufficient to defray them).

5. All applications to modify the circular boundary perimeter of a proposed or existing Wellhead Protection Overlay District shall be subject to review and hearing as follows.
 - a. Upon receipt of a complete application to modify the circular boundary perimeter of a proposed or existing Wellhead Protection Overlay District, the Planning & Zoning Division and the County's engineering consultant shall have 90 days in which to review that application.
 - b. Based on that review the Division may also propose a modification of a circular boundary perimeter either to reduce or enlarge it.
 - c. Upon completion of that review and issuance of all notices that may be required by this Unified Development Ordinance, the Planning & Zoning Commission shall conduct a hearing on that application to modify the circular boundary perimeter of a proposed or existing Wellhead Protection Overlay District and any related application by the Planning & Zoning Division. In no case may that hearing be scheduled at a meeting of the Planning and Zoning Commission within 90 days or later than 150 days from the receipt of the applicant's complete application to modify. However, a hearing may be continued as provided in Section 405.535.B.1.d of this Unified Development Ordinance.

SECTION 405.404.: DISTRICT REGULATIONS^{*50}

- A. **Boundary:** Any Wellhead Protection Overlay District shall be enclosed by circular boundary perimeter defined by a radius of 1000 feet surrounding any wellhead of a public alluvial well, unless that circular boundary perimeter is modified as provided in subsection 405.403.B, above.
- B. **Permitted and conditionally permitted uses:** Except as provided in subsections 405.404.C or D below, within any Wellhead Protection Overlay District, the district regulations for the underlying zoning district shall authorize permitted and conditional uses.
- C. **Prohibited uses:** Notwithstanding any applicable district regulations in this *Unified Development Ordinance*, within any Wellhead Protection Overlay District, the following uses are prohibited:
 1. The production, use, handling, or storage of any extremely hazardous substance, greater than the exempted quantity.
 2. Landfills, including but not limited to industrial and municipal landfills; open dumps; or any other waste disposal facility.
 3. Waste transfer stations and incinerators.

4. Waste disposal wells and underground injection of liquid wastes.
5. Sewage lagoons.
6. Wastewater treatment plants and/or wastewater pump stations.
7. Cemeteries and graveyards for humans or domesticated animals.
8. Scrap and junk yards.
9. Uncovered salt, de-icer or chemical storage.
10. Private potable water wells into known and potential sources of contamination.
11. Ponds/lakes constructed deeper than 15 feet, in order to prohibit excavation below the upper cohesive solids into the underlying sand and gravel aquifer except at properties where site specific drilling data indicates deeper excavation, will not contact the sand and gravel aquifer to a maximum allowable excavation depth of five feet above the base of the upper cohesive soils.

D. Conditionally permitted uses: If permitted under applicable district regulations in this *Unified Development Ordinance*, the following uses are permitted within any Wellhead Protection Overlay District only as conditional uses that must be subject at a minimum to the conditions set out below:

1. Uses permitted only conditionally:
 - a. The production, use, handling, or storage of any hazardous substance or liquid petroleum product.
 - b. Fleet storage, maintenance, repair and service facilities, including but not limited to mechanical services, transmission repair services and oil changing services in conjunction with and supplementary to a permitted business operation.
 - c. Construction of new underground storage tanks, including new underground storage tanks that replace existing underground storage tanks, and associated pipes in compliance with applicable local, state and federal laws and in conjunction with and supplementary to a permitted business operation.
 - d. Dry cleaning business.
 - e. Furniture stripping.

- f. Wastewater Pretreatment Facilities or other impoundments of waste material.
 - g. Vehicle service stations and convenience stores which sell motor fuel.
 - h. Electrical power generator and substations.
 - i. Manufacturing of communications equipment.
 - j. Manufacturing of electric and electronic equipment, including circuit boards.
 - k. Manufacturing of fabricated metal products.
 - l. Manufacturing of machinery .
 - m. Manufacturing of plastic materials and synthetics.
 - n. Primary metal industries, such as blast furnaces, steelworks and rolling mills.
 - o. Trucking terminals.
2. Required conditions of the foregoing conditionally permitted uses:
- a. Provide for the installation and maintenance of devices for secondary containment in case of inadvertent discharge from primary containers, ensure the proper storage of regulated substances, and ensure the integrity of impervious floor surfaces in storage areas.
 - b. Submission of an emergency contingency plan for each facility to respond to unauthorized discharges.
 - c. Posting of a bond or carrying of insurance which would pay for the cost of cleanup incurred as the result of inadvertent discharge, as required by applicable environmental laws and regulations.
 - d. The three previous requirements must be approved in writing by both the Community Development Director and the St. Charles County Local Emergency Planning Committee or their designees.
- E.** Exemptions: The following substances are not subject to the provisions of this Section, so long as they are used, handled or stored in a manner that does not result in contamination of groundwater.

1. Use of any regulated substance in an amount less than the exempted quantity for that substance.
2. Any substance to the extent it is used for personal, family or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. However, regulated substances used in the operation of a home business shall not be exempt from the provisions of these requirements.
3. Any substance to the extent it is used in routine agricultural operations and not permanently stored out-of-doors.
4. Any substance to the extent it is used in a research laboratory, hospital or other medical facility, and is under the direct supervision of a technically qualified individual.
5. Regulated substances contained in properly operating sealed units (transformers, refrigeration units, etc.) which are not operated as part of routine use and which are in operable condition.
6. Motor fuels, lubricants, and coolants which are in use within operable internal combustion engines and attached fuel tanks.
7. Radioactive materials that are regulated by the United States Nuclear Regulatory Commission.
8. Regulated substances in continuous transit through a Wellhead Protection Overlay District.

Editor's Note--The Peruque Creek Watershed above (upstream of) Lake St. Louis was established as a Watershed Protection Overlay District by St. Charles County Ordinance 02-123. A map showing the district as established by this ordinance is available from the County Information Systems Department or the County Registrar.

Editor's Note--Ord. no. 06-157 §2, adopted November 14, 2006, repealed sections 405.4021-405.4023 dealing with "watershed protection "wp" overlay district" in their entirety. Former sections 405.4021-405.4023 derived from ord. no. 02-122 §1, 7-30-02.

PART 3. SUPPLEMENTARY REGULATIONS**ARTICLE I. ADDITIONAL REQUIREMENTS****SECTION 405.405: ADDITIONAL DWELLING REQUIREMENTS**

- A.** There shall be no more than one (1) single-family/single household dwelling unit on one (1) lot or parcel of land, except as provided herein.
- B.** Townhouses, apartments, condominiums, cluster homes, villas, and all other forms of property ownership do not affect the provisions of these regulations. All requirements shall be observed as though the property were under single ownership.
- C.** At-grade additions to single family residences shall be attached to the existing residence with a dimension no less than 50% of the length of the longest linear wall of the addition and shall have an interior access to the existing structure.^{*46}

SECTION 405.410: ADDITIONAL HEIGHT REQUIREMENTS

- A.** The height limits established in Part 2, District Regulations, may be exceeded only by variance granted by the St. Charles County Board of Zoning Adjustment; agricultural structures and stealth communication facilities/telecommunication devices added to existing structures are exempt from this requirement.
- B.** Spires, steeples, monuments and belfries on buildings used for religious worship may be erected to a height not exceeding one hundred (100) feet.
- C.** The height limits for wind turbines and wind turbine farms shall be as established by the Governing Body in approval of the Conditional Use Permit.^{*46}

SECTION 405.415: ADDITIONAL YARD REQUIREMENTS

- A.** On lots fronting on one (1) or more streets, a front building line setback must be provided on all streets.
- B.** Where a frontage is divided among zoning districts with different front yard requirements, the more restrictive yard requirements shall apply.
- C.** Required building line setbacks must be adhered to around a group of buildings on one (1) lot in the "R3A", "R3B", "PR", "C", and "I" Districts, and related multi-family, hotel, motel, or institutional buildings.
- D.** Those parts of existing non-conforming buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered above fifty percent (50%) of their current fair market value. Any additions shall observe the required yard regulations of the district in which they are located.

- E. Front yard setbacks will be used as indicated on recorded subdivision plats, in all other cases, existing zoning district setbacks apply.
- F. Required front yards in all districts shall be devoted to landscaping, ingress and egress driveways, fences, sidewalks, and exceptions as further provided herein Section 405.415.^{*1,*14,*28,*46}
1. Fences in Residential Districts or subdivisions in Agricultural Districts. A fence may be erected or constructed in compliance with all County ordinances as well as the following general conditions:^{*46}
 - a. A fence may be located on a side or rear lot line, but no such fence shall protrude in full or part on adjacent property or right-of-way.^{*14,*46}
 - b. Fence height shall be measured from an established grade to the top most section of the fence. Where the grade forms a contour, the fence shall be required to maintain the same contour.^{*14}
 - c. All portions of any fence must be constructed of the same or harmonious material. Fences consisting of solid metal panels are prohibited. All vertical and/or horizontal supports and cross members must face the interior of the lot.^{*14}
 - d. Fences shall be maintained by the property owner according to all other codes of St. Charles County.^{*14}
 - e. Fences on corner lots must observe the sight triangle requirement as defined in Section 405.415 (K).^{*14}
 2. Fences in Residential Districts and subdivisions in the Agricultural District. A fence may be erected or constructed subsequent to compliance with all County ordinances as well as the following criteria.^{*14}
 - a. Interior and Corner Lots:^{*14}
 - (1) Front Yards – Fences in required front yards are prohibited. However, fences on corner lots shall be permitted to the side of the principal structure subject to the following provisions:^{*14,*28,*46}
 - (a) Fences as erected prior to January 1, 2010 with a setback of no less than one (1) foot from the street right-of-way line. The maximum height is six (6) feet.^{*46}
 - (b) A fence with a setback of one (1) foot from the street right-of-way line provided that there are no principal structures

facing such street within the same block. The maximum height is six (6) feet.^{*46}

- (2) Side Yards – All fences shall not exceed six (6) feet in height. There is no openness requirement.^{*14}
 - (3) Rear Yards – All fences shall not exceed six (6) feet in height. There is no openness requirement.^{*14}
 - (4) Notwithstanding the above height restrictions, masonry pillars, including decorations and appurtenances thereon, in conjunction with ornamental iron fences, cannot be more than twenty-five (25) percent higher than the attached fence and not be wider than twenty-four (24) inches.^{*14}
- b. Through Lots: Fences on through lots shall comply with the foregoing regulations; however, if all principal structures in the same block face the same street or direction, and there is no vehicular access to the street in the same block which the principal structure does not face, a fence may be constructed with a setback of one (1) foot from the street right-of-way line on such yard that has no principal structures facing such street and vehicular access to such street within the same block.^{*14}
3. Driveways within the required front yard shall be perpendicular to the street or as approved by the Director of Community Development or his/her designee and have a width, in all residential districts and in the A, Agricultural District, no greater than the width of the garage and in no event greater than thirty (30) feet, and, in commercial and industrial districts, no greater than the entrance width requirements as approved on the Site Plan.^{*28}
- G.** Barbed wire and above ground electrical fences will not be allowed in yards in “R” Districts.^{*1,*14}
- H.** The minimum width of side yards for public/private schools, libraries, and churches in residential districts shall be twenty-five (25) feet.
- I.** Parking spaces and drive aisles shall be permitted in the rear and side yards of all zoning districts provided all screening requirements and other provisions of these regulations are met.^{*28}
- J.** Private swimming pools, including hot tubs, spas, and incidental installations such as pumps and filters, may not be located in the required front yard of any parcel or lot. A pool and attached decking shall be set back a distance of not less than five (5) feet from the side and ten (10) feet from the rear property lines. On any lot with two (2) or more frontages private swimming pools, attached decking, and any fencing as required by Chapter 500, Ordinances of St. Charles County, Missouri are permitted within the front

yard that the principal residence does not face, provided there are no principal structures within the same block that face that street or direction and the pool and attached decking are setback ten (10) feet from the street right-of-way line that the principal residence does not face. In the A, Agricultural Districts and RR, Residential District where lots or parcels of ground are 3 acres in size or larger, a pool and attached decking shall be set back a distance of not less than ten (10) feet from the side and the rear property lines.^{*1,*14,*28,*46}

- K.** No structure, planting, or other object that is an obstruction to vision shall be placed or be permitted in areas of corner lots as described except as approved by the County Engineer or the Director of Development Review. No structure, planting, or other object greater than three (3) feet in height above street grade is allowed within the sight triangle described below. However, vegetation (i.e., tree limbs) may overhang such an area, provided that it does not extend lower than seven (7) feet from the ground. The areas of corner lots to which this restriction applies are:^{*1,*28}
1. The triangular area formed by intersecting property lines (or their extension, in the case of rounded corners) and a line connecting those intersecting lines at points thirty (30) feet from their intersection; and^{*1}
 2. The triangular area formed by intersecting edges of street pavement and of driveway or alley pavement and a line connecting those intersecting edges at points ten (10) feet from their intersection.^{*1}
- L.** Projections such as sills, belt courses, chimneys, cornices, cantilevers, window air conditioning units, and ornamental features may project into a required yard a distance not to exceed thirty (30) inches.^{*14,*28}
- M.** Filling station pumps and pump islands may occupy required yards, provided that they are not less than twenty-five (25) feet from all property lines. The overhang of canopy shelters for filling station pump islands must be a minimum of fifteen (15) feet from all property lines.^{*28}
- N.** Open porches (not glassed or screened-in) and decks may extend not more than five (5) feet into the required front yard setback and not more than ten (10) feet into the required rear yard setback.^{*28}
- O.** Clean fill shall be an acceptable material for any fill or filling or grading as permitted by local regulations. But no waste material may be used for fill or filling or grading if the disposal of that waste material is regulated by the Solid Waste Management Code of St. Charles County, Missouri, Sections 240.101 et seq., Ordinances of St. Charles County, Missouri, as amended, or by Sections 260.200--260.345, RSMo., as amended, or by regulations adopted pursuant to Sections 260.200--260.345, RSMo., as amended.^{*28}
- P.** All structures except signs adjacent to arterials as indicated on the thoroughfare plan of the current Master Plan for St. Charles County shall have a setback from the centerline

equal to one-half of the designated right-of-way width plus twenty-five (25) feet or the zoning district yard requirement, whichever may be greater.^{*28}

SECTION 405.417: ADDITIONAL INSTITUTIONAL, COMMERCIAL, AND INDUSTRIAL STRUCTURE REQUIREMENTS^{*1}

Roof-mounted mechanical equipment installed on newly constructed buildings shall be screened from public view. This requirement shall be satisfied when all parts of the roof-mounted equipment are not visible from ground level observation, or at any point on the property, adjacent property, or from adjacent streets. Such screening shall comply with the following:^{*1}

- A. The screening shall be attached to the building and shall be capable of withstanding all load requirements embodied in the adopted building code.^{*1}
- B. The screening shall be constructed with non-reflective materials that are architecturally compatible with the building. The use of wood in whole or part as a screening material shall not be considered as being architecturally compatible unless the building is constructed with a wood exterior.^{*1}
- C. A parapet wall of sufficient height and as an integral part of the building shall be considered as approved screening.^{*1}
- D. All roof-top screening shall be kept in repair or proper state of preservation.^{*1}

SECTION 405.420: ADDITIONAL VEHICLE REQUIREMENTS

A. Recreational Equipment or Trailers.^{*14}

- 1. Not more than one (1) piece of recreational equipment or one (1) trailer as defined in this Chapter shall be allowed on any residential lot. For purposes of this provision a piece of recreational equipment means a boat, a boat trailer, a boat on a boat trailer, a travel trailer, a motor home, or a recreational vehicle. Such pieces of recreational equipment or such trailer shall not exceed twenty-four (24) feet in length or eight and one-half (8.5) feet in width. Recreational equipment or trailers parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities and at no time shall such recreational equipment be used for living or housekeeping purposes except as permitted in Section 405.420(B).^{*14, *57}
- 2. In residential districts and recorded subdivisions in agricultural districts recreational equipment or trailers shall be parked within a structure or on a paved or graveled all-weather surface either in the side or rear yard a minimum of seven (7) feet from all property boundaries, or beneath a structure that is elevated pursuant to this ordinance's zoning regulations on flood-hazard districts in Sections 405.245 et seq. Notwithstanding the above, recreational equipment or trailers parked in the side or rear yard on a paved or graveled all-weather surface

legally established prior to May 2, 2005 that does not observe the minimum of a seven (7) foot setback from side and rear property boundaries may be permitted under the following conditions:^{*14,*35,*46,*57}

a. No later than December 31, 2010, the property owner may make application for a Recreational Equipment or Trailer Side Yard permit pursuant to Section 405.570 to continue to park such recreational equipment or trailers in such locations. The property owner shall present proof that the owner owned or leased a recreational vehicle or trailer prior to May 2, 2005. The Permit shall expire upon the sale of the property or the occupancy of the property by other than the applicant to whom the certificate was issued. Any property for which an application has not been received by the close of business December 31, 2010 shall be ineligible for a permit and shall be required to meet the standards specified in this Ordinance requiring recreational equipment or trailers be parked in the side or rear yard, on a paved or graveled all-weather surface, a minimum of seven (7) feet from all property boundaries as set forth above.^{*35,*46}

3. Any graveled parking surface must be graveled to a uniform depth of six (6) inches and must be maintained free of weeds and vegetation.
4. No recreational equipment or trailers shall be parked on any driveway, street or adjacent right-of-way except those temporarily parked while actively loading or unloading for a period of time not to exceed forty-eight (48) consecutive hours in any one week period.^{*14}
5. The owner of recreational equipment parked on a lot within a residential district in accordance with the provisions of this Section shall also be the owner or the renter of such residential lot.^{*14}

B. Recreational vehicles providing temporary shelter for recreational use may only be placed on a parcel or in a subdivision platted before January 1, 1973, in the "PR" and "A" zoning districts, or within a campground with the following restrictions:^{*46}

1. The recreational vehicle may be placed on the parcel for not more than one hundred eighty (180) days per calendar year. A temporary permit will be issued by the Division of Planning and Zoning specifying the one hundred eighty (180) day period.^{*46}
2. No more than one (1) recreational vehicle may be placed on the parcel, unless it is an approved campground or travel trailer park.
3. The recreational vehicle must be currently licensed and ready for highway use.

4. The recreational vehicle must either have a self-contained water and sewage disposal system or be connected to an external water and sanitary sewage system approved by the St. Charles County Division of Building Code Enforcement.
5. The recreational vehicle must either have its own power source or be connected to an external power source approved by the St. Charles County Division of Building Code Enforcement.

C. Commercial Vehicles. The following shall only apply in “R” and “A” Districts:^{*14}

1. Any commercial vehicle shall be parked and/or stored in a private garage or completely covered by a carport, unless it is a vehicle:^{*43}
 - a. temporarily parked while providing a service or delivery to a residential dwelling.^{*43}
 - b. licensed as a commercial vehicle at twelve thousand (12,000) pounds or less, even if it conveys a commercial message or has materials stored on the vehicle's exterior such as ladder, tools, etc., but not if it exceeds twenty-four (24) feet in length.^{*43}
2. No buses shall be parked on a lot occupied by a residential unit, except as permitted in Section 405.420(C)(3).
3. Licensed vanpool vans or other motor vehicles seating not more than fifteen (15) passengers are allowed in residentially zoned areas so long as no commercial message is conveyed on the vehicle and all other provisions of this Section are met.
4. The owner of a commercial vehicle parked on a lot or parcel within a residential or agricultural district in accordance with the provisions of this Section shall also be the owner or the renter of such lot or parcel or that owner or renter's employer.^{*43}
5. Commercial vehicles shall not be parked on a public street except when temporarily parked while providing a service or delivery to a residential dwelling.^{*43}

D. Additional Vehicles.^{*57}

1. In the "A", Agricultural Zoning District, any lot or parcel containing a residence may also contain, in addition to the one piece of recreational equipment or the one trailer allowed under Subsection A, above, a maximum of two (2) additional vehicles which may be trailers, boats, boat trailers, boats on boat trailers or unlicensed vehicles, provided such additional vehicles are kept for personal use and are parked as required by Subsection A.2, above. No such additional vehicles

may be kept on lots or parcels in the "A" District that do not contain a residence.
^{*57}

2. Where a recreational vehicle is permitted on an unimproved parcel for one hundred eighty (180) calendar days under Subsection B, above, a maximum of two (2) additional vehicles which may be trailers, boats, boat trailers, or boats on boat trailers, provided such vehicles are kept for personal use and are parked on a paved or graveled all-weather surface either beside or behind the recreational vehicle a minimum of seven (7) feet from all property boundaries. ^{*57}
- E. Any vehicle or mode of transportation that is not recreational equipment or trailer, a recreational vehicle, commercial vehicle or a passenger car must be parked within a garage or fully enclosed accessory structure. ^{*46, *57}
- F. After issuance of a notice of violation of any provision of this Section, such violation may be deemed a continuing violation upon recurrence of that same violation. ^{*38, *46}

SECTION 405.421: EXTERIOR LIGHTING STANDARDS^{*46}

- A. **Purpose.** The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
- B. **Applicability.** The requirements of this Section apply to all private exterior lighting in conjunction with any institutional development, commercial development, industrial development or a residential development with a parking area for five or more vehicles.
- C. **Depiction On Required Site Plan.** Any and all exterior lighting shall be depicted as to its location, orientation, intensity of illumination, and configuration on the site plan required for the development of the subject property.
- D. **Requirements.**
1. **Orientation of fixture.** In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is directed to an adjacent property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
 2. **Intensity of illumination.** In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles.
 3. **Location.** Light fixtures shall not be located within required buffer areas as defined in Section 405.435.

4. Flashing, flickering and other distracting lighting. Flashing, flickering and/or other lighting which may distract motorists is prohibited.
5. Height of fixtures. Lights on poles shall not be taller than the building whose area they illuminate nor taller than twenty (20) feet whichever is shorter.
6. Non-conforming lighting. All lighting fixtures legally existing prior to the adoption date of this section, shall be considered as legal non-conforming uses.

SECTION 405.422: TEMPORARY CONSTRUCTION TRAILERS^{*28}

Temporary structures for uses incidental to construction work shall be on the site or an adjoining site of said construction work and shall be removed upon issuance of an occupancy permit.^{*28}

SECTION 405.425: PERSONAL PROPERTY SALES

- A. No more than four (4) sales may be held at any one (1) residence during any calendar year. Each sale shall be limited to no more than the daylight hours of two (2) days within the same week.
- B. Signage. See Article III of Part 3 of these regulations, Sections 405.470, et seq. (Signs Not Requiring Permits, Temporary, see Section 405.480).
- C. The provisions of this Section shall not apply to or affect the following:
 1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
 2. Persons acting in accordance with their powers or duties as public officials.
 3. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of St. Charles County, or under the protection of the non-conforming use Section, or any other sale conducted by a manufacturer, dealer, or vendor wherein such sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.
 4. Any legitimate charitable, eleemosynary, educational, cultural, or governmental institution or organization when the proceeds for the sale are used directly for the institution or organization's charitable purpose, and the goods or articles are not sold on a consignment basis.

SECTION 405.427: TEMPORARY OUTDOOR SALES OF GOODS OR MERCHANDISE

Temporary outdoor holiday sales, temporary outdoor fund-raising sales by non-profit organizations and temporary outdoor sales by licensed businesses shall only be permitted within the "C1", "C2", "I1" and "I2" zoning districts. Temporary outdoor fund-raising sales conducted by non-profit organizations shall be permitted in all zoning districts. All of these temporary outdoor sales shall be subject to the following provisions as applicable.^{*46}

- A.** Temporary outdoor holiday sales such as Christmas tree sales and pumpkin sales shall not exceed a period of forty-five (45) days and shall require a temporary sales permit from the Department of Community Development.^{*46}
- B.** Temporary outdoor fund-raising sales conducted by non-profit organizations as recognized by the State of Missouri shall not require a temporary sales permit from the Department of Community Development so long as and only if the following two (2) conditions are met:^{*46}
1. The organization conducting the fund-raising sale conducts no more than six (6) such events per calendar year, and^{*46}
 2. The fund-raising sale does not exceed a period of three (3) consecutive days.^{*46}
- C.** Temporary outdoor sales by licensed businesses shall be:^{*46}
1. Limited to items customarily sold by such businesses at their permanent business sites, and conducted on the premises occupied by those sites, or^{*3,*46}
 2. Limited to food items sold by single vendors from stands occupying a site no greater in size than 120 square feet and located on premises only with the written permission of their record owners, and for no more than one hundred twenty (120) days, no less than thirty consecutive days, during any twelve month period under any single zoning confirmation. For purposes of this provision only, the terms "site" and "stand" are defined as follows:^{*6,*46}
 - (a) "Site" means the total area occupied by a vendor, including the stand and auxiliary tables, the place where the employees stand, and the place where goods and equipment are stored or displayed.^{*3,*46}
 - (b) "Stand" means any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered with the Department of Revenue of the State of Missouri or any other state.^{*3,*46}

- D.** All temporary outdoor sales of goods or merchandise permitted in this Section shall comply with the following conditions:^{*46}
1. Shall not be located within any required buffer yards.^{*46}
 2. Shall not be located within the sight triangles for any intersections, public or private.^{*46}
 3. Shall not reduce the available parking spaces below what is required for a site as provided in Article II Parking and Loading Requirements.^{*46}
 4. Are subject to any applicable building codes, health regulations, fire district codes and any other applicable regulations.^{*46}
 5. Signage shall be limited to two (2) signs or banners of not more than thirty-two (32) square feet. Advertising may appear on both sides of the signs or banners. The signs or banners shall be on-premises grounds signs and meet all applicable setbacks.^{*46}
 6. May be subject to additional conditions as deemed necessary by the Director of the Planning Division to protect the public health, safety and welfare.^{*46}

SECTION 405.430: ADDITIONAL ANIMAL REQUIREMENTS

- A.** Any feed lot, feeding floor, or structure for housing of animals shall be maintained in a sanitary condition.
- B.** The boarding of certain types of exotic or wildlife animals are regulated by the Missouri State Department of Conservation, according to the current Wildlife Code adopted by the Conservation Commission of Missouri, and may require additional permits.
- C.** Exhibit 1, Permitted Animal Regulations (see page 166) indicates the types of animals permitted in certain zoning districts, and the regulations which apply to those animals.

SECTION 405.431: GRADING^{*18,*24}

No grading for non-agricultural purposes may be conducted without a land use permit issued pursuant to Section 405.530 or a land disturbance permit if required by Section 412.040.^{*24}

EXHIBIT 1. PERMITTED ANIMAL REGULATIONS

ZONING DISTRICT	PERMITTED USES	CONDITIONAL USES	SETBACK REQUIREMENTS/ CONFINED FEEDING AREAS	REMARKS
A DISTRICT	Exotic or Wild Animal		300 feet	Minimum 10 acres/MINIMUM CONFINEMENT REQUIREMENTS according to the current State of MO Conservation Commission Wildlife Code
	Horses and Private Stables		50 feet	1 horse per acre
	Livestock raising (except in platted subdivisions)	If greater than 1,000 animal units	150 feet	
	Pets	Kennel	150 feet	
		Riding/Boarding stable		
R1A, R1B, R1C, R1D, and R1E DISTRICTS	Horses and Private Stables		50 feet	Minimum 3 acres/1 horse per acre
	Pets			The maximum number of dogs, cats, or domestic other pets allowed is four (4). This includes any combination of dogs, cats, or domestic others over the age of six months (i.e. 2 dogs, 1 cat, and 1 domestic other).
		Kennels	150 feet	Minimum 3 acres
R2, R3A, R3B, and RM DISTRICTS	Pets			The maximum number of dogs, cats, or domestic other pets allowed is four (4). This includes any combination of dogs, cats, or domestic others over the age of six months (i.e. 2 dogs, 1 cat, and 1 domestic other).
CO DISTRICT	Pets			The maximum number of dogs, cats, or domestic other pets allowed is four (4). This includes any combination of dogs, cats, or domestic others over the age of six months (i.e. 2 dogs, 1 cat, and 1 domestic other).
C1, C2, I1, and I2 DISTRICTS	Horses and Private Stables		50 feet	Minimum 3 acres/1 horse per acre
	Kennels		150 feet	Minimum 3 acres
	Pets			The maximum number of dogs, cats, or domestic other pets allowed is four (4). This includes any combination of dogs, cats, or domestic others over the age of six months (i.e. 2 dogs, 1 cat, and 1 domestic other).

Supplementary Regulations

178

405.405-405.431

SECTION 405.435: LANDSCAPING REGULATIONS FOR ST. CHARLES COUNTY

- A. Intent/Purpose.** The purpose of this section is to provide landscaping regulations that will enhance the environment and the visual character as development occurs within the unincorporated areas of St. Charles County. The preservation of existing trees and vegetation and the planting of new trees and vegetation will protect both private and public investment and promote high quality development. Areas of buffering will be created between land uses, in order to minimize adverse visual impacts, noise, light, and air pollution. Such buffering will also promote energy conservation through the creation of shade, reducing heat gain in or on buildings and paved areas. Landscaping also enhances erosion and sediment control practices through the creative use of plant materials and ground cover.^{*1}
- B. Applicability.** These requirements shall apply to the following:^{*1}
1. New commercial, industrial, or public facility development.^{*1}
 2. Development authorized by ordinances approving conditional use permits conditioned upon submission of an approved site plan.^{*1}
 3. Expansion and/or conversion of an existing use that may require landscaping as determined by the Director of the Division of Planning and Zoning.^{*1}
- C. Waiver or Modification^{*1}**
1. In the case of undue hardship, landscaping requirements may be modified upon review by the Director of Planning and Zoning.^{*1}
 2. In locations where the planting of landscaping is not viable acceptable architectural screening materials may be utilized with the authorization of the Director of the Division of Planning and Zoning. These materials include wood or vinyl fences, decorative masonry walls, brick walls, earth berms and other like materials approved by the Director of the Division of Planning and Zoning.^{*1}
- D. Exemptions. These regulations shall not apply to the following:^{*1}**
1. Developments within the A (except required by conditional use permits), RM, PR, HTCD, and SWD zoning districts.^{*1}
- E. Plan Requirements. All site plans shall depict the following information on said plan or a separate landscape plan:^{*1}**
1. Property boundary, including north arrow and scale.^{*1}
 2. Topographical information, detailing the final grading of the site, and all drainage for the landscaped areas.^{*1}

3. All structures, parking and loading areas, islands, sidewalks, entrances and exits, drives, utilities, and right-of-ways (if applicable).^{*1}
4. The location and identification of all existing trees, shrubbery, and other vegetation.^{*1}
5. The locations, varieties (botanical and common names), the number and mature size of all plant materials to be planted within the buffer areas and front yard setbacks.^{*1,*46}
6. Any sight-proof fencing, solid screening, and/or earth berming to be utilized on the site.^{*1}

F. Buffer Requirements. The buffer requirements as required for various developments are based upon the proposed land use and the land use of adjacent properties. The intent of the buffer is to provide space to separate different land uses. The buffer width is the specified area devoted to plant materials. The buffer width is based upon the intensity of the proposed use. Below are Table 1 and Exhibits A and B providing specific buffer requirements.^{*1}

Table 1^{*1}

Adjacent existing development	Proposed development			
	<i>Single-family or two-family use</i>	<i>Multi-family or institutional use</i>	<i>Commercial use</i>	<i>Industrial use</i>
Agricultural use	Not required	Not required	Not required	3
Single-family or two-family use	Not required	1 or 2	1 or 2	3
Multi-family use	Not required	Not required	1 or 2	3
Commercial use	Not required	Not required	Not required	3
Industrial use	Not required	Not required	Not required	Not required

G. Minimum Front Yard Setback Planting Requirements. All front yards shall be landscaped. The amount of required landscaping shall be calculated by utilizing the point system described herein or through the alternative compliance provisions. Examples of reasons to seek alternative compliance could include an exceptionally narrow front yard, wooded streams, ravines, or areas with extensive natural vegetation.

1. Formula for Landscaping in Front Yards:
 Overall Length of Frontage (in feet, rounded to the nearest whole number)
 Divided by Two (2) = Landscaping Required (in points)
 Example: 220 feet of frontage / 2 = 110 points

Tree Classification	Base Value	Shrub Classification	Base Value
Intermediate Trees	25 points	Deciduous Shrubs	4 points
Evergreen Trees	15 points	Evergreen Shrubs	3 points

Note: Trees shall meet Plant Materials requirements. Both trees and shrubs shall meet all other requirements outlined in this Landscaping Regulations section. For a sample intermediate tree and shrub list, consult EXHIBIT B.

- a. Approximately one-half of the points for parking front yard landscaping must be achieved by utilizing plants from the tree classification and the remaining one-half must be from the shrub classification.
 - b. All points must be used by adding additional shrubs if the trees do not use their entire designated point value. If one-half or greater of a listed base value is left, the plant requirement shall be rounded up to the next available base value or any combination of base values. For example, a value of 1.5 or greater will require one (1) additional shrub OR one (1) tree. A value of 7.5 shall require at least one (1) additional tree, OR two (2) deciduous shrubs, OR three (3) evergreen shrubs.
 - c. A minimum of four (4) varieties of plant materials shall be utilized for visual aesthetics.
2. Planting Arrangements in Front Yards
 - a. Plantings may be interspersed or grouped along the roadway frontage as approved on the site plan. Areas within the right of ways and sight triangles shall be left unobstructed.
 - b. Planting in straight lines should be avoided.
 - c. A minimum of four (4) varieties of plant materials shall be utilized for visual aesthetics.
 3. Alternative Compliance Provisions

A developer may choose to follow the point system described above or to submit a landscape plan to the Director of the Planning and Zoning Division under this alternative compliance provisions section. This provision is intended to give the developer flexibility needed to respond to unique site issues and client needs and still meet the intent of this article. All landscape plans submitted in lieu of the point system must meet the stated intentions of the landscaping requirement.

H. Plant Materials. There are two basic trees utilized in the wider buffer areas. These are native deciduous trees and coniferous (evergreen) trees. These are to be installed within

the 15 foot and 20 foot wide buffer areas. Within the six feet wide buffer areas plant materials to be installed are listed in Exhibit B by both common and botanical names. These plant materials will grow within a narrow space. Within front yard areas, intermediate trees and coniferous (evergreen) trees are to be utilized.*1,*46

1. **Deciduous Trees.** Large flowering, shade trees with a mature height of 30 feet or greater and a mature spread of 30 feet or greater. All deciduous trees planted must have a minimum caliper of two and one-half inches and a minimum height of six (6) feet at the time of installation.*1,*46
2. **Coniferous (Evergreen) Trees.** Trees with a mature height of at least 10 feet which usually have green foliage throughout all seasons. All coniferous trees shall be a minimum height of six (6) feet at the time of installation.*1
3. **Intermediate Trees.** Deciduous plants characterized by a height and/or spread that is generally smaller than that of a shade tree under natural growing conditions. Such plants will shed their leaves and are dormant during winter. Intermediate trees may have either a single trunk or multiple trunks.*46
4. The types, sizes and varieties of plant materials within the six (6) foot wide buffer area may be determined by the developer of the site by utilizing Exhibit B.*1,*46

I. Sight Triangles. Sight triangles must be reserved to preserve the visibility of motorists and pedestrians as required in Part 3, Article 1, Section 405.415.K.*1,*46

J. Berming. Berming, which is an earthen mound that is designed to protect visual interests and screen undesirable views, may be utilized in conjunction with the required landscaping regulations. The guidelines for this type of supplement screening are as follows:*1,*46

1. Berms shall not be located in any right-of-way.*1,*46
2. Berming generally varies in height, width and length to create a free-form naturalistic effect.*1
3. The slope of a berm may not exceed a 33.33% slope.*1,*46
4. The design of berms shall include provisions for drainage that is tied into the entire site drainage system, is necessary or applicable.*1,*46

K. Installation and Maintenance. All landscaping materials must meet the following requirements:*1,*46

1. All trees must be in place and healthy prior to the issuance of any occupancy permit. Upon approval by the Director of the Division of Planning and Zoning, a temporary certificate may be issued without the installation, provided written

assurances are given that the planting will take place when the proper season arrives.^{*1,*46}

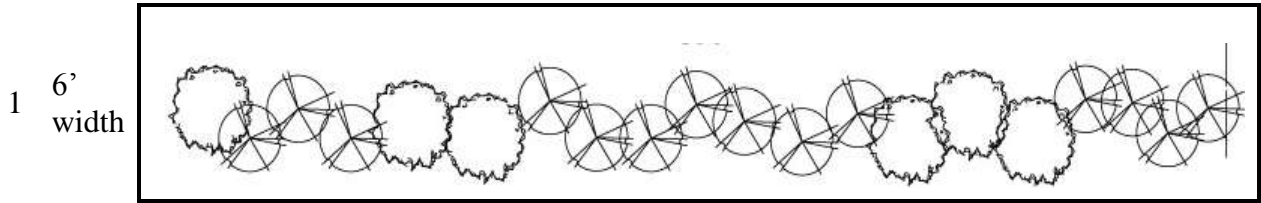
2. New landscaping shall not be planted within any right-of-way or sight triangle.^{*1,*46}
3. Newly planted trees shall be supported (staked and tied) through the first growing season to insure proper growth.^{*1,*46}
4. The landscaping must be maintained in a healthy growing condition as is appropriate for the season of the year. Plant materials, which exhibit damage, must be restored to healthy condition or replaced within the next growing season.^{*1,*46}

L. Enforcement And Penalties. The Director of the Division of Planning and Zoning is hereby charged with the responsibility of administering and enforcing these landscaping regulations, by enforcing provisions in approved site plans made pursuant to these regulations. All violations are subject to penalties set forth in Section 405.640 to 405.655. If plantings required by an approved site plan fail, or die for any reason, the owner shall replace them prior to the next growing season.^{*1,*46}

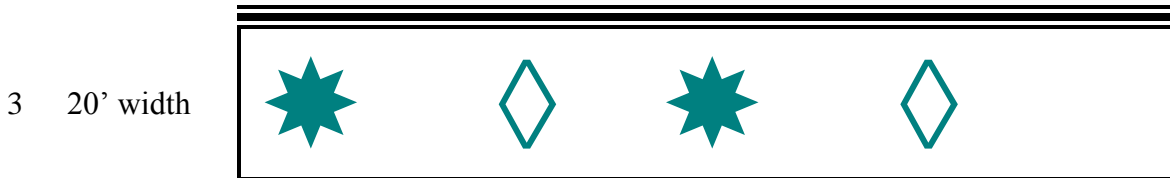
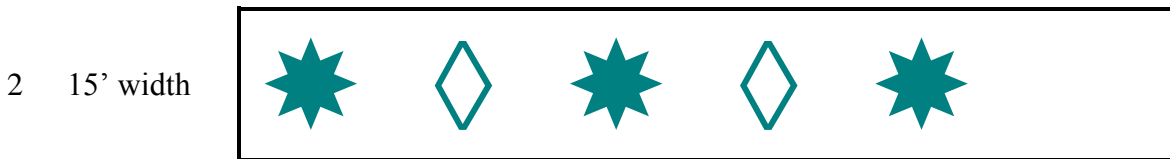
EXHIBIT A

Buffer Strip Requirements

Examples are not to scale. Planting per one hundred (100) feet.



Within the six (6) foot buffer strip area a minimum of 20 shrubs shall be utilized within 100 feet. Plantings shall be interspersed throughout the entire length of the buffer strip. Planting in straight lines should be avoided. A minimum of two (2) varieties of plant materials shall be utilized for visual aesthetics.



Key:



Coniferous Tree



Large Deciduous Tree



6' sight-proof fence or landscaped berm of such a height as to screen adjoining properties

EXHIBIT B^{*46}**INTERMEDIATE TREES**

Common Name	Botanical Name
American Hornbeam	Carpinus Caroliniana
Amur Maple	Acer Ginnala
Flowering Crab	Malus Species
Fragrant Sumac	Rhus aromatica
Japanese Tree Lilac	Syringa Reticulata
Paperbark Maple	Acer Griseum
Red Bud	Cercis Canadensis

SHRUBS

Common Name	Botanical Name
American Hazelnut	Corylus Americana
Arrowwood Viburnum	Viburnum dentatum
Beauty Berry	Callicarpa Americana
Beautybush	Kolkwitzia amabilis
Border Forsythia	Forsythia x intermedia
Bridalwreath Spirea	Spirea prunifolia
Common Lilac	Syringa vulgaris
Cutleaf stephanandra	Stephanandra incisa
Eskimo Viburnum	Viburnum utile "Eskimo"
Gray Dogwood	Cornus racemosa
Highbush Blueberry	Vaccinium corybosum
Japanese Euonymus	Euonymus japonicus
Korean Spice Viburnum	Viburnum carlesii
Large Fothergilla	Fothergilla major
Meyer Lilac	Syringa meyeri
Nine Bark	Physocarpus oipulifolius
Ozark Witchhazel	Hamamelis vernalis
Redosier Dogwood	Cornus sericea
Rose of Sharon	Hibiscus syriacus
Scarlet Firethorn	Pyracantha coccinea
Spicebush	Lindera benzoin
Summer Sweet Clethra	Clethra alunifolia
Tea Viburnum	Viburnum setigerum
Virginia Sweetspire	Itea virginica
Weigela	Weigelia florida
Wild Azalea	Rhododendron roseum
Wild Hydrangea	Hydrangea arborescense
Winged Euonymus	Euonymus alatus

The plant material listed here is by no means a definitive list.
Most of the species listed here are native plant material to Missouri.

ARTICLE II. PARKING AND LOADING REQUIREMENTS

SECTION 405.440: DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS

- A. Minimum Area Parking Space.** An off-street parking space shall have a length of not less than nineteen (19) feet and a width of not less than nine (9) feet. Said parking space shall not be located within a public right-of-way of a street, or an aisle, alley, drive, or driveway entrance to the parking area. Such parking space shall be permanently reserved for the temporary storage of one (1) vehicle and be connected to a parking aisle, drive lane, street or alley which affords ingress and egress for a vehicle without requiring another vehicle to be moved. In no case shall a parking space be located directly behind another parking space where a vehicle has to be moved for another vehicle to exit the parking area.^{*14,*46}
- B. Minimum Area Loading Space.** For the purpose of these regulations, a loading space is a space located within the main building or on the same lot, providing for the standing, loading, and unloading of trucks, having a minimum area of six hundred (600) square feet, a minimum width of twelve (12) feet, and a minimum depth of fifty (50) feet, and a vertical clearance of fourteen (14) feet.
- C. Drainage And Maintenance.** Off-street parking and loading facilities shall be drained to eliminate standing water and to prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable County specifications. Off-street parking areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, or servicing of any vehicles, equipment, materials or supplies.
- D. Parking Stall And Access Aisle Requirements.** Stalls for off-street parking spaces shall be designed in accordance with the following criteria:

Par Angle	Stall Width	Stall Depth	Aisle Width	Traffic Patterns
45°	9'	20'8"	15'	One-way
60°	9'	21'	18'	One-way
75°	9'	19'6"	23'	One-way
90°	9'	19'	24'	Two-way

Parking spaces which are parallel shall be a minimum of twenty-four (24) feet in length. The Director of the Division of Planning and Zoning shall approve specifications for other configurations.

- E. Location And Access.** The location and design of entrances and exits shall be in accordance with the current applicable regulations of the St. Charles County Highway Department and/or Missouri Department of Transportation.
- F. Paving.**^{*46}
1. All parking areas, including driveways and aisles, shall be paved and striped. Such paving shall consist of Portland concrete, an asphaltic overlay or permeable pavement alternative. An alternative dust-free surface six (6) inches in depth may be approved by the Director of the Division of Planning and Zoning provided that surface is maintained free of weeds and vegetation.^{*46}
 2. In the A and R districts, where the required number of parking spaces for the use is two (2) spaces or less, and where a lot or parcel is one (1) acre or greater in size, the parking area and drive shall be an all-weather surface of a uniform depth of six (6) inches at a minimum. This surface must be maintained free of weeds and vegetation.^{*46}
- G. Screening.** When off-street parking areas for five (5) or more automobiles or loading areas are located closer than fifty (50) feet to a lot or parcel in a residential district, or to any lot upon which there is a dwelling as a permitted use under these regulations, and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, a continuous, visual screen with a minimum height of six (6) feet shall be provided between the parking area and the said lot in a residential district, or upon which there is a dwelling. Such screen may consist of a compact evergreen hedge, foliage screening, berm, or a solid or louvered or sight-proof fence or wall.
- H. Landscaping In Parking Areas.**^{*1}
1. Any parking lot with at least fifty (50) parking spaces must have at least one (1) landscaped island or peninsula containing at least two hundred (200) square feet for every fifty (50) parking spaces.^{*1}
 2. The dimensions of any planting area shall be sufficient to support the landscaping materials planted therein and to insure proper growth.^{*1}
 3. The primary landscaping materials used in parking lots shall be trees, which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other materials may be used to complement the trees. All islands or peninsulas must contain at least one (1) large deciduous tree.^{*1}
- I. Outdoor Lighting.** Outdoor lighting, when provided, shall meet safety standards for the general public and have an arrangement and a level of intensity which will not interfere with adjacent streets or properties, and shall not be flashing or intermittent.

- J. Special Uses And Conditions.** For uses other than specified in this Chapter and Chapter 410, parking and loading spaces adequate in number and size to serve such use, and the elimination or reduction of the full provision of parking and loading facilities where application of said provision is either impractical under certain conditions or unnecessary due to the nature of such uses, shall be determined by the Director of the Division of Planning and Zoning upon recommendation by the Director of the Division of Development Review.
- K. Front Yard Setback Requirement:** No parking spaces or aisles shall be located within front yard setback area. The area within the required front yard setback shall remain an open space, unoccupied and unobstructed from the ground upward, except for permitted signs, landscaping and driveways providing ingress and egress to the site that result in the smallest area of encroachment of such yard.^{*28,*46}

SECTION 405.445: OFF-STREET PARKING REQUIREMENTS

Except as otherwise provided in this Unified Development Ordinance, when any building or structure is hereafter erected or structurally altered, or any building or structure which is existing is converted to another use, accessory off-street parking spaces shall be provided as follows (all square footages are based upon the gross floor area of the structure):

Residential Type Use	Off-street Parking Spaces Required
One- or two-family dwelling	2 per dwelling unit
Multi-family dwelling	2 per dwelling unit
Housing specifically designed for the elderly and/or disabled	1 per dwelling unit
Group home facility	2 per group home
Room, boarding, or lodging house (Bed and breakfast)	1 per each sleeping room, plus a minimum of 2 required for permanent residents
Health Care Related Uses	Off-street Parking Spaces Required
Hospital	2 per patient bed, plus 1 per employee on the maximum shift
Medical office or clinic	1 per 200 square feet
Nursing home, sanitarium, rest home, convalescent care center, home for the aged, or similar institution	1 per 2 patient beds

Health Care Related Uses con't	Off-street Parking Spaces Required
Health club	1 per 75 square feet
Educational Uses	
Off-street Parking Spaces Required	
Elementary or junior high school	3 per classroom
Preschool, daycare, special, or other private school	1 per 8 children plus 1 per employee on the maximum work shift
High school	1 per 4 students, plus 1 per each faculty member and employee
College, university, trade, or vocational school, business school	8 per classroom, plus 1 per each faculty member and employee
Public library, art museum, or art gallery	5 per 1,000 square feet of gross floor area
Institutional, Public, or Semi-Public Uses	
Off street Parking Spaces Required	
Church, temple, synagogue, or place of assembly for worship	1 per 3 seats in main assembly area
Fire station	1 per employee on maximum work shift, plus 1 guest space
Foster home	1 per 5 beds, plus 1 per each employee on the maximum work shift
Group living facility	1 per 5 beds, plus 1 per each employee on the maximum work shift
Postal station	4 per customer service station, and 1 per employee on the maximum work shift, plus 1 per every postal vehicle stored on the property
Recreational, Cultural, or Entertainment Uses	
Off-street Parking Spaces Required	
Amusement park, amusement place	1 per 100 square feet of activity area, or 100 square feet of gross floor area, whichever applies

Recreational, Cultural, or Entertainment Uses con't	Off-street Parking Spaces Required
Athletic field	30 spaces for every diamond or athletic field
Auditorium, theater, gymnasium, stadium, arena, meeting rooms and places, convention hall, or center	1 per 3 seats, 1 per 100 square feet of gross floor area without fixed seating
Boat dock, harbor, marina	1 per every 2 berths or moorings, plus 1 per employee on the maximum shift
Bowling alley	5 per alley, plus 1 per employee on the maximum work shift
Campground	1 per camp site
Private clubs, fraternities, sororities, and lodges with sleeping rooms	2 per sleeping rooms or suites
Private clubs, fraternities, sororities, and lodges with no sleeping rooms	1 per 4 members
Community center	1 per 300 square feet of gross floor area
Drive-in theatre	1 per employee on the maximum work shift, in addition to spaces for movie patrons' parking
Fairground	Sufficient open-land convertible to parking area such that no vehicle will be parked on any street
Golf course or country club	1 per 5 members, or 6 per hole if open to the public
Golf driving range	1 per tee, plus 1 per employee
Handball, racquetball courts	3 per court
Ice and roller hockey rink or indoor soccer facility	60 per playing field or surface
Ice and roller rink	1 per 100 square foot of skating or playing area
Miniature golf course	2 per hole
Racetrack	1 per 4 seats
Recreation center	1 per 300 square feet of gross floor area

Recreational, Cultural, or Entertainment Uses con't	Off-street Parking Spaces Required
Stable, Riding ^{*28}	1 per two stalls, plus 1 per every 4 seats of spectator seating ^{*28}
Swimming pool	1 per 100 square feet of water area
Tennis court	2 per court
Commercial Uses	
Off-street Parking Spaces Required	
Animal hospital/clinic	3 per 1,000 square feet of gross floor area
Automobile repair and service	4 per 1,000 square feet of gross floor area
Auto, truck, boat sales, and service	1 per employee plus a minimum of 2 parking spaces for customer parking or 2 per 1,000 square feet of interior showroom, whichever is greater; plus 3 per service bay in service area ^{*28}
Banking and financial facilities	1 per 300 square feet of gross floor area
Barber and beauty shops	3 per chair, except operated as a home occupation
Car wash, not self-service	Service line-up equal to 5 cars, and 1 per employee
Car wash, self-service	Service line-up for each wash stall equal to 2 cars, plus 1 drying space for each stall
Department and discount stores	3 per 1,000 square feet of gross floor area
Equipment sales and service rent and repair	3 per 1,000 square feet of gross floor area
Food markets (over 5,000 sq. ft.)	3 per 1,000 square feet of gross floor area
Food storage locker	1 per 200 square feet of customer service area
Furniture, appliance, and hardware stores	1 per 400 square feet of gross floor area
General service or repair establishment, printing, plumbing, heating	1 per 400 square feet of sales and office area, plus 1 per vehicle utilized in the operation of the business

Commercial Uses con't	Off-street Parking Spaces Required
Hotel and motel	1 per sleeping room or suite, plus 1 per employee on the maximum work shift
Mobile homes, manufactured homes, modular homes, or travel trailers sales	1 per 300 square feet of gross sales office area
Mortuary or funeral home	At least 1 parking space for each 4 seats, based upon the designated maximum capacity of the parlor(s), plus at least 1 parking space for each employee and 1 parking space for each vehicle maintained on the premises
Office or office building	1 per 300 square feet of gross floor area
Restaurant (sit-down), bar, cocktail lounge, microbrewery, night club	12 per 1,000 square feet of gross floor area
Restaurant, fast food	15 per 1,000 square feet of gross floor area
Retail store, food markets	1 per 300 square feet of gross floor area (5,000 sq. ft. or less), or personal services establishment
Service stations	1 per employee on the maximum work shift, plus 1 for each service bay
Shopping center	4 per 1,000 square feet of gross floor area ^{*14}
Winery	1 per 200 square feet in the tasting room plus 1 per table for seating in both an indoor and outdoor arrangement
Industrial Uses	Off-street Parking Spaces Required
Brewery, bottling plant, creamery, or dairy	1 per employee on the maximum work shift, plus 1 per each vehicle utilized in the operation of the business and 1 guest space
Extraction of raw materials	1 per employee on the maximum work shift, plus 1 per each vehicle utilized in the operation of the business
Research and testing laboratory	1 per employee on the maximum work shift, plus 1 guest space

Industrial Uses con't	Off-street Parking Spaces Required
Manufacturing, fabrication, or industrial establishment	1 per employee on the maximum work shift plus, 1 per each vehicle utilized in the operation of the business, and 1 guest space
Storage yard for bulk materials	1 per employee on the maximum work shift, plus 1 per each vehicle utilized in the operation of the business
Service yard for contractors' equipment	1 per employee on the maximum work shift, plus 1 per each vehicle or equipment stored on the property
Vehicle impound facility ^{*28}	1 per employee, plus 1 per vehicle utilized in the operation and stored on the property, plus 1 for customer parking ^{*28}
Warehouse, distribution center, wholesale establishment, or similar operation	1 per employee on the maximum work shift, plus 1 per each vehicle utilized in the operation and stored on the property, and 1 guest space

SECTION 405.450: INTERPRETATION OF REQUIREMENTS

- A. The parking requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation at the determination of the Director of the Division of Planning and Zoning.
- B. The parking requirements in this Article do not limit special requirements which may be imposed with planned unit developments, conditional use permits, or developments which are unique relating to traffic and parking generation data.
- C. When the determination of the number of off-street parking spaces required in this Article results in a requirement of a fractional space less than one-half (1/2), the extra space can be disregarded. If the fractional space is one-half (1/2) or more, a parking space must be added.
- D. The total number of employees in relation to determining the number of parking spaces required shall be compiled on the basis of the total number of persons on the maximum work shift. Seasonal variation in employment may be recognized in determining the total number of parking spaces required.
- E. The parking requirements are in addition to space for storage of trucks and other vehicles in connection with any use.
- F. In the case of mixed uses, uses with different parking requirements utilizing the same building or premises, or in the case of joint use of a building or premises by more than

one (1) use having the same parking requirements, the total number of parking spaces required shall equal the sum of the requirements of the various uses.

- G. When a building use is changed or converted to a new use, or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need under the requirements of this Article for an increase in parking spaces of ten percent (10%) or more, such additional parking spaces shall be provided on the basis of the change or enlargement.

SECTION 405.455: JOINT USE AND OFF-SITE FACILITIES

All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed three hundred (300) feet from an institutional building or other non-residential building served.*¹⁴

SECTION 405.460: PARKING FOR THE DISABLED

- A. A parking lot serving any commercial or industrial use, public facility, or multi-family development shall have a number of level parking spaces, as set forth in the following table, reserved for physically disabled persons. Each reserved parking space shall be not less than thirteen (13) feet wide (eight (8) foot stall with an adjacent five (5) foot access aisle) and identified by an above-grade sign designating the parking space for the physically disabled. Two (2) handicapped parking spaces may share an adjacent five (5) foot access aisle. The following parking standards are consistent with the requirements of the Americans with Disabilities Act and regulations adopted under the Act's authority.

ACCESSIBLE PARKING SPACES FOR THE DISABLED

<i>Total Parking in Lot</i>	<i>Required Number of Accessible Spaces</i>
01 to 05	1*
06 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 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

*Accessible space shall be provided, but is not required to be designated by appropriate signage.

- B.** For every eight (8) or fraction of eight (8) accessible parking spaces, at least one (1) shall be a van-accessible parking space, which shall be provided as described in Subsection (D).
- C.** Parking spaces reserved for the physically disabled shall be adjacent to curb ramps, elevators, walkways, and entrances so that disabled persons can avoid passing behind parked cars. Reserved parking spaces for the disabled shall be as close to building entrances as possible.
- D.** In the development of large shopping areas, medical centers, hospitals, and housing for the elderly and/or handicapped, an area for van parking serving the disabled shall be reserved. Each reserved parking space for vans transporting the elderly and disabled shall have a minimum width of sixteen (16) feet (eight (8) foot stall with an adjoining eight (8) foot access aisle) to accommodate a wheel chair lift. Each reserved parking space for van parking shall be level and identified by an above-grade sign designating the van space for the physically disabled.

SECTION 405.465: OFF-STREET LOADING REQUIREMENTS

Off-street loading spaces shall be provided in all districts as follows:

Use or Use Category	Floor Area in Square Feet	Loading Spaces Required
Commercial and Industrial uses	0 - 5,000	None
	5,000 - 50,000	One
	50,000 - 100,000	Two
	Each 100,000 over 100,000	One additional
Educational and Large Medical Facilities	0 - 10,000	None
	10,000 - 100,000	One
	Each 100,000 over 100,000	One additional
Funeral homes or mortuaries	Not applicable	One

ARTICLE III. SIGN REGULATIONS**SECTION 405.470: SIGN PERMIT APPLICATIONS**

- A.** No sign shall be erected in unincorporated St. Charles County without having obtained a sign permit from the County Division of Planning and Zoning, unless otherwise provided in this Article or in the St. Charles County Directional and Way-Finding Signage Program.^{*29}
- B.** Applications for the alteration or erection of on-premise and off-premise signs are provided by the St. Charles County Division of Building Code Enforcement. An application for a sign permit must be executed and approved by the St. Charles County Divisions of Planning and Building Code Enforcement prior to the erection of any sign requiring a sign permit. Failure to do so may result in denial of the permit, an established fine, or both.
- C.** Incomplete applications for a sign permit will not be accepted.
- D.** If work authorized under a sign permit is not completed within one hundred eighty (180) days of the date of issuance of the permit, the sign permit shall become null and void. Upon a written request, one (1) sixty (60) day extension of time for any sign permit may be authorized by the Director of the Division of Planning and Zoning.
- E.** Sign permits must be signed by the owner of the property or an agent for the owner, or by someone who has an interest in the property. Any agent for the owner must show proof of agency and proof of interest in the property. All others must show proof of interest in the property at the time of signing.
- F.** An application fee as set by ordinance shall accompany an application for the alteration or erection of an on-premise or off-premise sign.
- G.** Sign permits for temporary introductory off-premise, entrance monuments, and "PUD" Overlay Districts may be applied for after approval of the preliminary plat by the Planning and Zoning Commission.
- H.** Any applicant for a sign permit who has been cited for a violation of these regulations, and who has failed to correct said violation, will not be issued any additional permits until the violation is corrected.
- I.** Application for any sign permit must be accompanied by a site plan drawn to scale containing the following information:
1. A representation of the proposed sign, to scale, including the height of the sign, width, and length of sign faces and wording.
 2. The proposed location of the sign on the property or on the building.

3. For off-premise, informational, and subdivision signs not on the development site, the following information is also required:
 - a. The distance from the proposed sign location to any structure upon the property and adjoining street right-of-way lines, property lines, and driveway entrances.
 - b. The distance from the proposed sign location to the nearest off-premise sign.^{*28}
 - c. The distance from the proposed sign location to the nearest street intersection in either direction.
- J. All independently supported (not face-mounted on a building wall, for example) signs that are larger than sixty-four (64) square feet or more than ten (10) feet high from final grade to top of sign require that the construction plans be sealed by a Missouri professional registered engineer and that sealed structural load calculations also accompany them when submitted for a building permit.

SECTION 405.475: SIGNS REQUIRING PERMITS

All pole and monument signs including their supports shall be set back from any property line, as shown on the approved site plan or revision thereof.^{*1,*28,*46}

- A. **On-premises signs are permitted as provided herein:**^{*46}
 1. **Agricultural and Residential Districts ("A", "AT", "R1A", "R1B", "R1C", "R1D", "R1E", "R2", "R3A", "R3B", "PR", "RF", and "RM" Districts).**^{*46, *58}
 - a. In all agricultural and residential districts, all signs shall not exceed the maximum height of twelve (12) feet from the highest point of the sign to the natural grade, which is the grade unaffected by construction techniques such as fill, landscaping, or berming.^{*46}
 - b. Signs advertising the sale of agricultural produce on the property where it is grown are permitted as follows: one (1) non-illuminated sign for each street or road facing, not to exceed thirty-two (32) square feet in area, to be placed on the ground.^{*46}
 - c. Signs advertising golf courses and clubhouses, ferry landings and boat docks, sod farms, commercial greenhouses, nurseries, truck gardens, and public and semi-public uses are permitted as follows: one (1) sign for each street or road facing, not to exceed thirty-two (32) square feet in area, to be placed on the ground or upon a structure.^{*46}

- d. Signs advertising conditionally permitted uses on the property where the signs are to be located are permitted as follows: one (1) sign for each street or road facing, not to exceed thirty-two (32) square feet in area, to be placed on the ground or upon a structure.^{*46}
 - e. Church, public, charitable, institutional, or semi-public bulletin boards or signs are permitted as follows: one (1) sign for each street or road facing, not exceeding sixty-four (64) square feet in area and located on the premises of said institution.^{*1,*46}
 - f. Temporary signs advertising the sale or lease of the property where the signs are to be located are permitted as follows: one (1) non-illuminated sign, not to exceed sixty-four (64) square feet in area.^{*46}
- 2. Commercial and Industrial Districts ("CO", "C1", "C2", "I1", and "I2" Districts).^{*46}**
- a. In all commercial and industrial Districts, all signs shall not exceed the maximum height of forty-five (45) feet from the highest point of the sign to the natural grade, which is the grade unaffected by construction techniques such as fill, landscaping, or berming.^{*46}
 - b. Any sign permitted in the "A" and "R" Districts is permitted under commercial and industrial districts.^{*46}
 - c. There shall not be more than one (1) wall or projecting sign for any permitted business per street facing. The total area of each sign shall not exceed five percent (5%) of the building facade area facing the street. If a business has facades facing on two (2) or more streets, a sign will be allowed for each street facing.^{*46}
 - d. One (1) ground sign shall be permitted for a structure occupied by a single business per street facing. The total area of a ground sign for a structure occupied by a single business shall not exceed one hundred fifty (150) square feet. Where a group of structures or a single building containing more than one (1) business exists on a property, ground signs shall be grouped and placed on the same set of sign supports. Ground signs advertising more than one (1) business shall not exceed three hundred (300) square feet. Changeable copy types and electronic display signs are allowed only if they are permanently mounted to the same set of sign supports. The bottom of pole signs shall be no less than ten (10) feet above grade.^{*46}
 - e. A sign permit is required for on-premise signs placed on buildings as individual, separate letters. For purposes of calculating the total square footage of such signs, only the space occupied by each letter will be

counted, not the space between letters. All decorative elements, including neon trim, placed within five (5) feet of any sign letters shall be considered part of the sign, and will cause the entire area within the neon trim to be calculated. A new permit is not required to change the letters on such a sign, provided a permit was issued for the original letters and the square footage of the new letters does not exceed the maximum allowed for on-premise signs.^{*46}

- f. Directional signs at entrances and exits not exceeding two (2) square feet in size and three (3) feet in height from grade are permitted. Such signs must be located a minimum of five (5) feet from the edge of the curb or street pavement.^{*46}
- g. Electronic Display On-Premise Signs. Electronic display techniques are permitted as on-premise signs when meeting criteria found herein and include any portion of said sign which contains alphanumeric characters, graphics or symbols defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, including computer programmable, microprocessor controlled electronic displays and projected images or messages with these characteristics onto the sign face. Any on-premise sign constructed meeting these criteria shall meet the following operational standards:^{*46}
 - (1) Duration. The full on-premise sign image or any portion thereof must have a minimum duration of 10 seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any matter imitate movement.^{*46}
 - (2) Video Display. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depict action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.^{*46}
 - (3) Transition. Where the full sign image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous re-pixelization.^{*46}
 - (4) Brightness. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk and dawn as measured from the sign's face at maximum brightness.^{*46}

- (5) Fluctuating or Flashing Illumination. No portion of any sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or that in any manner creates the illusion of movement.^{*46}
 - (6) Dimmer Control. Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between dusk and dawn.^{*46}
 - (7) Audio. Audio speakers are prohibited in association with a sign.^{*46}
- h. Temporary signs are permitted. (The sign can either be an on-premise ground sign or attached to a structure.)^{*46}
- (1) On-premise window, sidewalk, and business sale signs or banners not exceeding thirty-two (32) square feet. Maximum usage--two (2) per calendar year for no more than fifteen (15) days per time. Such signs or banners must be removed after the close of the business day in which the sales event ended.^{*46}
 - (2) On-premise cold-air inflatable aids not exceeding thirty-two (32) feet in height. A permit shall be issued for fifteen (15) days, and no more than two (2) permits shall be issued for a calendar year. All air inflatable aids are required to adhere to all building line setbacks and height restrictions of the applicable zoning district. All air inflatable aids are only permitted upon review and approval of the County Community Development Department Planning Division. All inflatable aids are prohibited from being installed on the roof of a structure.

3. Entrance monuments are permitted as provided herein (all districts).^{*46}

- a. Subdivision monuments at the entrance of a subdivision shall be installed on common ground or an easement on private property. Subdivision monuments may be installed on public right-of-way, with County Highway Department approval, only if common ground or a private easement is not available. Entrance monuments approved on public right-of-way shall meet the requirements of Section 40.50 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans," as issued by the St. Charles County Highway Department in February 2002 or as amended thereafter, and shall require the issuance of a special-use permit from the Highway Department. The County Highway Department assumes no responsibility towards the cost of maintenance, removal or

relocation of monuments placed within County right-of-way due to vandalism, damage or future roadway widening. Such signs shall contain only the name and related information to the development and no other advertising (a fence or wall would be considered a monument).^{*1,*46}

- b. The total area, height, and location for each monument shall be reviewed by the staffs of the Division of Planning and Zoning and the County Highway Department.^{*46}
- c. A maximum of two (2) monuments may be installed at every entrance to the subdivision.^{*46}
- d. Exterior lighting of the monuments shall be arranged to ensure that no light interferes with a motor vehicle operator's view.^{*46}

4. Planned Unit Development (PUD) Overlay Districts.^{*46}

All signs erected in a "PUD" Overlay District shall conform to the land use as depicted on the preliminary plat.^{*46}

B. Off-premise signs are permitted as provided herein (Commercial and Industrial Districts "C2", "I1", and "I2" Districts).^{*46}

- 1. Outdoor advertising sign structures, off-premise, information by direction signs, and signs advertising subdivisions are permitted and regulated as follows:^{*46}
- 2. Construction of the sign and materials shall comply with Section 903 of the Missouri Standard Specification for Highway Construction, as applicable, and must meet the current adopted Building Code of St. Charles County, Missouri.^{*46}
- 3. All off-premise signs must be erected within the first (1st) one hundred (100) feet of depth from the adjoining street frontage of the property upon which the sign is to be located.^{*46}
- 4. All off-premise signs shall not exceed the maximum height of forty-five (45) feet from the highest point of the sign to the natural grade, which is the grade unaffected by construction techniques such as fill, landscaping, or berming.^{*46}
 - a. The maximum area for an off-premise sign shall not exceed six hundred seventy-two (672) square feet in size per facing, with a maximum width of twenty (20) feet and a maximum length of fifty (50) feet, inclusive of border and trim, but excluding the base, apron, supports, and other structural members.^{*46}
 - b. Signs may be placed back-to-back, double faced, or in V-type construction, with not more than two (2) sides of facings and two (2) side-

- by-side displays to each facing, but such sign structures shall be considered as one (1) sign.^{*46}
- c. No such signs shall be erected within two thousand (2,000) feet of an existing off-premise sign or one thousand (1,000) feet of any information by direction or subdivision sign.^{*46}
 - d. No such sign shall be erected within five hundred (500) feet of a residence and fifty (50) feet of a non-residential structure, regardless of the zoning district.^{*46}
 - e. No such signs shall be erected within two thousand (2,000) feet of an existing off-premise sign. Off-premise signs shall be erected only along the following rights-of-way in unincorporated St. Charles County: Interstate Highways 64 and 70, U.S. Route 40-61, Missouri Route 94 from Missouri Route B to U.S. Route 40-61, Missouri Route 79, Missouri Route 364 (Page Avenue Extension), and Missouri Route 370. Off-premise signs not exceeding sixty-four (64) square feet in size shall be allowed along all State routes designated by letters and Missouri Route 94, with a two thousand (2,000) foot spacing requirement.^{*46}
 - f. **Electronic Display Off-Premise Signs.** Electronic display techniques are permitted as off-premise signs when meeting criteria found herein and include any portion of said sign which contains alphanumeric characters, graphics or symbols defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, including computer programmable, microprocessor controlled electronic displays and projected images or messages with these characteristics onto the sign face. Any off-premise sign constructed meeting these criteria shall meet the following operational standards:^{*46}
 - (1) **Duration.** The full off-premise sign image or any portion thereof must have a minimum duration of 10 seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any matter imitate movement.^{*46}
 - (2) **Video Display.** No portion of any billboard may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.^{*46}

- (3) Transition. Where the full billboard image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous re-pixelization.^{*46}
- (4) Brightness. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk and dawn as measured from the sign's face at maximum brightness.^{*46}
- (5) Fluctuating or Flashing Illumination. No portion of any billboard may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or that in any manner creates the illusion of movement.^{*46}
- (6) Dimmer Control. Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between dusk and dawn.^{*46}
- (7) Audio. Audio speakers are prohibited in association with a billboard.^{*46}

C. Temporary off-premises subdivision signs are permitted as provided herein:^{*46}

1. Temporary off-premises subdivision signs are defined as directional signs displaying the name or logo of a subdivision, directing the general public to that subdivision and advertising the development or sale of lots or parcels within that subdivision for residential, commercial, or industrial purposes.^{*46}
2. An application for a permit for a temporary off-premises subdivision sign shall be a form provided by the Division of Building Code Enforcement and shall be accompanied by: two (2) sets of construction plans, including a site location map, drawn to scale, addressing all requirements of this Section; and a letter from the owner(s) of the site at which the temporary off-premises subdivision sign is to be erected permitting the sign's erection at that site.^{*46}
3. An application for a permit for a temporary off-premises subdivision sign shall be approved if the proposed sign conforms to the requirements of this Article (Section 405.470, Sign Permit Applications) and to the following standards for the location, the quantity and duration for the area, and for the height and illumination of temporary off-premises subdivision signs.^{*46}
 - a. Temporary off-premises subdivision signs may be erected at intersections of public or private rights-of-way (excepting rights-of-way enumerated in

this Section 405.475, Subsection (2)(d)(5), subject to the following restrictions:^{*46}

- (1) Such signs must be within one (1) mile of the subdivision development advertised.^{*46}
 - (2) Such signs must be located on vacant properties.^{*46}
 - (3) No such sign shall be erected within the public right-of-way or sight of a triangle area of a street - intersections as defined in Part 3, Article I, Section 405.415 (Additional Yard Requirements (K)).^{*46}
 - (4) All such signs must be erected within the triangle defined by the right-of-way lines of intersecting streets and a line connecting those right-of-way lines at points three hundred (300) feet from their intersection.^{*46}
 - (5) No such sign and its support shall be located within any public or private rights-of-way.^{*46}
 - (6) No such sign and its support 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.^{*46}
- b. Quantity and duration.^{*46}
- (1) No more than two (2) temporary off-premises subdivision signs shall be allowed for any subdivision development.^{*46}
 - (2) Temporary off-premises subdivision signs shall be removed thirty (30) days following the sale or development of eighty percent (80%) of the property or two (2) years after the date of permit approval, whichever is earlier.^{*46}
- c. Area.^{*46}
- (1) A temporary, off-premises subdivision sign shall not exceed thirty-two (32) square feet in area for each subdivision. This maximum area shall apply to each side of a sign structure.^{*46}
 - (2) If an applicant proposes to advertise more than one (1) subdivision development at an intersection, those signs shall be grouped and placed on the same set of sign supports. Ground signs advertising

more than one (1) subdivision under development shall not exceed one hundred sixty (160) square feet in area. This maximum area shall apply to each side of a sign structure.^{*46}

- d. Height and illumination.^{*46}
- (1) The maximum height of a temporary off-premises subdivision sign shall not exceed ten (10) feet from the highest point of the sign to the natural grade, which is the grade unaffected by construction techniques such as fill, landscaping, or berming.^{*46}
 - (2) No temporary off-premises subdivision sign may be illuminated.^{*46}

SECTION 405.480: SIGNS NOT REQUIRING PERMITS^{*28}

A. Permanent (the sign must be attached to a structure).

1. A nameplate not exceeding two (2) square feet in an area lighted with only non-intermittent light identifying a private residence.^{*48}
2. Non-illuminated signs for home occupations indicating only the name of the persons and their occupation or their business name, not to exceed two (2) square feet.^{*48}
3. Signs indicating privacy, including "No Trespassing" signs, not exceeding two (2) square feet.^{*28,*48}

B. Permanent (detached signs)^{*28,*48}

1. On-premise directional signs not exceeding four (4) square feet for uses other than single-family residential.^{*28,*48}
2. On-premise non-illuminated signs for home occupations indicating only the name of the persons and their occupation or their business name, if:^{*48}
 - a. custom made and constructed of wood,^{*48}
 - b. no more than twelve (12) square feet in area,^{*48}
 - c. no more than six (6) feet in height,^{*48}
 - d. not within any right-of-way or sight-distance easement,^{*48}
 - e. not in violation of any sight-distance regulation in the Unified Development Ordinance of St. Charles County,^{*48}

- f. at least 10 feet from any right-of-way line, and^{*48}
- g. on a tract of land that is at least 5 acres in area and that is located within an A-Agricultural zoning district but outside any subdivision platted for residential purposes.^{*48}

C. Temporary signs are permitted (the sign can be either an on-premise ground sign or attached to a structure).^{*28,*48}

1. Signs advertising the sale, rent, or lease of real estate. The maximum area shall not exceed four (4) square feet in single-family residential districts and thirty-two (32) square feet in districts other than single-family residential. Such signs shall be removed ten (10) days following the sale, rent, or lease of the entire property.^{*28,*48}
2. One (1) on-premise, new-project construction sign shall be permitted not exceeding the following, provided such sign shall be removed ten days after completion of the project:^{*28,*48}
 - (a) four (4) square feet on a lot or parcel within single-family residential districts^{*28,*48}
 - (b) thirty-two (32) square feet for subdivisions or non-residential uses permitted within single-family residential districts^{*28,*48}
 - (c) thirty-two (32) square feet in districts other than single-family residential.^{*28,*48}
3. On-premise signs advertising general sales of personal property operated by private individuals:^{*48}
 - (a) No sign shall be exhibited for more than one (1) day prior to the day such sale is to commence. Signs must be removed within twenty-four (24) hours of the close of such sale. The person(s) responsible for conducting such sale shall be responsible for removing such signs.^{*48}
 - (b) One (1) sign not more than four (4) square feet shall be permitted to be displayed on the property of the residence where the sale is being conducted.^{*48}
4. On-premise fireworks signs and banners, not exceeding four hundred (400) square feet. Approval for the fireworks sign or banner shall accompany the issuance of the fireworks conditional use permit before the sign or banner is erected. Such signs or banners must be removed within twenty-four (24) hours of the last day of sales.^{*48}

5. On-premise church, school, charitable, institutional public or semi-public, signs, banners, changeable copy signs, or bulletin boards indicating upcoming or on-going special events not exceeding thirty-two (32) square feet. Such signs and banners shall be removed, or changeable copy and bulletin boards shall be cleared of notices, within twenty-four (24) hours after the last date of a temporary special event.^{*48}
6. Political signs not to exceed four (4) square feet per sign and a total sign area of sixteen square feet in single-family residential districts and thirty-two (32) square feet in districts other than single-family residential.^{*28,*48}
7. Public signs and notices posted by or at the direction of a unit of government.^{*48}
8. Agricultural seed number signs posted during the growing season in fields under cultivation and identifying the crops under cultivation.^{*48}

SECTION 405.485: NON-CONFORMING SIGNS

Any existing sign which was deemed a legal non-conforming use under a previous Zoning Order and any sign made non-conforming by the adoption of this *Unified Development Ordinance*, will retain its non-conforming status under the adoption of these regulations. Such a non-conforming sign, if removed, will lose its non-conformity status, and any replacement sign shall be erected in conformity with all sign requirements. Any non-conforming sign shall be brought into compliance when structural alterations, damage repairs, or routine maintenance exceed fifty percent (50%) of the current fair market value of the sign or when the sign is to be relocated on or off the premises.

SECTION 405.490: PROHIBITED SIGNS

- A. Signs or devices which, by color, location, or design, resemble or conflict with traffic control signs. Determination of the possible conflict is at the discretion of the Director of the Division of Planning and Zoning.
- B. No sign shall contain flashing lights, intermittent lights, inverse flashing lights, x-ray modes, animators, or mechanical movements of any kind, except clocks.
- C. Reserved.^{*46}
- D. Exterior lighting of signs shall be arranged to ensure that no light is cast upon any adjacent zoned property.
- E. Signs of any type placed on poles erected and maintained by any utility or public entity, except those signs placed by the utility or public entity.
- F. 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.

- G.** No sign or parts of signs thereof may extend, either in whole or in part, over any structure, property line, right-of-way line, or attached to roofs.
- H.** Signs not rigidly fixed.
- I.** Wheeled and/or "flashing arrow" signs.
- J.** Paper posters and signs painted directly on exterior walls of any structure.
- K.** Signs painted directly on or affixed to vehicles and/or trailers, other than those signs incidental to the primary use of the vehicle and/or trailer.
- L.** All obsolete signs shall be removed from public view no later than thirty (30) days after the termination of an existing business or product.
- M.** Portables, pennants, and stringers.

ARTICLE IV. HOME OCCUPATIONS**SECTION 405.495: HOME OCCUPATION REGULATIONS****A. Standards For The Operation Of A Home Occupation.**

1. Only one (1) occupation or profession shall be permitted per resident residing at the premises.^{*46}
2. No more than two (2) customers or clients may be served in a residence at one (1) time, except in the case of photography studios, where the number of customers shall not exceed ten (10).
3. The occupational use may occupy not more than twenty-five percent (25%) of the total floor area of the primary residential structure, and in no case more than five hundred (500) square feet of total floor area combined in all structures on the property.^{*14,*46}
4. Signage for home occupations shall be in conformance with SECTION 405.480.^{*46}
5. The occupation must be carried on only by the members of the household residing on the premises.
6. No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced by the home occupation.
7. No exterior storage of materials or outdoor display shall be allowed.
8. No additional or separate exterior entrance, except as required by the State of Missouri for beauty salons, from outside the principal building to the home occupation, except that which serves the residential portion.^{*46}
9. No structural additions, enlargements, or exterior alterations are permitted that would change the residential character of the principal building.
10. The goods and services shall be provided principally on a custom, individual appointment or to-order basis, rather than a continuing and regular businesses enterprise.^{*14}
11. Only normal domestic or household equipment shall be used to accommodate the home occupation. This prohibits the use of gases, chemicals, commercial or industrial mechanical and electrical equipment.^{*14}

B. Specific "Examples Of Home Occupations Permitted". These may include, but are not limited to, the following:

1. A professional such as an engineer, planner, architect, attorney, or accountant.
2. Dressmakers, seamstresses, or tailors.
3. Music, dancing, and other teachers or tutors.
4. Beauty, barber, or manicure services having not more than two (2) operators who are principal occupants of the premises.
5. Real estate or insurance services.
6. Photography studio devoted to the photography of individuals or small groups.
7. Artists, composers, and authors.
8. Taxidermists.^{*49}

C. Specific "Examples Of Home Occupations Prohibited". Home occupations shall not, in any event, be deemed to include, but not be limited to, the following:

1. Automobile, truck, or vehicle repair.
2. Rental business.
3. Stables or kennels.
4. Eating or drinking establishments.
5. Veterinarian services and animal hospitals.
6. Mortuaries and embalming establishments.
7. Private clubs, including fraternity and sorority houses.
8. Storage of construction materials or contractors' equipment.
9. Retail sales.
10. Wholesale or retail distribution of firearms.

ARTICLE V. WASTEWATER DISPOSAL^{*25}**SECTION 405.500: WASTEWATER DISPOSAL REGULATIONS**^{*25}**A. PURPOSE**

The purpose of the Wastewater Disposal Regulations shall be to provide minimum standards for design, construction, and operation and maintenance of wastewater treatment facilities to protect surface water and groundwater from contamination by human sewage and waterborne household, commercial and industrial wastes; to protect public health and safety, and to eliminate or prevent the development of public nuisances.^{*25}

B. TREATMENT SYSTEM REQUIREMENTS^{*25}

All residential structures, commercial and industrial buildings, public and semi-public facilities, and other uses of land having occupants in the unincorporated areas of St. Charles County shall hereafter be equipped with an adequate, safe, and sanitary disposal system for all human, domestic, and industrial wastes. For purposes of this Chapter or Chapter 410, treatment of wastewater shall be by one (1) of the following methods:^{*25}

1. An existing wastewater treatment facility approved by the Missouri Department of Natural Resources and owned and operated by an appropriate local wastewater regulatory authority as referenced below in Section 405.500(B)(2)(a-b).^{*25}
2. A newly constructed wastewater treatment facility regulated by the Missouri Department of Natural Resources and approved and operated as provided herein.^{*25}
 - a. All newly constructed wastewater treatment facilities must meet the following requirements:^{*21,*25}
 - (1) Such facilities must meet not only the applicable effluent limitations imposed by the Missouri Department of Natural Resources, but also the following effluent limitations:^{*25}
 - (a) Ten (10) milligrams or less per liter for biochemical oxygen demand ("BOD"); and^{*25}
 - (b) Ten (10) milligrams or less per liter for total suspended solids (non-filterable residue); and^{*25}
 - (c) Removal of ammonia nitrogen to two and one-half (2.5) milligrams per liter or less for September through March and to less than one (1) milligram per liter for April through August; and^{*25}

- (d) Removal of eighty percent (80%) of total phosphorus or removal of phosphorus to two (2) milligrams per liter, whichever is less; and
 - (e) Disinfection to achieve effluent fecal coliform counts of less than two hundred (200) counts or colonies per one hundred (100) milliliters.
- (2) Such newly constructed wastewater treatment facilities must be Membrane Bioreactor (MBR) Technology Treatment Systems or equivalent, cost-effective technology approved by the Director of Community Development. In each instance where a facility other than a MBR Technology Treatment system is proposed, that facility must be proven by actual (not bench scale) plant data to meet performance standards, reliability, and fail-safe design as determined and certified by a licensed professional engineer acceptable to the County. The licensed professional engineer acceptable to the County must also certify that in the event of system failure or malfunction, the facility will still perform such that untreated effluent will not be released into the adjacent watershed. Upon receipt of these certifications, the Director of Community Development shall make a determination as to whether or not the proposed facility is equivalent technology that will be acceptable to the County. Such systems must be owned, operated and maintained by one of the following Continuing Authorities:^{*25}
- (a) A municipality or public sewer district which has been designated as the area-wide management authority under Section 208(c)(1) of the Federal Clean Water Act; or^{*25}
 - (b) A municipality, public sewer district or sewer company regulated by the Public Service Commission (PSC) which currently provides sewage collection and/or treatment services on a regional or watershed basis as outlined in 10 CSR 20-6.010(3)(C) and approved by the Clean Water Commission; or^{*25}
 - (c) A municipality, public sewer district or sewer company regulated by the PSC other than one which qualifies under sections 405.500(B)(2)(b)(2)(a) and (b) above or a public water supply district.^{*25}
- b. Design accommodations for such newly constructed wastewater treatment facilities shall include, but not be limited to, the following:^{*25}

- (1) The wastewater treatment facility shall be located in common ground, within an easement granted or reserved for the purpose of constructing and operating such a facility, or on land owned by a Continuing Authority.^{*25}
 - (2) The wastewater treatment facility shall be located at least one hundred fifty (150) feet from any dwelling.^{*25}
3. A no-discharge facility approved by the Missouri Department of Natural Resources and St. Charles County Division of Building Code Enforcement.^{*21,*25}
4. Private sewage disposal systems regulated by the St. Charles County Division of Building Code Enforcement requiring a permit and all necessary inspections where there is no possibility for connection to a sanitary sewer according to the local wastewater regulatory authority. Such systems may be permitted as follows:^{*34}
 - a. New private sewage disposal systems: Parcels upon which a new private sewage disposal system is to be installed shall contain a total of not less than three (3) acres per dwelling unit unless Division of Building Code Enforcement approval is given for existing parcels less than three (3) acres on a case-by-case basis. The minimum area needed for a private sewage disposal system could be reduced to one (1) acre, with Division of Building Code Enforcement approval, provided that all other requirements of this Chapter and Chapter 410 are met.^{*34}
 - b. Repair or replacement of existing private sewage disposal systems. Existing private sewage disposal systems that serve existing residential structures may be repaired or replaced, provided those systems and structures are on parcels that contain a total of not less than three (3) acres per dwelling unless Division of Building Code Enforcement approval is given for existing parcels less than three (3) acres on a case-by-case basis, and provided further:^{*34,*46,*47}
 - (1) That the Division of Building Code Enforcement determines that a functional private sewage disposal system can be installed on the parcel in question, and^{*34,*46}
 - (2) That all other requirements of this Chapter and Chapter 410 are met, and^{*34,*46}
 - (3) That any appeal from an adverse determination by the Division of Building Code Enforcement shall be to the Building Commission of St. Charles County, as provided by the Private Sewage Disposal Code of St. Charles County, Section 500.080, OSCCMo,

notwithstanding any provision to the contrary of this Unified Development Ordinance of St. Charles County, Missouri.^{*34,*46}

If possible, public water supply should be available to these lots. The owner of the property will be required to connect to sanitary sewers, if available, within the distance set by the applicable Building Code and the local wastewater regulatory authority.^{*21}

- C.** All newly constructed residentially zoned subdivisions, and all new subdivisions of land or any division of land into parcels or tracts; having lots, tracts, or sites of an area less than three (3) acres in size, must be served by a wastewater treatment facility meeting the requirements imposed by Section 405.500(B)(1) or (2) above, as applicable.^{*21,*25}
- D.** All campground and travel trailer parks shall have one (1) of the following methods of sewage disposal:^{*25}
1. Sanitary sewers connected to a regional wastewater treatment facility.^{*25}
 2. A wastewater treatment facility meeting the requirements imposed by Section 405.500(B)(2) above, and approved by the Missouri Department of Natural Resources and by the St. Charles County Division of Building Code Enforcement.^{*25}
 3. RVs equipped with self-contained, waste storage compartments.^{*25}
- E.** For floodplain areas, see Floodway, Floodway Fringe, and Density Floodway Overlay Districts.^{*25}
- F. PERMITS**^{*25, *26*}
1. **Building Permit.** A building permit for a wastewater treatment facility shall not be issued by the Division of Building Code Enforcement until a copy of an approved engineering report and an approved construction permit issued by the Missouri Department of Natural Resources is received for the construction of the facility and the Division of Building Code Enforcement has determined that the requirements of Section 405.500(B)(2) are met or shall be met by the time the plant is operational and eligible for an operating permit from MDNR and for a certificate of occupancy from the Division of Building Code Enforcement. Whenever the Division must determine whether those requirements shall be met in the future, the Division may do so upon an applicant's submission of evidence including documentation that a continuing authority meeting the requirements of Section 405.500(B)(2) or an entity seeking certification by the PSC as such an authority has agreed to own, operate and maintain the permitted wastewater treatment system. Under such circumstances, any land use and building permit issued for such a wastewater treatment plant shall provide that no certificate of occupancy may be issued for it until it is owned, operated and maintained by such a continuing authority.^{*25, *26}

2. Notice. The following notice shall appear on all plats served by new wastewater treatment systems and be supplied by developer or seller to all buyers of lots within those plats: “Property within this plat is to be served by a new wastewater treatment plant that will not operate until the St. Charles County Division of Building Code Enforcement issues a certificate of occupancy after confirming that it is owned, operated, and maintained by an operating authority specified in Section 405.500 of the Unified Development Ordinance of St. Charles County, Missouri.”*26

ARTICLE VI. REGULATIONS FOR THE PROTECTION OF NATURAL WATERCOURSES**SECTION 405.5021: FINDINGS AND POLICY**

- A.** Vegetated buffers adjacent to natural watercourses provide numerous environmental protection and resource management benefits that can include the following:
1. Reducing flood impacts by absorbing peak flows and slowing the velocity of floodwaters;
 2. Benefiting the community economically by minimizing encroachment on natural watercourses and the need for costly engineering solutions; by reducing property damage and threats to safety of watershed residents; by contributing to the scenic beauty and environment of the community, and thereby preserving the character of the community, improving the quality of life of its residents, and increasing the value of their property;
 3. Providing infiltration of stormwater and runoff, and reducing impervious surfaces;
 4. Stabilizing banks of natural watercourses;
 5. Reducing sediment and erosion along natural watercourses;
 6. Removing pollutants from stormwater;
 7. Restoring and maintaining the chemical, physical and biological integrity of the water resources;
 8. Maintaining base flows of natural watercourses;
 9. Contributing organic matter that is a source of food and energy for the aquatic ecosystem;
 10. Providing tree canopy to shade natural watercourses;
 11. Providing habitat to a wide array of wildlife by maintaining diverse interconnected riparian vegetation;
 12. Furnishing recreational opportunities; and
 13. Allowing areas for natural watercourses to meander naturally reducing infrastructure and property damage.
- B.** It is the policy of St. Charles County to protect and maintain the native vegetation adjacent to natural watercourses by implementing specifications for the establishment,

protection and maintenance of a vegetated buffer along all natural watercourses under St. Charles County's jurisdiction which are left in their natural state.

SECTION 405.5022: PURPOSE

The purpose of this Article is to establish minimal acceptable requirements for the design of vegetated buffers to protect the natural watercourses of all watersheds within unincorporated St. Charles County which are left in their natural state; to protect the water quality of watercourses, reservoirs, lakes and other significant water resources within these watersheds; to protect riparian and aquatic ecosystems within these watersheds; to provide for the environmentally sound use of land and aquatic resources within these watersheds.

SECTION 405.5023: SCOPE OF APPLICATION AND REQUIREMENTS

A. Application.

1. This Article shall apply to all proposed development except for that development which meets waiver criteria as provided in this Article.
2. This Article shall apply to surface mining operations except that this Article's standards in Section 405.5025 shall not apply to active surface mining operations that are operating in compliance with Missouri Department of Natural Resources surface mining permit.
3. Except as provided in Section 405.5026.A and Section 405.5026.B.5., this Article shall not apply to land used primarily for agricultural or farming purposes.^{*28}

B. Requirements.

1. All natural watercourses depicted on the most current United States Geological Survey (U.S.G.S) 7.5 Minute Series (Topographic) Maps for St. Charles County, Missouri, shall be left in their natural state.
2. All natural watercourses left in their natural state shall be flanked with vegetated buffers meeting the requirements of this Article.
3. Within such vegetated buffers, there shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of this Article.
4. Development along natural watercourses that are left in their natural state shall have residential, commercial or industrial improvements, parking areas, driveways and in all subdivisions, except those with lots three (3) acres or larger in size, lot lines set back from the top of the existing stream bank or the 10-year, 24 hour or 15-year, 20 minute water surface elevation where no established top-of-bank can be determined, all as provided by this Article. In the case of subdivision plats, except those with lots three (3) acres or larger in size, the

watercourse and the above-mentioned setback area shall be preserved and made the responsibility of the subdivision trustees. In the case of a subdivision with lots three(3) acres or larger in size, site plan, commercial, industrial, or private site, the watercourse and the above-mentioned setback area shall be preserved and made the responsibility of the property owner(s). Permanent vegetation and existing ground elevation and grades within the above-mentioned setback area shall be left intact and undisturbed, except as permitted by this Article.*²⁸

SECTION 405.5024: PLAN REQUIREMENTS

- A.** A vegetated buffer plan shall be submitted in conjunction with or as part of any grading plan or site plan for any development (if such grading plan or site plan is required by this Unified Development Ordinance), and the vegetated buffer shall be clearly delineated on any grading plan or site plan.
- B.** The vegetated buffer plan shall contain the following information:
 - 1. A location or vicinity map;
 - 2. Field-surveyed natural watercourses which are left in their natural state;
 - 3. Field-surveyed vegetated buffers adjacent to natural watercourses which are left in their natural state;
 - 4. Proposed clearing or grading limits;
 - 5. Limits of the 100-year flood plain and floodway as identified on the official FIRM.
- C.** Boundary markers locating the boundaries of vegetated buffers and the clearing/grading limits shall be installed prior to final approval of the required clearing and grading plan.

SECTION 405.5025: MINIMUM STANDARDS FOR VEGETATED BUFFERS

- A.** A vegetated buffer for a natural watercourse which is left in its natural state shall consist of a vegetated strip of land extending along both sides of a natural watercourse.
- B.** The vegetated buffer shall begin at the edge of the bank of the natural watercourse.
- C.** For those sites where vegetation does not exist, developers or owners shall allow the vegetated buffer to succeed naturally.
- D.** The minimum width of the vegetated buffer shall be:
 - 1. Fifty (50) feet along the main branch of the Dardenne Creek, the Peruque Creek, the Femme Osage Creek, the Big Creek, and the McCoy Creek;

2. Twenty-five (25) feet along all other natural watercourses left in their natural state.
- E.** The following land uses and/or activities are designated as potential water pollution hazards and must be set back from any natural watercourse left in its natural state by the distance indicated below:
1. Drain fields from on-site sewage disposal and treatment systems (i.e., septic systems)--one hundred (100) feet;
 2. Raised septic systems--two hundred fifty (250) feet.

SECTION 405.5026: MANAGEMENT AND MAINTENANCE OF VEGETATED BUFFER

- A.** Installation or removal of berms or dams across natural watercourses that are depicted on the most current United States Geological Survey 7.5 Minute Series (Topographic) Maps for St. Charles County, Missouri, that cause or caused the impoundment of stormwater are permitted only with the approval of the Governing Body.^{*28}
- B.** The vegetated buffer shall be managed to enhance and maximize its value and effectiveness. Management includes specific limitations on altering the natural conditions of the buffer. The following practices and activities are permitted only with the express written approval of the Director of Community Development:^{*28}
1. Clearing of existing vegetation;
 2. Soil disturbance by grading, stripping, or other practices;
 3. Filling or dumping;
 4. Drainage by ditching;
 5. Installation or removal of berms or dams across natural watercourses that are not depicted on the most current United States Geological Survey 7.5 Minute Series (Topographic) Maps for St. Charles County, Missouri, that cause the impoundment of stormwater.
- C.** The following structures, practices and activities are permitted in the vegetated buffer, with specific design or maintenance features, subject to the review by the Director of the Division of Planning and Zoning and Director of the Division of Development Review:^{*28}
1. Roads, bridges and utilities (including sanitary and storm sewers). The right-of-way shall be the minimum width needed to allow for maintenance access and installation. The angle of the right-of-way or utility crossing shall be perpendicular to the natural watercourse or vegetated buffer in order to minimize

clearing requirements. Plats and site plans shall include only the minimum number possible of such crossings.

2. Paths, including hard-surfaced trails.
- D.** Buffer restoration projects approved by the Director of the Division of Planning and Zoning are permitted within the vegetated buffer.*²⁸
- E.** Water quality monitoring and stream gauging are permitted within the vegetated buffer.*²⁸
- F.** Trash and debris and individual trees within the vegetated buffer that are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the natural watercourse may be removed.*²⁸
- G.** Material dredged or removed during development authorized under this Section shall be stored outside the vegetated buffer.*²⁸
- H.** All plats and all improvement plans shall clearly:*²⁸
1. Show the boundaries of any vegetated buffer on the subject property;
 2. Provide a note to reference any vegetated buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County, Missouri".

SECTION 405.5027: WAIVER

The Director of Community Development or his/her designee may grant a waiver allowing the vegetated buffer to be disturbed only in cases of public purpose and necessity or only upon the Director's approval of designed streambank or site-development erosion control measures.

SECTION 405.5028: VIOLATIONS AND ENFORCEMENT

- A.** The Director of the Division of Planning and Zoning shall enforce the provisions of the foregoing Sections of this Article as provided in Sections 405.640 through 405.655 of this Unified Development Ordinance.
- B.** Anyone who knowingly makes any false statements in any application, record or plan required by this Article shall upon conviction be punished by a fine of not more than one thousand dollars (\$1,000.00) for each violation, imprisonment for not more than thirty (30) days, or both.

ARTICLE VII. REGULATIONS CONCERNING HIGH-PRESSURE PIPELINES^{*9}**SECTION 405.503: REGULATIONS CONCERNING HIGH-PRESSURE PIPELINES^{*9}**

1. All setback distance shall be measured from the nearest edge of the pipeline.^{*9}
2. In all zoning districts, buildings shall be set back a minimum of twenty-five (25) feet from any high pressure pipeline.^{*13}
3. In all zoning districts, all principal buildings, whether public or private, used for community or neighborhood recreation services, private of public education, spectator entertainment or sports, exhibition and convention facilities, major health services, religious assemblies or facilities used for public gatherings shall be set back a minimum of one hundred (100) feet from any high pressure pipeline.^{*9}
4. If any building is erected at a distance of twenty-five (25) to fifty (50) feet from such pipeline, the owner of the building site and that owner's agents and contractors shall ensure that the cover over such pipeline meets the United States Department of Transportation regulations and requirements for additional cover as specified for all high pressure pipelines located within fifty (50) feet of a structure.^{*13}
5. Easements shall be kept clear of all trees, bushes and structures.^{*13}
6. No building, whether residential, commercial or industrial, nor any accessory structure, may be built within the easement of a high pressure pipeline, however this shall not prevent street improvements or utilities from crossing the easement with the consent of the pipeline company.^{*13}
7. Where a developer seeking approval for a proposed subdivision of land places the pipeline and pipeline setback in common ground pursuant to the requirements of Sections 410.110.C.2.q and 410.210.M of this Unified Development Ordinance, the area within the common ground encompassed by the pipeline and pipeline setback area may be applied to reduce the size of lots in the subdivision, on the following conditions:^{*9}
 - a. The lot size reductions shall not exceed the area encompassed within such common ground area;^{*9}
 - b. No lot may be reduced to a size smaller than that permitted under the next highest level of density allowed in the residential zoning hierarchy established in the Unified Development Ordinance; and^{*9}
 - c. Those lots that are reduced in size shall also be entitled and have applied to them the yard, area, lot widths, and setbacks under the next highest level of density allowed in the Unified Development Ordinance.^{*9}

8. The Board of Zoning Adjustment shall have the authority to approve a reduced setback where the applicant to the Board can prove that there is a unique hardship to the property that prevents the reasonable and practicable development of the property. In such cases, the Board of Zoning Adjustment shall give notice by U.S. Mail as provided in Section 405.590.B of the Unified Development Ordinance not only to the property owners or agents described therein but also to the owners of the pipeline from which the setback in question is measured. Further, in such cases, the Board of Zoning Adjustment may require berming, containment systems or other requirements to mitigate the potential for injury to persons or damage to buildings by a high pressure pipeline leak or explosion. Appeals from the decision of the Board shall be in the manner provided for all other decisions of the Board of Zoning Adjustment.^{*13}

ARTICLE VIII. REGULATIONS CONCERNING TELECOMMUNICATION FACILITIES^{*14}**SECTION 405.505: REGULATIONS CONCERNING TELECOMMUNICATION FACILITIES**

- A.** Subject to Subsection D, below, telecommunication facilities are regulated in the following zoning districts:^{*14,*60}
1. A, Agricultural District. Telecommunication facilities are allowed in the Agricultural District only with the issuance of a conditional use permit, provided that the distance from the center of the base of the tower to the nearest property line shall not be less than the height of the tower. The height of the proposed telecommunication facility shall be stated in the conditional use permit. The minimum distance between telecommunication towers shall be one (1) mile with the issuance of the conditional use permit.^{*14,*46}
 2. CO, Office District and C1, Neighborhood Commercial District permit telecommunication facilities to a height of sixty (60) feet for one (1) user and to a height of eighty-five (85) feet for two (2) or more users, provided that the distance from the center of the tower base to the nearest “A” (Agricultural) or “R” (Residential) District property line shall not be less than the height of the tower. Any telecommunication facility in excess of eighty-five (85) feet in height requires the approval of a conditional use permit. The minimum distance between telecommunication towers shall be one (1) mile.^{*14,*46}
 3. C2, General Commercial District permit telecommunication facilities to a height of one hundred (100) feet for one (1) user and to a height of one hundred twenty-five (125) feet for two (2) or more users, provided that the distance from the center of the tower base to the nearest “A” (Agricultural) or “R” (Residential) District property line shall not be less than the height of the tower. Any telecommunication facility in excess of one hundred twenty-five (125) feet in height requires the approval of a conditional use permit. The minimum distance between telecommunication towers shall be one (1) mile.^{*14,*46}
 4. I1, Light Industrial District and I2, Heavy Industrial District permit telecommunication facilities to a height of one hundred fifty (150) feet for one (1) or two (2) users and to a height of one hundred seventy-five (175) feet for three or more users, provided that the distance from the center of the tower base to the nearest “A” (Agricultural) or “R” (Residential) District property line shall not be less than the height of the tower. Any telecommunication facility in excess of one hundred seventy-five (175) feet requires the approval of a conditional use permit. The minimum distance between telecommunication towers shall be one (1) mile except where telecommunication tower farms are permitted.^{*14,*28,*46}

5. Existing structures. Telecommunication antennas may be added to specific existing structures in any zoning district provided the device does not extend greater than five (5) feet above the existing structure. Examples of these types of structures include water towers, broadcast towers, fire stations, church steeples, billboards, etc. Such telecommunication antennas shall be painted and/or textured to match the existing structure on which it is installed. A telecommunication antennas shall not be added or attached to a residence or a residential structure other than exemptions in this section.^{*14,*46}

B. General Regulations Relating To Telecommunication Facilities^{*14}

1. Except as permitted by a conditional use permit in the I1, Light Industrial District or I2, Heavy Industrial District only one (1) telecommunication tower shall be allowed on an individual property.^{*14,*46}
2. All towers shall be secured with fencing or anti-climbing devices.^{*14}
3. Stealth telecommunications facilities (concealed towers) may be located in attics, steeples, towers, behind and below parapets or totally concealed within a new architectural addition to a building or a structure. On existing structures the antennas for telecommunication facilities with stealth design shall not extend more than five (5) feet beyond the edge of the attached structure and shall be painted and/or textured to match the existing structure on which it is installed.^{*14,*46}
4. No sign shall be allowed on the antennas, telecommunication facility, or equipment enclosures other than the telecommunication company's identification sign or warning signs not to exceed two (2) square feet in area.^{*14,*46}
5. The Regulations Concerning Telecommunication Towers shall prevail when there are conflicts between the height limits and the building setback standards of the respective zoning districts and these regulations.^{*14,*46}
6. Telecommunication towers, guy wires, shelter structures, and other equipment, except for properties zoned "A" or "I", shall provide a minimum setback of twenty-five (25) feet in all directions from the property limits. Those properties zoned "I" must meet all setback requirements of the zoning district. In the "A", Agricultural District for the minimum front, side and rear setbacks for the tower shall be equal to the height of the telecommunication facility. All other structures associated with the telecommunication facility in the "A", Agricultural District shall meet the minimum principal structure setbacks.^{*14,*28,*46}
7. The design of the telecommunication facility shall maximize the use of building materials, colors, textures, screening, and landscaping that effectively blend the facilities with the surrounding natural setting and environment.^{*14}

8. No telecommunication tower shall be used for any other use other than as an antenna support structure, except when such other use is part of the applicant's efforts to camouflage the facility or have a stealth design.^{*14,*46}
9. Reserved.^{*14,*46,*60}
10. The Planning and Zoning Division shall be notified within thirty (30) days when a telecommunication facility is no longer in use for communication purposes under County ordinance. All abandoned or unused telecommunication facilities shall be removed from the property within one hundred eight (180) days of the ceasing of operations.^{*14}
11. An existing telecommunication facility may be replaced with a new facility including for co-use under the existing facility's already approved land use or conditional use permit, provided the existing facility is removed from the property. The new telecommunication facility shall not exceed the height of the facility being replaced. New facilities approved under this provision are not exempt for other requirements of this Unified Development Ordinance (such as requirements for site plan approval) or of the Building Code of St. Charles County.^{*14,*60}
12. Telecommunication farms shall have all towers of similar design and height. Said farm shall not contain more than three (3) towers per acre.^{*46}
13. Exemptions: The following are considered exempt telecommunication facilities, and are not governed by this section when erected as an accessory structure:^{*14,*46}
 - a. A single telecommunication antenna for the sole use of the tenant or owner occupying a residential parcel and used as accessory to the permitted use of such property. Such antenna shall conform to the height and setback requirements of the district they are located in.^{*14,*46}
 - b. A single telecommunication facility antenna, which is accessory to the principal non-residential use of the property. Such facilities shall conform to the height and setback requirements of the district they are located in.^{*14,*46}

C. Permitting Requirements

1. Applicants for land use permits or for conditional use permits for telecommunication facilities or towers shall provide the Planning and Zoning Division with a detailed site plan for review and approval along with their permit applications, except those for towers of stealth design. Such detailed site plans shall include or show: the location of the proposed tower and all other elements of a telecommunication facility, fencing or anti-climbing devices, and their distances

from all property lines, from all other structures on the site, and from all structures on adjoining properties. ^{*14,*46, *60}

2. In addition to the detailed site plans required above, all applications for land use permits or for conditional use permits for telecommunication facilities or towers shall also include or be accompanied by: ^{*60}
 - a. an application form provided by the Division of Planning and Zoning and completed and signed by the applicant; ^{*60}
 - b. the application fee required by ordinance; ^{*60}
 - c. a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; ^{*60}
 - d. locations of all telecommunication towers within 2 miles of the proposed telecommunication facility or tower; ^{*60}
 - e. height of the proposed telecommunication tower; ^{*60}
 - f. email address (as well as mailing address and telephone and fax numbers) of applicant, property owner and consulting engineer; and ^{*60}
 - g. certification by St. Charles County's Emergency Communications System Manager that the telecommunication tower sought to be permitted will have no detrimental impact upon any microwave transmission path or paths of the Emergency Communications System. ^{*60}
3. Upon submission of applications for land use permits or for conditional use permits required by this section, the Division of Planning & Zoning shall immediately send the applicant written notice that: ^{*60}
 - a. its application is either complete or incomplete; and ^{*60}
 - b. in the case of incomplete applications, identifies the deficiencies in the application which, if cured, would make the application complete. ^{*60}
4. Incomplete applications shall be deemed abandoned if deficiencies are not cured within thirty days or within such additional time as applicant may request pursuant to these regulations. ^{*60}
5. If an application is for a conditional use permit, it shall be set for hearing by the Planning & Zoning Commission at its next scheduled meeting, provided however that: ^{*60}

- a. for any incomplete application, such a setting shall be conditioned upon applicant's curing deficiencies in it seven (7) days prior to that next scheduled meeting, and^{*60}
 - b. failure to cure deficiencies by that date shall be deemed a request for an additional thirty days to do so.^{*60}
6. An applicant may make a written and signed request for an additional thirty-day period to cure deficiencies as provided herein:^{*60}
 - a. Such applications must be filed within thirty days of the original notice of deficiencies; and^{*60}
 - b. Such applications if granted shall continue any hearing by the Planning & Zoning Commission that may have been scheduled upon an application for a conditional use permit.^{*60}
7. Conditional use permits shall be required:^{*60}
 - a. As provided in Subsection A, above; and^{*60}
 - b. In the case of any application for a site or site plan that does not meet spacing or setback standards stated in Subsection A, above, and notwithstanding any other provision of this Unified Development Ordinance, adjustments to those spacing or setback standards shall be granted only by approval of conditional use permits and only for good cause stated and shown.^{*60}
8. Where conditional use permits are required by these regulations, applications for such permits shall be accepted for filing only on the application deadline date published on the St. Charles County Government web site, which shall be the 21st day prior to the next scheduled meeting of the Planning & Zoning Commission.^{*60}

ARTICLE IX. REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES^{*9}**SECTION 405.5062: LOCATION OF SEXUALLY ORIENTED BUSINESSES**

A person may operate or cause to be operated a sexually oriented business in accordance with the following regulations:

1. A sexually oriented business may only be operated in "I1" Light Industrial and "I2" Heavy Industrial zoning districts as those districts are defined and described in the Unified Development Ordinance.
2. A sexually oriented business shall not be operated within five hundred (500) feet of the following:
 - a. A church, synagogue, mosque, temple or building which is used for religious worship and related religious activities;
 - b. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds;
 - c. A boundary of a residential zoning district as defined in the Unified Development Ordinance;
 - d. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the County;
 - e. The property line of a lot devoted to a residential use as defined in the Unified Development Ordinance;
 - f. An entertainment business which is oriented primarily towards children or family entertainment; or
 - g. A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.

For purposes of this provision, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property

line of the premises of one (1) of the above-listed uses. Presence of a City, County or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this provision.

- 3. A sexually oriented business shall not be operated, established, substantially enlarged or undergo transfer of ownership or control within five hundred (500) feet of another sexually oriented business.

For purposes of this provision, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

- 4. A person shall not cause or permit the operation, establishment or maintenance of more than one (1) sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

- 5. Any sexually oriented business lawfully operating on the effective date of this Article that is in violation of Section 405.5063 of this Article shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within five hundred (500) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are non-conforming.

SECTION 405.5063: HOURS OF OPERATION

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 11:00 P.M. and 9:00 A.M.

SECTION 405.5064: EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES

- A. Merchandise or activities of the sexually oriented business shall not be visible from any point outside such business.
- B. The exterior portions of a sexually oriented business shall not have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this Article.

- C. The exterior portions of a sexually oriented business shall be painted a single achromatic color; however, this provision shall not apply to the business if the following conditions are met:
1. The business is part of a commercial multi-unit center; and
 2. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
- D. Nothing in this Section shall be construed to require the painting of an otherwise unpainted exterior portion of an enterprise.

SECTION 405.5065: SIGNAGE

- A. Any person operating a sexually oriented business shall comply with the signage requirements set forth in the Unified Development Ordinance at Sections 405.470 through 405.490, Ordinances of St. Charles County, Missouri. However, the following requirements apply to signage for sexually oriented businesses and supersede any conflicting provisions in the Unified Development Ordinance:
1. Only one (1) on-premises properly-permitted sign is allowed to advertise the sexually oriented business.
 2. Signs shall be a flat plane, rectangular in shape and have no more than two (2) display surfaces. Each display surface shall not exceed seventy-five (75) square feet in area and shall not exceed ten (10) feet in height or ten (10) feet in length.
 3. No sign shall contain photographs, silhouettes, drawings or pictorial representations of any manner, and may only contain the following:
 - a. The name of the business; and/or
 - b. One (1) or more of the following phrases:
 - (1) Adult Arcade
 - (2) Adult Bookstore
 - (3) Adult Novelty Store
 - (4) Adult Video Store
 - (5) Adult Cabaret
 - (6) Adult Motel
 - (7) Adult Motion Picture Theater
 - (8) Adult Theater
 - (9) Escort Agency
 - (10) Massage Parlor
 - (11) Adult Encounter Establishment

- c. Signs for adult movie theaters may contain the additional phrase "Movie Titles Posted Inside Premises".
- d. Each letter forming a word on a sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.

SECTION 405.5066: VIOLATIONS AND PENALTIES

- A. Misdemeanor.** Any person who violates any provision of this Article shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) a day or six (6) months' imprisonment, or both. Each and every day that such violation continues shall constitute a separate offense.
- B. Persons Liable.** The owner or general agent of any such land, building, structure, or premises where a violation of these provisions has been committed or shall exist, or the lessee or tenant of any 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 the violation has been committed or shall exist, or the owner, general agent, architect, builder, or contractor, or any other person who knowingly commits, takes part, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) per day or six (6) months' imprisonment, or both. Each and every day that such violation continues shall constitute a separate offense.
- C. Inspection/Notice.** The Director of the Division of Planning and Zoning or his/her duly authorized representative shall have the power to cause any land, building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein in violation of this Article. If the Director of the Division of Planning and Zoning or his/her duly authorized representative finds that the use of any building, structure, or land, or the work on any building or structure, violates any of the provisions of this Article, the Director of the Division of Planning and Zoning or his/her duly authorized representative shall sign and issue a written order so stating. With respect to uses that violate this Article, the written order shall direct that such use(s) be stopped within ten (10) days. With respect to work on buildings or structures that violates this Article, the written order shall direct that such work be stopped immediately. The written order shall be served upon the owner and (where appropriate) the tenant or lessee or occupant of the building, structure or land that is the subject of the violation, as well as on any person doing work on buildings or structures in violation of this Article.
- D. Actions To Abate.** Nothing in this provision shall be construed to limit the ability of the County or other affected persons to pursue any other remedies available, including a suit for injunction, in order to enforce the provisions of this act or prevent any illegal act, conduct, business, or use in or about the premises.

SECTION 405.5067: ENFORCEMENT

Enforcement of this Article shall be the responsibility of the Division of Planning and Zoning. The office of the County Counselor shall be responsible for prosecuting these cases or pursuing other legal remedies for the violations of the ordinance.

PART 4. ADMINISTRATION AND PERMIT PROCEDURES**SECTION 405.510: CONDITIONAL USE PERMITS**

- A.** Applications for conditional use permits for uses specifically authorized for consideration in the district use regulations shall be made to the Division of Planning and Zoning. The Division of Planning and Zoning shall refer the application to the Planning and Zoning Commission for public hearing. A public hearing, as defined in Section 405.060 of this Chapter, shall be held and a report and recommendation shall be filed by the Planning and Zoning Commission with the County Council within ninety (90) days of the date of the public hearing held before the Commission. If the Planning and Zoning Commission fails to file said report and recommendation with the County Council within ninety (90) days, the application shall be forwarded to the County Council with a favorable recommendation. Following the report by the Planning and Zoning Commission, the County Council shall review and decide upon the application. It shall require the affirmative vote of five (5) County Council members to overturn a negative recommendation of the Planning and Zoning Commission on any conditional use permit application. For the purpose of investigating an application for a conditional use permit and monitoring compliance with it, an applicant authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property while work authorized by that permit is in progress. This authority shall cease upon completion of that work and closure of the permit.^{*46}
- B.** Before authorizing the issuance of a conditional use permit, the County Council may impose such conditions and will, in the County Council's judgment, ensure that the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger public health, safety, or general welfare; that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or to the esthetic and/or scenic values of the vicinity, nor substantially diminish and impair property values within the neighborhood; and that the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.^{*60}
- C.** The filing fee as set by ordinance shall accompany an application for a conditional use permit. In addition to the filing fee, an application for a conditional use permit shall include the following: (1) the current deed or title to the property showing ownership; (2) a legal description to the property (if not included on the deed); (3) a detailed site plan to indicate the intended use and future development of the property; and (4) a completed owners' authorization form containing the notarized signatures of all owners of the property and all other individuals who will represent them in the application.^{*28,*46}
- D.** All such complete applications shall be set down for hearing before the Planning and Zoning Commission not later than the second (2nd) regular monthly meeting of the Planning and Zoning Commission from the date of filing the same. Notice of such hearing shall be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the Administration Building of the County and on the St. Charles County

Government website. Notice shall also be given, at least fifteen (15) days before the hearing, by first class mail to all owners of any real property within five hundred (500) feet of the parcel of land for which the conditional use permit is proposed.^{*28,*60}

- E. In order to amend the conditions of an existing Conditional Use Permit the procedure shall be as follows:^{*14}
1. The property owner or authorized representative shall submit a written request to amend conditions to the Planning and Zoning Division for review. The Division shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.^{*14}
 2. The Division shall then forward the request and its report to the Planning and Zoning Commission. The Planning and Zoning Commission shall review the proposed condition amendments and file a report with the Governing Body in which the Planning and Zoning Commission shall grant, deny or modify the requested condition amendments. If the Planning and Zoning Commission determines that the requested condition amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require a new public hearing on the matter in accord with the proceedings specified in this section.^{*14}
 3. Upon receiving the report and recommendation, the County Council shall review and decide upon the application. The County Council may affirm a positive recommendation of the Planning and Zoning Commission by approving findings and conclusions upon the County Council's Consent Agenda. The County Council must override a negative recommendation of the Planning and Zoning Commission as provided in Subsection A of this Section.^{*14}
- F. Any application for a conditional use permit that does not receive final approval of the County Governing Body may not be resubmitted to the Planning and Zoning Commission as a new application for a period of at least twelve (12) months from the date of the Governing Body's final decision, except in cases where the use requested in the new application differs from that presented in the original application.

SECTION 405.515: FIREWORKS PERMITS

Conditional use permits are required for temporary fireworks stands in unincorporated St. Charles County. No fee is charged for filing a conditional use permit application for a fireworks stand. Applications for conditional use permits for fireworks stands must be accompanied by the following:

1. A site plan, drawn to scale, showing all structures on the property, both permanent and temporary, parking areas, storage facilities, etc. The site plan must indicate the dimensions of the property and the exact location of all structures, including distances from property lines and between structures.

2. A letter from the owner(s) of the property on which the stand is located, authorizing the operation of a fireworks stand on the property, dated, and notarized not earlier than sixty (60) days prior to the date of the application.

A fee shall be charged to applicants for a land use permit for the operation of a fireworks stand. The fee charged shall be based upon the following schedule:

Stands up to 1,000 square feet	\$2,000.00
Stands 1,000 square feet and above	\$4,000.00

The above fees shall apply to sales areas only. No fee shall apply to storage areas. Storage areas may include tractor trailers, trucks, vans, automobile trailers, or other permanent or temporary vehicles or structures.

Temporary on-premise fireworks signs and banners, not exceeding four hundred (400) square feet. Approval for the fireworks sign or banner shall accompany the issuance of the fireworks conditional use permit before the sign or banner is to be erected. Such signs or banners must be removed within twenty-four (24) hours of the last day of sales.

Applications for temporary fireworks stands conditional use permits shall be made to the Division of Planning and Zoning. The Division of Planning and Zoning shall refer the applications to the Planning and Zoning Commission for public hearing. A public hearing, as defined in Section 405.060 of this Chapter, shall be held. The Planning and Zoning Commission shall have authority to grant such permits. After the conditional use permit for temporary fireworks stands has been approved by the Planning and Zoning Commission, the Director of the Division of Planning and Zoning shall indicate such approval upon the conditional use permit for a temporary fireworks stand application. If, however, such permit is denied by the Planning and Zoning Commission, the conditional use permit for temporary fireworks stand must then be approved by an ordinance. It shall require the affirmative vote of five (5) County Council members to overturn a negative recommendation of the Planning and Zoning Commission on any temporary fireworks stands conditional use permit application.

In approving conditional use permits for temporary fireworks stands in unincorporated St. Charles County, the Planning and Zoning Commission and Director of the Division of Planning and Zoning shall, at their discretion, impose specific conditions upon the operation of fireworks stands. These conditions shall be intended to promote the health and safety of the general public during the operation of fireworks stands. In all cases these conditions shall include the restrictions on commercial operations imposed by Section 210.105, Ordinances of St. Charles County, Missouri. These conditions shall be made known to the applicants at the time of application, and they shall be included with each land use

permit for a fireworks stand. Applicants for conditional use permits for fireworks stands will have an opportunity to comment upon these conditions during the public hearing on their applications before the Planning and Zoning Commission.^{*4, *37}

SECTION 405.520: DEVELOPMENT STANDARDS FOR CERTAIN CONDITIONAL USES AND DEVELOPMENT STANDARDS FOR AGRICULTURE - OR WINERY-RELATED TOURISM CONDITIONAL USES^{*58}

A. Manufactured Home Subdivisions, and Manufactured Homes and Modular Structures not meeting the provisions within Section 405.090.B.12. For all properties within the "R1A", "R1B", "R1C", "R1D", and "R1E" Zoning Districts, manufactured home subdivisions, manufactured homes and modular structures not meeting the provisions within Section 405.090.B.12, require a conditional use permit and must adhere to the following conditions. In order to be approved the manufactured home subdivision, manufactured home or modular structure must be found to have design compatibility with other dwellings in the "review area", which is the area within 300 feet of the subject lot, or parcel; or the nearest five dwellings if there are no developed lots within 300 feet. The criteria for determining acceptable compatibility shall be based upon a review of the following design elements:^{*14}

1. Roofing and exterior siding shall be similar in color, material, and appearance to the roofing material and exterior siding commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the review area.^{*14}
2. The home shall be placed on an excavated and back-filled foundation, and enclosed continuously at the perimeter with material comparable to the predominant materials used in foundations of surrounding dwellings.^{*14}
3. The home shall be multi-sectional with a minimum width of 20 feet.^{*14}
4. A garage of like materials and color as the attached dwelling is required where similar features are predominant in the review area. A carport may be allowed if other dwellings in the review area also have carports or if there is a mixture of dwellings with or without garages or carports. The garage or carport may be required to be attached if other dwellings in the review area have attached garages.^{*14}
5. The home shall have a predominant shape, bulk and form that are compatible with the surrounding neighborhood.^{*14}
6. The home shall have wheels, axles, and hitch mechanisms removed.^{*14}
7. The home shall meet appropriate utility connection standards, in accordance with county codes.^{*14}

8. Architectural compatibility may include the need for gables, recessed entries, covered porch/entry, bay window, roof overhangs, building off-sets, deck with railing or planters and benches or other accessory structures.^{*14}
 9. The home shall be placed on a lot so that its longest axis is oriented consistent with homes in the review area.^{*14}
 10. The home shall have a comparable square footage to housing within the review area.^{*14}
 11. The lot or parcel on which a manufactured home or modular structure is placed shall be owned by the same entity owning the manufactured home or modular structure.^{*14}
- B. Centralized Yard Waste Composting Facilities.** In the "A", "I1", and "I2" Zoning Districts, centralized waste composting facilities require a conditional use permit and must adhere to the following conditions:
1. The facility must be operated on a site of not less than one (1) acre for every one thousand (1,000) cubic yards of compost material.
 2. Windrows of compost material must be located a minimum of two hundred (200) feet from all property lines and a minimum of five hundred (500) feet from any residence.
 3. The portion of the property containing the compost material must be fenced.
 4. The facility may not be located in a floodway, floodway fringe, or density floodway.
 5. The owner(s) of the facility will be required to submit to the Division of Planning and Zoning a plan of operation, detailing such information as how often the windrows will be turned, the type of machinery that will be used, hours of operation, and the intended use of the end compost product. The facility may not operate until this plan has been approved, and no deviation from the plan will be permitted without County approval.
 6. The owner(s)/operator(s) of the facility will be required to submit to the County Division of Environmental Services of the Community Health and the Environment Department a monthly report containing the amount of compost material accepted at the facility during the preceding month. The amount of compost material may be reported by weight or by volume. Each month's report will be due by the fifteenth (15th) of the following month.
 7. A site plan for the facility must be submitted to and approved prior to the operation of the facility.

- C.** Recycling Centers. In the "I1", and "I2" Zoning Districts, recycling centers require a conditional use permit and must adhere to the seven (7) conditions in Subsection (E) of this Section.
- D.** Resource Recovery Facilities. In the "I1" and "I2" Zoning Districts, resource recovery facilities require a conditional use permit and must adhere to the seven (7) conditions in Subsection (E) of this Section.
- E.** Trash Transfer Stations. In the "I1", and "I2" Zoning Districts, trash transfer stations require a conditional use permit and must adhere to the following seven (7) conditions:
1. The facility must be operated within an enclosed building.
 2. The facility must be fenced to prevent the escape of materials from the waste stream and/or recyclable materials.
 3. The facility shall not accept hazardous waste of any type. For purposes of this regulation, "hazardous waste" shall be defined as any waste or combination of wastes, as determined by the Hazardous Waste Management Commission of the State of Missouri, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating irreversible illness, or pose a present or potential threat to public health or the environment.
 4. Recyclable material stored outside the enclosed building must be contained or stored inside covered storage to prevent nuisance, hazard, or unsightly appearance.
 5. No on-site disposal of solid waste of any kind shall be allowed.
 6. In the case of recycling centers and resource recovery facilities, the owner(s)/operator(s) of the facility will be required to submit to the County Division of Environmental Services of the Community Health and the Environment Department a monthly report containing the amount of recyclable material removed from the waste stream at the facility during the preceding month. The report must also include where the recyclable materials were sent. Each month's report will be due by the fifteenth (15th) of the following month.
 7. A site plan for the facility must be submitted to and approved prior to the operation of the facility.
- F.** Agriculture- or Winery-Related-Tourism Conditional Uses in the "AT" Agricultural Tourism District require a conditional use permit and must adhere to the following conditions.^{*58}

1. Agriculture- and Winery-Related-Tourism Conditional Uses must be on sites meeting the following conditions, none of which may be waived or varied so as to reduce or eliminate any of these conditions.^{*58}
 - a. The tract on which any Agriculture- or Winery-Related-Tourism Conditional Use is sited must contain no less than forty (40) acres.^{*58}
 - b. Such Agriculture- or Winery-Related-Tourism Conditional Use or Uses, including all exterior premises dedicated to such use or uses (including parking areas serving such use or uses, but not including exterior premises occupied by on-site sewage disposal systems or water supply systems or driveways or roads that serve or lead to such use or uses), may occupy no more than a total of seven (7) per cent of the tract's total acreage, and such sites on any tract shall be compact and contiguous unless such factors as topography or soil conditions justify dispersal of the use or uses over more than one site.^{*58}
 - c. The remaining acreage of the tract occupied by such Agriculture- or Winery-Related-Tourism Conditional Use or Uses may be used only for the agricultural or open-space uses identified in Section 405.065.B, which may include the growing of wine grapes or the use of land masses and natural vegetation to screen the Agriculture- or Winery-Related-Tourism Conditional Use or Uses from adjacent tracts of land, except that an already duly permitted nursery may be allowed within the remaining acreage of the tract as a non-conforming use.^{*58}
 - d. An Agriculture- or Winery-Related-Tourism Conditional Use, including all exterior premises dedicated to such use, must be set back from all frontages and perimeter lot lines by at least one hundred and fifty (150) feet.^{*58}
 - e. Agriculture- or Winery-Related-Tourism Conditional Use or Uses may be no closer to the perimeter of any other such uses that are situated on other tracts of land than one-half (1/2) mile.^{*58}
2. Buildings and structures for any and all Agriculture- or Winery-Related-Tourism Conditional Use or Uses located on a single tract of land must meet the following architectural design standards, which may not be waived or varied.^{*58}
 - a. All buildings for such Agriculture- or Winery-Related-Tourism Conditional Use or Uses must have:^{*58}
 - (1). A common or unified architectural design or theme;^{*58}
 - (2). Gabled or pitched roofs (with roof pitches at least 7/12);^{*58}

- (3) Rooftop equipment (if any) that is fully screened on all four sides;^{*58}
 - (4) Exterior walls that are built or clad in least two different materials, which shall be either stone, brick, or wood;^{*58}
 - (5) Facades and roofs that have varied wall or roof planes and trim or features (bays, gables, dormers, overhangs, porches, etc.) to create shadow lines;^{*58}
 - (6) Fencing, walls, hedged, landscaping, berms, natural buffers or any combination thereof that screens uses or portions of uses, including but not limited to facilities for entertaining or serving patrons, for parking, or for storing refuse, that adversely affect adjacent properties or the character of an “A” Agricultural or “AT” Agricultural Tourism zoning district.^{*58}
- b. No building used for any Agriculture- or Winery-Related-Tourism Conditional Use may be built of metal or have any metal siding.^{*58}
 - c. No building used for any Agriculture- or Winery-Related-Tourism Conditional Use shall have more than two (2) stories above grade, except as provided below.^{*58}
 - d. No building used for a Business/Conference/Lodging center shall have more than three (3) stories above grade.^{*58}
3. The site plan and all architectural plans for any Agriculture- or Winery-Related-Tourism Conditional Use shall include:^{*58}
- a. Architectural design plans demonstrating how the applicant shall meet the architectural design standards of this subsection;^{*58}
 - b. Site plans demonstrating:^{*58}
 - (1) how the site’s vistas and the open and rural character of the site’s vicinity are preserved by setting the site’s Agriculture- or Winery-Related-Tourism Conditional Use or Uses back from roadways and lot lines as provided in these regulations, by clustering those uses, and/or by preserving forested areas and roadside vegetation on the site: and^{*58}
 - (2) compatibility of the proposed Agriculture- or Winery-Related-Tourism Conditional Use or Uses and its/their design with surrounding structures and land uses, with or without natural

vegetation and land massing to screen that use from adjacent tracts of land;^{*58}

- c. Plans for required infrastructure improvements such as provision of waters service, sewage disposal, utility service, and access to public roads and highways.^{*58}
 - d. Statements of the expected number of employees and visitors to be accommodated daily during the months of April through October, and during the remaining months of the year in the case of any use or uses on a given tract of land expected to generate more than three thousand (3,000) gallons of wastewater per year.^{*58}
4. The Director of Planning and Zoning may also require:^{*58}
- a. Plans for on-site security, fire protection and emergency services: and^{*58}
 - b. A traffic impact analysis including expected access routes, traffic volume, peak hours of operation, projected road improvements, and traffic controls necessary to accommodate the proposed facility's uses and volumes, along with written evidence of approval by Missouri Department of Transportation and/or another local government for any concepts or designs for road improvements or traffic signalization that may be within their jurisdiction.^{*58}

SECTION 405.525: SITE PLAN REVIEW

- A.** For the purpose of assuring compliance with the requirements of the applicable regulations, site plans shall be submitted and reviewed in accordance with the requirements of this Section.
- B.** Before any building and land use permits can be issued for the new construction of or the addition to institutional, commercial, and industrial structures, a site plan must be furnished to the County Division of Planning and Zoning for review and approval by the Director of the Division of Planning and Zoning, the Director of the Division of Development Review, and, when publicly maintained streets or storm sewers are involved, the County Engineer. A site plan will also be required when a structure is converted in use to an institutional, commercial, or industrial. Also, a site plan may be required by the Division of Planning and Zoning when the use of a site is being changed. The site plan in these cases will ensure that regulations are adhered to, based upon the new use (parking, loading, etc.). All site plans must bear the seal of a registered professional engineer and/or architect licensed by the State of Missouri, unless waived by the Director of Community Development.
- C. Filing A Site Plan.** When a site plan is first submitted, the Division of Planning and Zoning requires a digital plan or three (3) copies of the plan and a completed site plan application form. For the purpose of investigating a site plan and monitoring compliance with it, an applicant authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property while work authorized by that permit is in progress. This authority shall cease upon completion of that work and closure of the permit.^{*46}
- D. Requirements for site plans are as follows:**
1. Provide a title (always use the term "site plan").
 2. Indicate the owner(s) of the property and depict the adjacent property owners.
 3. Provide a site location map, a north arrow, and the scale to which the site plan is drawn.
 4. Indicate the dimensions of all proposed buildings and depict all property boundary lines.
 5. Indicate every type of business that will utilize the building(s) and/or site(s).
 6. Indicate any existing and proposed road/street right-of-way lines and existing or proposed pavement within such right-of-way (note on the plan that all pavement within the road/street right-of-way will be constructed to St. Charles County public non-residential or arterial standards). Dedicated rights-of-way may be

- required for proposed sites that abut County roads or roads maintained by the Missouri Department of Transportation (MoDOT).
7. Indicate the front setback of all proposed buildings.
 8. Indicate the pavement radii and width of all proposed entrances to or from the site(s).
 9. Indicate the parking layout arrangement (i.e., the number and size of all off-street parking spaces and the width of all parking drives and aisles). Each parking space must have a minimum area of one hundred seventy-one (171) square feet (nine (9) feet by nineteen (19) feet). There shall also be provisions for handicapped parking, with each handicapped parking space having a minimum width of thirteen (13) feet (eight (8) foot stall with an adjoining five (5) foot access aisle, per ADA regulations). The parking surface must be constructed of an all-weather, dust-free surface. If five (5) or more parking spaces are required under the applied regulations, the parking spaces must be paved and striped. See Part 3, Article II, Section 405.440 et seq., for further parking and loading requirements.
 10. Indicate existing and proposed contour elevation lines at an interval no greater than five (5) feet and the first (1st) floor elevation of each building on U.S.G.S. Datum. If the site is in the 100-year floodplain, the requirements of Part 2, Article XI, Section 405.245 et seq. must be adhered to.^{*13}
 11. Indicate a benchmark on U.S.G.S. Datum in areas where sanitary sewers are available.
 12. Depict existing and proposed stormwater improvements and provide hydraulic data computations along with a drainage area map. This material must be sealed by a registered professional engineer, unless waived by the Director of Community Development. The hydraulic design of storm sewer systems shall conform to Section 50.00 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February 2002, or as amended thereafter. Stormwater detention shall be required in accordance with Section 50.80 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February 2002, or as amended thereafter. Performance guarantees, ensuring or guaranteeing the installation of any detention facilities required for the site, must be posted with the St. Charles County Department of Community Development before site plan approval will be granted. The detention facilities' improvement costs must be included as part of the sediment and erosion control performance guarantee required by Chapter 412.^{*28,*46}
 13. Indicate the method of or agencies responsible for sanitary sewage disposal and water service. Individual private sewage disposal systems will need to supply a

- plan, with the layout of the lateral system for the property, and a permeability test report as required by the County Division of Building Code Enforcement.
14. Supply a Missouri Department of Transportation permit if any proposed entrances front on Missouri Department of Transportation-maintained road right-of-ways.
 15. Indicate the zoning district for the site and the adjacent properties with their current jurisdiction.^{*46}
 16. A St. Charles County Highway Department special use permit must be obtained before any work is allowed to commence on the right-of-way of public roads under St. Charles County control or maintenance.
 17. Indicate the location of the nearest fire hydrant on the site plan.
 18. Depict on the plan the location of any ground sign. All ground signs must be a minimum of ten (10) feet from all property lines and a minimum of fifty (50) feet from the pavement of any intersection.
 19. Obtain a Land Disturbance permit in accordance with Chapter 412 of this Unified Development Ordinance. In cases where the land disturbance is less than 5,000 square feet, indicate any sediment and erosion control measures needed for the site.^{*18,*28}
 20. A parcel identification number should be noted on the site plan.
 21. All applicable development shall meet the landscaping requirements embodied in Section 405.435 of the Unified Development Ordinance. Site plans for facilities for utilities (substations, water towers, microwave towers, sewage treatment plants, etc.) shall conform to landscaping requirements developed during planning staff review, and approved by the Director of the Planning and Zoning Division.^{*1,*46}
 22. Trash enclosures shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate, said fence and gate shall be constructed of cedar, redwood, masonry or other compatible building material.^{*46}
 23. All site plans shall clearly show the boundaries of any setback from natural watercourses that are left in their natural state on the subject property and provide a note to reference the setback area stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County."^{*46}
 24. All site plans shall clearly show the locations of all utilities (including pipelines) and easements of record for them, and with respect to high-pressure pipelines shall designate all setbacks and restrictions imposed by Section 405.503, Regulations Concerning High-Pressure Pipelines.^{*13,*46}

25. Submit a letter addressed to St. Charles County by the holder of any such easement, if it is for the purpose of accommodating one or more high-pressure pipeline(s), certifying the accuracy of its easement and the location of the utility's facility as depicted on the proposed site plan, and also certifying that the proposed development will not impair the utility's easement rights or compromise its facility. If such a letter can not be supplied, submit a letter or affidavit stating the date on which a copy of the site plan was mailed or delivered (as the case may be) to the easement holder or its representative, and stating the name and address of that easement holder or its representative.^{*13,*46}
 26. Provide any additional information on the site plan as deemed necessary by the Director of the Division of Planning and Zoning, Director of the Division of Development Review and/or the County Engineer (i.e., traffic study).^{*13,*46}
 27. In approving site plans for public agencies, the Director of the Planning and Zoning Division shall have the power to approve minor variances to setbacks and parking requirements through his or her signature on the site plan.^{*28,*46}
- E.** A site plan review fee as set by ordinance shall accompany a site plan submitted for review pursuant to this Section.^{*46}
- F.** Construction of Improvements Shown on Approved Site Plan. If the owner or developer of property subject to an approved site plan begins construction of the improvements shown on it within eighteen (18) months of the site plan's approval, those improvements may be built in accordance with ordinances in force on the date of the site plan's approval. But if construction of those improvements begins later, those improvements must be built in accordance with ordinances in force when construction starts. If, in such cases, newly enacted or amended ordinances require changes in site design, the Director of the Division of Planning and Zoning shall require submission of a revised site plan for the Division's review and approval as provided in this Section.^{*46}
- G.** Installation of improvements. All improvements required on a site plan must be completed prior to occupancy of the structure or the change of use on the site. In lieu of completing all improvements prior to occupancy or change in use, the property owner may post a performance guarantee ensuring or guaranteeing the installation of all said improvements. When all improvements are in place as required on the site plan, the Director of the Division of Planning and Zoning shall authorize the release of all performance guarantee funds.^{*46}
1. If the performance guarantee is a lender's or escrow agreement, that agreement shall:^{*46}
 - a. Be prepared on forms approved by ordinance and be signed by the Director of the Planning and Zoning Division and the County Registrar.^{*46}

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- b. Ensure or guarantee the construction and completion of all the improvements, as set forth in the approved site plan based on the cost estimate prepared by the consulting engineer and approved by the Director of the Division of Planning and Zoning; and^{*46}
 - c. Be held in a special account by the escrow holder or lender, and the funds shall be subject to the audit of St. Charles County.^{*46}
2. Any lender's or escrow agreement shall be administered as follows:^{*46}
 - a. The estimated sum shall be held by the escrow holder or the lender as in the agreement provided, until such time as the Director of the Division of Planning and Zoning or the Governing Body authorizes release of funds as provided herein. Authorization shall be written and addressed to the escrow holder or the lender authorizing release. The Director of the Division of Planning and Zoning may authorize release for disbursement by the escrow holder or the lender for payment of the improvements guaranteed, as the work progresses. At no time will the amount in the escrow account to be released depreciate the account to less than the cost of completing said remaining improvements. This sum shall be determined by using current market value of the materials and labor. In no case shall the escrow holder or lender release more than ninety percent (90%) of the estimated sum until improvements and installations have been completed in a satisfactory manner and approved by the Director of the Division of Planning and Zoning. The remaining ten percent (10%) shall be released upon final approval of said improvements per item by the Governing Body. The estimated sum shall be held by the surety as in the agreement provided, until such time as the Governing Body shall, by written authorization addressed to the surety, release the total sum.^{*46}
 - b. This amount shall only be authorized to be released in its entirety after the Director of the Division of Planning and Zoning certifies that all the improvements have been constructed in accordance with the approved plans and all the requirements of this Chapter have been met.^{*46}
 - c. The Governing Body shall release funds for any completed segment of the work forty-five (45) days after an inspection of the segment of the work has been made, provided no deficiencies were reported during the forty-five (45) day period.^{*46}
 - d. In the event that the improvements are not satisfactorily installed within two (2) years after approval of the site plan, the Governing Body has the right to remove said monies to complete the guaranteed improvements, unless an extension in time is granted by the Governing Body.^{*46}

3. If the performance guarantee is a standby letter of credit, that document may be prepared on forms approved by the financial institution on which it is drawn, but must provide for:^{*46}
 - a. Drafts to be drawn at offices in St. Charles County, St. Louis County or the City of St. Louis; and^{*46}
 - b. Automatic extension without amendment for additional one-year terms unless, at 45 days prior to the letter's current expiration date, the financial institution issuing the letter gives written notice of non-renewal to St. Charles County's Department of Community Development by registered or certified mail or by overnight courier^{*46}

SECTION 405.530: LAND USE PERMITS

- A. Permits.** It shall be unlawful to construct, alter, repair, or to commence the construction or alteration of a building or structure or to re-grade an area less than 5,000 square feet in size used for non-agricultural purposes without first obtaining a land use permit from the Division of Planning and Zoning. No land use permit will be required for non-floodplain electrical and non-floodplain septic repair. Land Disturbance Permits per Chapter 412 are required when properties greater than 5,000 square feet are regraded.^{*2,*28}
- B. Land use permits shall be required for all structures.** In addition to complying with other UDO requirements, the proposed locations of structures shall not result in the redirection of storm water onto adjacent properties not previously burdened with runoff from the development site or result in an inadequate conveyance of storm water across a site. All occupancy permits for dwellings shall be issued based upon restrictions for minimum sleeping area requirements as set out in the current adopted Building Code of St. Charles County, Missouri. Instances in which the St. Charles County Division of Planning and Zoning does not require a land use permit:^{*2}
1. Non-floodplain electrical permits;
 2. Non-floodplain septic repair permits.
- C. Form.** An application for a permit shall be submitted in such form as the Division of Planning and Zoning may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. Applications shall include a plot plan for any property and shall describe briefly the proposed work, and shall give such additional information as may be required by the Division of Planning and Zoning, such as existing and proposed contours. For the purpose of investigating an application for a land use permit and monitoring compliance with it, an applicant authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property while work authorized by that permit is in progress. This authority shall cease upon completion of that work and closure of the permit.^{*2,*46}
- D. Amendments.** Nothing in this Section shall prohibit the filing of amendments to an application, a plan, or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
- E. Completion Of Existing Buildings.** Nothing contained in this Section shall require any change in the plans, construction, size, or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of this ordinance; provided however, construction under such permit or approval shall have been completed within six (6) months of the date of issuance. Length of a permit (commercial and industrial projects only) can be extended, based on an individual construction project, size, and cost. A projected construction schedule must be submitted and approved prior

to a site plan review by the Division of Planning and Zoning and agreed to in writing by the Building Commissioner. All construction is to be completed prior to the expiration date of the building permit.

- F. Revocation.** The Director of the Division of Planning and Zoning may revoke a permit or approval issued under the provisions of this Section in cases where there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

SECTION 405.531: ZONING CONFIRMATION

- A. Commercial And Industrial Properties.** A zoning confirmation shall be completed for all commercial and industrial properties prior to an occupancy permit being issued by the Building Division.
- B. Residential Properties.** Residential properties in compliance with Article IV Home Occupations of the Unified Development Ordinance shall be issued zoning confirmations.
- C. Form.** An application for a zoning confirmation shall be submitted in such form as the Division of Planning and Zoning may prescribe. The owner or lessee or agent of either shall make such application.
- D. Compliance.** Said zoning confirmation shall only be issued when the use on the property in question is found to be in compliance with all applicable Sections of the Unified Development Ordinance.
- E. Revocation.** The Director of the Division of Planning and Zoning may revoke a permit or approval issued under the provisions of this Section in cases where there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

**PART 5. PROCEDURES FOR REZONINGS AND AMENDMENTS TO THE
ORDINANCE**

SECTION 405.535: PROCEDURES FOR REZONING AND AMENDMENTS

- A.** The County Council or Planning and Zoning Commission may, from time to time, on its own motion or on petition, amend, revise, or change the Unified Development Ordinance or the zoning district boundaries herein or subsequently established. The procedure is as set out in Subsection (B) hereof.^{*5}
- B. Procedures For Rezonings.**
1. Change by petition. Applications for amendment, revision, or change of the Zoning District Map of St. Charles County may be made by any owner, attorney, agent, representative, or contract purchaser who wants land to be rezoned. Satisfactory evidence of ownerships shall be provided at the time of application. Such application shall be made upon forms prescribed by the Planning and Zoning Commission and duly filed with the Division of Planning and Zoning. For the purpose of developing a staff recommendation to approve, reject, or modify the rezoning, an applicant for rezoning authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property. This authority shall cease upon the Governing Body's decision on the rezoning.^{*14,*46}
 - a. Accompanying said application the following shall be provided.^{*14,*46}
 - A legal description of the property to be rezoned.^{*14}
 - A current recorded deed to the property showing ownership.^{*14}
 - An application fee as set by ordinance.^{*14}
 - b. Immediately upon receipt of such applications which include all items listed above, the Division of Planning and Zoning shall note thereon the date of filing and make a permanent record thereof.^{*14,*28}
 - c. All such applications shall be set down for hearing before the Planning and Zoning Commission not later than the second (2nd) regular monthly meeting of the Planning and Zoning Commission from the date of filing the same. Notice of such hearing shall be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the Administration Building of the County and on the St. Charles County Government website. Notice shall also be given, at least fifteen (15) days before the hearing, by U.S. mail to all owners of any real property (as per the current records of the St. Charles County Assessor) within one thousand (1,000) feet of the parcel of land for which the change is proposed.^{*14,*60}
 - d. The hearing may be continued and/or the deliberation on a case delayed until the next regularly scheduled meeting by the concurrence of three (3)

Commissioners on a one-time basis. Additional hearing and/or deliberation continuances shall require the majority vote of the Commission. Upon the final hearing of such application the Planning and Zoning Commission shall approve or deny that application by majority vote. A report of the Commission's action, together with a recommendation for final approval or denial, shall be made by the Commission to the governing body within forty-five (45) days of the conclusion of the public hearing.^{*14,*46}

- e. Upon receipt of the Planning and Zoning Commission's report and recommendation, the Governing Body may approve, deny or amend the application or the applicant may amend the application. The proposed amendment must either reduce the area to be rezoned or reduce the intensity of the original zoning district applied for.^{*46}
2. Change by the County Council or the Planning and Zoning Commission. Recommendations for revision, amendment, or change of this Chapter or Chapter 410, including the Zoning District Map, may also be made by the Planning and Zoning Commission upon its own motion, for final determination by the County Council; likewise, the County Council may revise, amend, or change this Chapter or Chapter 410, upon its own motion. In case of a recommendation for revision by the Planning and Zoning Commission, final action thereon shall be taken only after notice and hearing as provided in section 405.535.1.d, above. In the case of a recommendation for revision by the County Council, final action thereon shall be taken by ordinance.^{*5}
3. Written protest. In case of written protest (legal remonstrance) against any proposed change, revision, or amendment signed and acknowledged by thirty percent (30%) of the owners of real property within one thousand (1,000) feet of the parcel of land for which the change, revision, or amendment is proposed, or in cases where the land affected lies within one and one-half (1½) miles of the corporate limits of a municipality having in effect ordinances zoning property within the corporate limits of such municipality, made by resolution of the City Council or Board of Trustees thereof, and filed with the County Registrar, such change, revision, or amendment may not be passed except by five (5) of the seven (7) members of the County Council.
4. Time limit on repeat applications previously denied. Any application for amendment, revision, or change of the Zoning District Map that does not receive final approval of the County Governing Body may not be resubmitted to the Planning and Zoning Commission as a new application for a period of at least twelve (12) months from the date of the Governing Body's final decision, except in cases where the requested zoning district(s) differs from the original application.

PART 6. NON-CONFORMING USE REGULATIONS**SECTION 405.540: NON-CONFORMING USE OF LAND**

In all districts where open land is being used as a non-conforming use, such use may be continued as long as it remains otherwise lawful subject to the following provisions:^{*46}

1. **Enlargement.** No such non-conforming use of a parcel or lot shall be enlarged, expanded, or extended to occupy a greater area of land or floor space than was occupied on the date of adoption or amendment of this ordinance, and no additional accessory use, building, or structure shall be established thereon.
2. **Relocation.** No such non-conforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not so occupied on the date of adoption of this ordinance or to a parcel or lot not in conformance with this Chapter or Chapter 410.
3. **Discontinuance.** If such non-conforming use of a parcel or lot ceases, for any reason, for a period of more than one hundred eighty (180) consecutive days (except where government action causes such cessation), the subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Chapter or Chapter 410 for the district in which such parcel or lot is located. Any non-conforming salvage yard may be continued, provided it is enclosed with an eight (8) foot sight-proof fence.

SECTION 405.545: NON-CONFORMING USE OF BUILDINGS

The lawful use of a building existing at the effective date of this ordinance may be continued, although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this ordinance.

SECTION 405.550: DISCONTINUANCE OF NON-CONFORMING USES

Any building or portion thereof, used in whole or in part for a non-conforming use and which remains idle or unused for a continuous period of one (1) year, whether or not the equipment or fixtures are removed, shall only be used in conformity with the regulations of the district in which it is located.

SECTION 405.555: DESTRUCTION OF A NON-CONFORMING USE

Any building which has been damaged by any cause whatsoever to the extent of fifty percent (50%) or more of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of this Chapter or Chapter 410, and all rights as a non-conforming use are terminated. If a building is damaged by less than fifty percent (50%) of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage.

SECTION 405.560: CONDITIONAL USES NOT NON-CONFORMING

Existing uses eligible for conditional use permits shall not be non-conforming uses, but shall require a conditional use permit for any alteration, enlargement, or extension.

SECTION 405.565: INTERMITTENT USE

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use, and the existence of a non-conforming use on the part of a lot or tract of land shall not be construed to establish a non-conforming use on the entire lot or tract of land.

SECTION 405.570: EXISTENCE OF A NON-CONFORMING USE

Whether a non-conforming use exists shall be decided by the Director of the Division of Planning and Zoning upon application by the owner or developer of any existing structure or building or use for a certificate of non-conforming use. The burden shall be on the owner or developer to establish an entitlement to continue a non-conformity or to complete a non-conforming development. The Director of the Division of Planning and Zoning shall review all evidence submitted, inspect the structure, building, or use which is the subject of the application, and grant or deny the certificate. Within forty-five (45) days from the date on which the Director of the Division of Planning and Zoning issues a decision to grant or deny the certificate, the decision of the Director of the Division of Planning and Zoning may be appealed to the Board of Zoning Adjustment, which shall hear and decide such an appeal in accordance with Part 7, Section 405.590 et seq.

SECTION 405.575: NON-CONFORMING USES NOT VALIDATED

A non-conforming use in violation of a provision of the ordinance or order which this ordinance repeals shall not be validated by the adoption of this ordinance.

SECTION 405.580: NON-CONFORMING USE DUE TO CHANGE IN ZONING

When the use of a building becomes non-conforming through an amendment to the Unified Development Ordinance or Zoning District Map, such use may be continued, and if no structural alterations are made, it may be changed to another non-conforming use of a higher classification.

SECTION 405.585: NON-CONFORMING USE ENLARGED

A building containing a non-conforming use may not be enlarged, extended, or altered, unless such use is made to conform to the regulations of the district in which it is located, provided however, that in the case of evident hardship, a building containing a non-conforming use may be enlarged an amount not greater than fifty percent (50%) of its original area or ground floor area by variance from the Board of Zoning Adjustment after public hearing.

PART 7. COUNTY BOARD OF ZONING ADJUSTMENT**SECTION 405.590: GENERAL POWERS, DUTIES AND PROCEDURES**

- A.** Appeals to the Board of Zoning Adjustment (BZA) may be taken by any owner, lessee, or tenant of land, or by a public officer, department, board, or bureau affected by any decision of the Director of the Division of Planning and Zoning. Such appeals shall be made within a period of not more than forty-five (45) days from the date of the decision, and in the manner provided by the rules of the Board. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Director of the Division of Planning and Zoning shall certify to the Board that, by reason of facts stated in the certificate, a stay would, in the Director of the Division of Planning and Zoning's opinion, cause imminent peril to life or property. For the purpose of processing the application, an applicant for an appeal to the Board of Zoning Adjustment authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property. This authority shall cease upon the Board of Zoning Adjustment's decision on the variance.^{*46}
- B.** The Board of Zoning Adjustment shall fix a reasonable time for the hearing of the appeal and give public notice thereof not less than five (5) nor more than fifteen (15) days prior to said hearing by posting on the St. Charles County Government website. The Board shall also give notice of that hearing by U.S. mail neither less than five (5) nor more than fifteen (15) days prior to said hearing to the owners or agents of property abutting or fronting upon the property involved in the appeal, if the names and addresses are reasonably available. A filing fee as set by ordinance shall accompany an application to the Board of Zoning Adjustment. In addition to the filing fee, an application for a variance shall include the following: (1) the current deed or title to the property showing ownership; (2) a legal description to the property (if not included on the deed); (3) a parcel map from the County Assessor's office showing the property and the surrounding properties; (4) a statement of hardship or explanation of appeal; (5) a development plan, either in narrative form or as a site plan, if applicable, drawn to scale to indicate the intended use of the property; (6) a completed owners' authorization form containing the notarized signatures of all owners of the property and all other individuals who will represent them in the application; and (7) all other information as deemed necessary to complete the application. The Board shall render its decision within forty-five (45) days of such hearing. The appellant and the officer appealed from shall be notified in writing of the decision of the Board.^{*28, *60}
- C.** The Board of Zoning Adjustment shall render decisions only on appeals from an action of the Director of the Division of Planning and Zoning or his/her duly appointed authority, when it has determined that a permit has been incorrectly issued or denied, or when the appellant proves undue and unnecessary hardship due to a provision or provisions herein contained as applied to a specific lot or tract. Where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any area, or non-use regulation contained herein, would result in peculiar and exceptional difficulties

to, or exceptional and demonstrable undue hardship on, the owner of such property as to cause unreasonable deprivation of use as distinguished from the mere granting of a privilege, the Board of Zoning Adjustment may vary the strict application of the area or non-use regulations upon appeal by the owner of such property in order to relieve such demonstrable difficulties or hardships, provided that such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zoning regulations as embodied in the Unified Development Ordinance and maps. In case of unnecessary or undue hardship, due to a peculiar characteristic of a specific lot or tract, the Board may issue a variance, signed by the Chairperson, and set out the terms or conditions of the variance. In no case shall the Board of Zoning Adjustment issue a variance permitting a use to be placed in a district in which it is not permitted in this Chapter or Chapter 410. In no case shall the Board decide an appeal from a legislative action of the County Council.^{*46}

- D.** In exercising the above-mentioned powers, the Board may, in conformity with the provisions of this Part, reverse or affirm, wholly or partly, or may modify the ordinance, requirement, decision, or determination as ought to be made, and, to that end, shall have all the power of the officer from whom the appeal is taken.
- E.** Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the Board of Zoning Adjustment may, at the option of the owners, lessees or tenants, appeal the decision of the Board, as provided by Statute, to the Circuit Court by filing a petition, duly verified, specifying the grounds of the illegality and asking for relief therefrom and thereafter proceedings shall be had thereon as provided by the appropriate State Statutes or, where the decision of the Board of Zoning Adjustment was not unanimous, may appeal the decision of the Board of Zoning Adjustment to the County Council within fourteen (14) working days of mailing of the decision of the Board of Zoning Adjustment as provided in Section 405.639.

SECTION 405.595: ESTABLISHMENT

A County Board of Zoning Adjustment is hereby established consisting of five (5) citizens, of which not more than two (2) shall be residents of the incorporated area of St. Charles County, and not more than one (1) may be a member of the Planning and Zoning Commission, who shall be registered voters and residents of St. Charles County for at least one (1) year prior to the appointment.

SECTION 405.600: ALTERNATES

There shall be two (2) alternate members appointed to the Board of Zoning Adjustment. In the event of a member's absence, either alternate shall be selected to fill in for that member at a Board meeting. In such a case, the alternate will have the same powers and duties as a regular member. The alternate members shall be citizens who shall be registered voters and residents of St. Charles County for at least one (1) year prior to the appointment.

SECTION 405.605: TERMS

Each member shall serve a four (4) year term which ends April thirtieth (30th). One (1) member shall be appointed annually in April of each year, except in 1996, and every four (4) years thereafter, two (2) members shall be appointed. Each alternate shall serve a four (4) year term which ends April thirtieth (30th), with one (1) alternate being appointed every two (2) years. No member shall serve more than two (2) consecutive terms.

SECTION 405.610: APPOINTMENTS

Each member of the Board of Zoning Adjustment shall be appointed by the County Executive, with approval of the Council, pursuant to St. Charles County Charter Article V, Section 5.104.

SECTION 405.615: OATH

Each member shall take an oath, to be administered by the County Registrar, to ensure that the spirit and intent of the Unified Development Ordinance shall be observed, the welfare of the public upheld, and substantial justice is done.

SECTION 405.620: VACANCIES

Vacancies or absences on the Board of Zoning Adjustment caused by death, incapacity to perform duties, failure to attend three (3) consecutive meetings, or resignation shall be filled forthwith by appointment pursuant to St. Charles County Charter Article V, Section 5.104, and this Part of this Chapter.

SECTION 405.625: MEETINGS

The County Board of Zoning Adjustment shall meet at least once a month for the purpose of hearing and deciding appeals by any owner, lessee, or tenant of land, or by a public officer, department, board, or bureau, affected by any decision of the administration officer in administering the Unified Development Ordinance.

1. Place. The Board may meet at any public place within St. Charles County, but will normally meet in one (1) of the County owned facilities.
2. Time. The Board shall hold meetings at such times as it deems necessary in order to exercise its powers and duties.

SECTION 405.630: DUTIES/POWERS

The following shall be the duties and powers of the Board of Zoning Adjustment:

1. The Board shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Unified Development Ordinance.

2. The Board shall hear and decide all matters referred to it on which it is required to determine under the Unified Development Ordinance.
3. The Board may, where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation contained herein would result in peculiar and exceptional difficulties to, or exceptional and demonstrable undue hardship on the owner of such property as an unreasonable deprivation of use as distinguished from the mere granting of a privilege, authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such demonstrable difficulties or hardships, provided such relief as can be granted without substantially impairing the intent, purpose, and integrity of the regulations as embodied in the Unified Development Ordinance and maps.
4. The Board shall determine the existence of non-conforming uses when appealed from the decision of the Director of the Division of Planning and Zoning, as set forth in Part 6 of this Chapter, Sections 405.540 et seq.
5. The Board may not hear appeals regarding Chapter 410 of this Title.
6. The Board may adopt rules of procedure consistent with the provisions of the Constitution of Missouri and the St. Charles County Charter and ordinances.
 - a. A copy of the rules adopted by the Board shall be filed with the County Registrar. The rules shall provide for fair and adequate notice to individual landowners of actions and hearings of the Board of Zoning Adjustment affecting their interests and appropriate notice of the public meetings of the Board of Zoning Adjustment. The rules adopted may include such other matters as the Board deems necessary to the conduct of its business.
 - b. The rules shall be adopted by a majority of the entire Board.
7. The Board may compel the attendance of witnesses and production of documents, as such power is conferred by law.
8. The Board shall keep a record of all its proceedings. Within thirty (30) days following the record being signed by the Chair of the Board, the Board shall file with the County Registrar a record of its proceedings.
9. The Board shall have all powers given to County Boards of Zoning Adjustment under Missouri Law.

SECTION 405.635: MAJORITY

A majority of the Board shall constitute a quorum, and the concurring vote of four (4) members shall determine all matters of appeal or revision.

SECTION 405.639: APPEALS TO THE COUNTY COUNCIL

- A.** Appeals to the County Council shall be on a form approved by the Council.
- B.** In the event of an appeal, the Board of Zoning Adjustment shall provide the record of the landowner's request for variance and all records held by the Board of Adjustment to the County Council, as well as the decision of the Board of Zoning Adjustment with the reasons for denial. The County Council may affirm, reverse, modify or amend, in whole or in part, any determination of the Board of Zoning Adjustment. It shall require the affirmative vote of five (5) members of the County Council to reverse, modify or amend the decision of the Board of Zoning Adjustment.
- C.** Affirmation, reversal, modification or amendment of the decision of the Board of Zoning Adjustment by the County Council shall be in the form of an ordinance.
- D.** Appeal of the decision of the County Council shall be pursuant to the Missouri Administrative Procedure Act, codified at Chapter 536 of the Revised Statutes of Missouri.

PART 8. VIOLATION AND PENALTY**SECTION 405.640: ENFORCEMENT, INVESTIGATION AND RECORDS**

It shall be the duty of the Director of the Division of Planning and Zoning or his/her duly authorized representative to enforce this Chapter and Chapter 410. The Director of the Division of Planning and Zoning shall enforce all provisions of this Chapter and Chapter 410 relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location, and maintenance of buildings, structures, and premises, except as may be otherwise provided for. The Director of the Division of Planning and Zoning shall, when requested by the Governing Body, or when the interests of the County so require, make investigations in connection with matters referred to in this Chapter or Chapter 410. The Director of the Division of Planning and Zoning or his/her duly authorized representative shall keep comprehensive records of complaints investigated, inspections made, and Board of Zoning Adjustment variance applications. The Division of Planning and Zoning shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open for public inspection at reasonable hours, but shall not be removed from the offices of the Division of Planning and Zoning. The Director of the Division of Planning and Zoning may request and shall receive, so far as may be necessary in the discharge of his/her duties, the assistance and cooperation of other County Officials, including, but not limited to, the following: Sheriff, Building Commissioner, County Engineer, Director of the Division of Development Review and County Counselor.

SECTION 405.645: VIOLATIONS – MISDEMEANOR

- A. The Director of the Division of Planning and Zoning or his/her duly authorized representative shall have the power to cause any land, building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein in violation of this Chapter or Chapter 410, except as provided in subsection B, below. If the Director of the Division of Planning and Zoning or his/her duly authorized representative finds that the use of any building, structure, or land, or the work on any building or structure, violates any of the provisions of this Chapter or Chapter 410, the Director of the Division of Planning and Zoning or his/her duly authorized representative shall sign and issue a written order so stating. With respect to uses that violate this Chapter or Chapter 410, the written order shall direct that such use(s) be stopped within ten (10) days, or, in the case of any violation of Section 405.415(O) of this Chapter, an order that all fill and filling on the land that is the subject of the violation must be stopped immediately, that such fill or filling may not resume until after the violation is corrected by removal of any prohibited fill material from the subject property, and that such removal be completed within ten (10) days. With respect to work on buildings or structures that violates this Chapter or Chapter 410, the written order shall direct that such work be stopped immediately. The written order shall be served upon the owner and (where appropriate) the tenant or lessee or occupant of the building, structure or land that is the subject of the violation, as well as on any person doing work on buildings or structures in violation of this Chapter or Chapter 410.^{*46}

- B.** With respect to construction of public improvements or any improvements subject to review by the Division of Development Review pursuant to this Chapter or Chapter 410, the Director of the Division of Development Review shall have power to cause any such work to be inspected and examined and to order in writing the remedying of any condition found to exist therein in violation of this Chapter or Chapter 410. Such orders shall direct that work stop immediately and may not resume until after such violation is corrected.^{*46}
- C.** Any person who violates an order issued under this Section after having been served with it shall be guilty of a misdemeanor and liable for a fine not to exceed five hundred dollars (\$500.00) a day or six (6) months' imprisonment in the County Jail, or both. Every day that such violation continues shall constitute a separate violation.^{*46}

SECTION 405.650: VIOLATIONS -- ACTIONS TO ABATE

Any lessee, owner, or tenant of land located within any unincorporated area of St. Charles County who shall construct, reconstruct, alter, relocate, or maintain any building or other structure, or use land in violation of the provisions of this Chapter or Chapter 410, shall be guilty of a misdemeanor. In the case of such a violation, the Governing Body, Planning and Zoning Commission, Prosecuting Attorney, County Counselor or any other officer or official appointed or designated by the Governing Body, or the owner of any private property or any public body -- the property of whom or which is or may be affected by any such violation -- may institute in the Circuit Court any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, relocation, maintenance, or use, or to restrain, abate, or correct such violation, or to prevent the occupancy of such building or structure or unlawful use of such land, and to prevent any illegal act, conduct, business, or use in or about the premises.

SECTION 405.655: VIOLATIONS--PERSONS LIABLE

The owner or general agent of any such land, building, structure, or premise where a violation of this Chapter or Chapter 410 has been committed or shall exist, or the lessee or tenant of any entire building or entire premise where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premise in which the violation has been committed or shall exist, or the owner, general agent, architect, builder, or contractor, or any other person who knowingly commits, takes part, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) a day or six (6) months' imprisonment, or both. Each and every day that such violation continues shall constitute a separate offense.

CHAPTER 410: UNIFIED DEVELOPMENT ORDINANCE OF ST. CHARLES COUNTY, MISSOURI "SUBDIVISION REGULATIONS"

Editor's Note--In 1959, St. Charles County, Missouri, first adopted a Zoning Order including Rules for Land Subdivision. (Order of the St. Charles County Court, Nov. 2, 1959.)

In 1972, St. Charles County adopted the Revised Zoning Order for St. Charles County, Missouri [first edition]. (Order of the St. Charles County Court, Dec. 14, 1972.)

In 1975, St. Charles County adopted the Revised Rules for Land Subdivision of St. Charles County. (Order of the St. Charles County Court, July 29, 1975.)

In 1976, St. Charles County adopted the Revised Zoning Order for St. Charles County, Missouri, Second Edition. (Order of the St. Charles County Court, Sept. 14, 1976.)

In 1978, St. Charles County supplemented the Revised Zoning Order for St. Charles County Missouri, Second Edition, by adopting: A Zoning Order Section Introduced by the Governing Body Creating Floodway and Floodway Fringe Districts Defining the Same and Setting Forth Regulations Thereof. (Order of the St. Charles County Court, Dec. 15, 1978.)

In 1990, St. Charles County supplemented the Revised Rules for Land Subdivision of St. Charles County, by adopting: Appendix D--The Model Sediment and Erosion Control Regulations. (Order of the St. Charles County Commission, Jan. 18, 1990.)

In 1992, St. Charles County amended its supplement to the Revised Zoning Order of St. Charles County, Missouri, Second Edition, by amending and adopting: A Zoning Order Section Introduced by the Governing Body Creating Floodway, Floodway Fringe, and Density Floodway Districts Defining the Same and Setting Forth Regulations Thereof. (Order of the St. Charles County Commission, December 14, 1992.)

In 1993, upon the effective date of the St. Charles County Charter (1992), St. Charles County continued in force all existing legislation of St. Charles County, including the Revised Zoning Order for St. Charles County, Missouri, Second Edition, and the Revised Rules for Land Subdivision of St. Charles County, as amended to date. (St. Charles County Charter Art. XI, Section 11.1000 (1992); St. Charles County Ordinance No. 93-1, section 2 (Section 100.140.B of the Ordinances of St. Charles County, Missouri).)

Since 1993, St. Charles County enacted other ordinances further amending the Revised Zoning Order for St. Charles County, Missouri, Second Edition, and the Revised Rules for Land Subdivision of St. Charles County.

In 1999, St. Charles County adopted the Unified Development Ordinance for St. Charles County, Missouri, by ordinance number 99-99 enacted July 12, 1999, replacing Chapters 405 and 410 as then in place and effective August 23, 1999.

Cross Reference--As to zoning, see ch. 405; as to sediment and erosion control regulations, see §410.510 et seq.; as to floodplain regulations, see §405.245 et seq.

ARTICLE I. GENERAL PROVISIONS**SECTION 410.010: SCOPE AND LEGAL AUTHORITY**

- A.** For the purpose of present and future development of the County of St. Charles and for the promotion of public health, safety, and welfare of persons living within the territory governed, the provisions and regulations hereinafter contained shall govern subdividers and the subdividing and platting of lands lying within the area of jurisdiction of the County of St. Charles.
- B.** The rules and regulations governing plats and subdivision of land contained herein shall apply within the County in the unincorporated area. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between the County and the other municipality or municipalities concerned, unless the matter is under litigation. Except in the case of resubdivision, this Chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder of Deeds prior to the effective date of this Ordinance, nor is it intended by this Chapter to repeal, annul, or in any way impair or interfere with existing provisions of other laws or orders, except those specifically repealed by, or in conflict with, this Chapter, or with restrictive covenants running with the land. Where this Chapter imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of this Chapter shall control.

SECTION 410.020: APPLICATION OF ORDINANCE

No lot in a subdivision, as defined herein, may be conveyed unless a final plat of the property has been approved according to the rules and regulations of the ordinance and recorded in the office of the St. Charles County Recorder of Deeds.

SECTION 410.030: INTENT AND PURPOSE

This Chapter is intended for the purpose of providing adequate services and utilities, safe and convenient access, a desirable and attractive living environment through good subdivision design, and utilizing development standards directed toward reasonable costs for initial development and continuing maintenance, including the following:

1. The proper location alignment and width of streets, building setback lines, open spaces, recreational areas, and public lands.
2. The avoidance of overcrowding of population and congestion of vehicular traffic.
3. The manner in which streets are to be graded and improved, and the extent to which water, sewer, stormwater and other utility services are to be provided.

4. The provision of adequate space for traffic for utility facilities; access of emergency apparatus; control of the number, spacing, type and design of access points to existing or future streets; minimum width, depth, and area of lots; light and air; and a proper distribution of population.
5. The provisions in this Chapter shall be administered to ensure orderly growth and development and facilitate the provisions in the current Master Plan as approved by the Governing Body and the Unified Development Ordinance for St. Charles County, Missouri.

SECTION 410.040: INTERPRETATION

- A. This Chapter is intended as Minimum Requirements to provide for efficient, coordinated, and economic development of the County, to ensure the adequacy of street and utility facilities, and to promote public health, safety, and welfare.
- B. If any other provision of law relates to any matter covered herein, the regulation providing the higher standard shall apply.

SECTION 410.050: DEFINITIONS

The definitions set out in Section 405.060 of this Title of the Code of Ordinances of St. Charles County, Missouri, shall apply to this Chapter.

ARTICLE II. GENERAL REQUIREMENTS

SECTION 410.060: APPROVAL BY THE PLANNING AND ZONING COMMISSION AND COUNTY COUNCIL--PROTEST BY MUNICIPALITIES

- A. No plat for subdivision of land in the unincorporated areas of St. Charles County shall be deemed approved unless and until it is voted on by the Planning and Zoning Commission. If, however, such plat be amended or rejected by the Planning and Zoning Commission, or if the Council or Board of Trustees of any municipality files with the St. Charles County Registrar a certified copy of a resolution of such Council or Board protesting against the action of the Planning and Zoning Commission approving any such plat of any land lying within one and one-half (1½) miles of the limits of the incorporated area of such municipality, or as prescribed by the State Statutes, such approval shall be deemed overruled, and such plat must then be approved by an ordinance with approval of five (5) members of the County Council, and the reasons for the approval or failure to approve such plat shall be spread upon the records of the Governing Body and certified to the Planning and Zoning Commission.
- B. All plans, plats, or replats of land hereafter laid out in building lots and the streets or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and descriptions of all streets or public ways intended to be deeded or dedicated for public

use, or for the use of purchasers or owners of the land fronting thereon or adjacent thereto, which is not intended to be platted into lots or other designated tracts, shall be submitted to the Planning and Zoning Commission for their consideration and their recommendation, and shall then be submitted to the Governing Body or Director of the Division of Planning and Zoning for their official consideration and action, and no such plat or replat or dedication or deed or street or public way shall be filed with the County Recorder of Deeds as provided by law until such plat or replat or dedication or deed shall have been endorsed thereon, approved by the Planning and Zoning Commission and by the Governing Body or Director of the Division of Planning and Zoning. If the Planning and Zoning Commission does not act on the plat within forty-five (45) days of initial review by the Commission, it shall be deemed approved and the Commission shall certify such facts upon the plat. In all approvals by inaction, the matter shall require an affirmative vote of the majority of the County Council. In the case of disapproval, the Commission shall inform the applicant of the reasons for its actions in writing within five (5) business days. In the case of an approval, the Director of the Division of Planning and Zoning shall endorse thereon the plan as approved by the Planning and Zoning Commission.

- C.
1. Any replat involving resubdivision of lots in subdivisions previously recorded in the records of the County Recorder of Deeds submitted to the Planning and Zoning Commission for consideration and recommendation shall be accompanied by a certified copy of recorded subdivision covenants, indentures or restrictions, if any. If there are no such restrictions, the applicant shall so state in writing and shall make such representation a part of the application for resubdivision.^{*17}
 2. The Planning and Zoning Commission, the governing Body or Director of the Division of Planning and Zoning may take into consideration the limitations on the resubdivision which are imposed in duly authorized and binding subdivision covenants, indentures or restrictions, if any.^{*17}

SECTION 410.070: INSTANCES WHEN PLATS WILL NOT BE REQUIRED

The provisions of these regulations do not apply, and no plat is required in any of the following instances:

1. The division of land into no more than two (2) parcels or tracts less than 10 acres in size and into tracts equal to or greater than ten (10) acres, provided no illegal zoning lot is created and the parcels or tracts are not within a recorded subdivision. All parcels or tracts must abut a public or private street or a new recorded easement serving no more than two (2) parcels. The original parcel or tract that is divided must have been recorded prior to August 23, 1999.^{*28}
2. The sale or exchange of parcels of land between owners of adjoining and contiguous land provided that no illegal zoning lot is created, when not within recorded subdivisions.

3. The conveyance of parcels of land or interests therein for use as a right-of-way for railroads, or other public utility facilities and pipelines which do not involve any new streets or easements of access.
4. The conveyance of land for highway or other public purposes or grants or conveyance relating to the vacation of land impressed with a public use.
5. Conveyances made to correct description of prior conveyances.

SECTION 410.080: SUITABILITY OF LAND FOR SUBDIVISION DEVELOPMENT

Land unsuitable for subdivision development due to drainage, flood hazard area, jurisdictional wetlands, hillside area, rock formation, or any other conditions constituting significant danger to health, life, and/or property, shall not be approved for subdivision development, unless the subdivider presents evidence or data satisfactory to the Commission establishing that the methods proposed to meet any such conditions are adequate to protect health, life, and/or property.

SECTION 410.090: REVIEW OF PLATS BY OTHER AGENCIES

At the option of the Director of the Division of Planning and Zoning and/or the Planning and Zoning Commission, proposed plats may be submitted to various agencies for review and comment. The applicant or their representative shall be informed of the comments thirteen (13) days prior to the meeting.

ARTICLE III. PROCESS AND SPECIFICATIONS**SECTION 410.100: REVIEW FEES**

All preliminary plat review fees as set by ordinance shall be determined and paid prior to the Planning and Zoning Commission meeting where the preliminary plat will be presented.^{*46}

SECTION 410.110: PRELIMINARY PLAT REQUIREMENTS

- A.** Fifteen (15) folded prints of the preliminary plat, a reduced copy of the plat sheet measuring eight and one half inches (8.5) by eleven (11) inches or eleven (11) inches by seventeen (17) inches and a digital version shall be submitted to the Division of Planning and Zoning at least twenty-seven (27) days before the meeting at which approval is requested. All preliminary plats shall be prepared by a Missouri registered professional land surveyor and/or Missouri registered professional engineer and bear their signature and seal. At the discretion of the Director of the Division of Planning and Zoning, an aerial photo of suitable scale and vintage may be required. The photo shall have superimposed upon it the boundary of the property in question and any other information as may be deemed necessary by the Director of the Division of Planning and Zoning. Prior to submittal of a preliminary plat, the applicant may submit to the planning staff a concept plan for initial review. For the purpose of investigating a preliminary plat an applicant authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property while the plat is in the approval process. This authority shall cease upon completion of the plat review.^{*14,*46}
- B. Notification.** After receiving a preliminary plat, the Division of Planning and Zoning will give notice by U.S. mail to the adjacent property owners. Notice shall be given to the adjacent property owners at least fifteen (15) days prior to the Planning and Zoning Commission meeting that the preliminary plat will be presented.
- C. Preliminary Plat Information. Preliminary plats shall include, at minimum, the following unless waived by the Director of Planning and Zoning:^{*28}**
1. Identification.
 - a. Proposed name of the subdivision.
 - b. Names, addresses, and telephone numbers of owners, developers, and the engineers, as well as the surveyors responsible for preparation.
 - c. North point, a scale of one (1) inch equals two hundred (200) feet or larger, and date.
 - d. Approximate acreage in tract to one-tenth (1/10) of an acre.

- e. Location or key map.
 - f. A statement to the effect that "this plat is not for record" shall be stamped or printed on all copies of the preliminary plat.
2. Plat information.
- a. Location of boundary lines and their relation to established section lines, fractional section lines or U.S. survey lines.
 - b. Physical features of property, including watercourses, ravines, ponds (standing water), existing and proposed bodies of water, levees or drainage area, forested areas (every effort must be made to preserve as many existing trees as possible), outcropping of rock, bridges, culverts, present structures, existing sidewalks, pipelines, overhead electric lines, and off-street parking, if applicable, as well as all easements of record for pipelines, overhead electric lines and other utilities. Watercourses left in their natural state must be shown within common ground, with lot lines set back from the top of the existing stream bank, or from the 10-year, 24 hour or 15-year, 20 minute water surface elevation, where no established top-of-bank can be determined, for all subdivisions except those with lots three (3) acres or larger in size, as provided by Part 3, Article VI of Chapter 405 of this Unified Development Ordinance. All plats shall clearly show the boundaries of any setback from natural watercourses on the subject property which are left in their natural state and provide a note to reference that setback area stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County, Missouri".^{*9,*28}
 - c. Indicate average lot size for the development.
 - d. Topography of tract with contour interval of one (1), two (2), or five (5) feet on U.S.G.S. Datum.
 - e. Names of adjacent subdivisions, including existing lot numbers and/or property lines and owners, around perimeter within one hundred (100) feet, showing existing streets, highways, etc.
 - f. Location, width, and names of existing and proposed streets with right-of-way, pavements, roads, lot dimensions, sidewalks, setback lines, easements, parks, school sites, and other features of the proposed subdivision.
 - g. Cul-de-sac islands and raised medians shall be included within right-of-way if that right-of-way is dedicated by plat to the public and if

improvements within that right-of-way are to be maintained by the public, as provided in Section 410.210.C, below.^{*1}

- h. Indicate the street dedication public or private. Note that all public streets will be constructed to St. Charles County Public Standards. Private streets will be constructed either to Public Standards, if applicable, or to the standards of Section 410.370(A) (2). If a private street, indicate the structural composition of the street.
- i. All approximate gradients of streets will be shown.
- j. Indicate the centerline curve radius on streets.
- k. Depict a standard County entrance configuration at the entrance(s) to the development.
- l. Depict any dedication strips along existing roadways.
- m. Designation of land use, whether for residential, commercial, industrial, or public use, and present zoning district.
- n. Designation of utilities to serve proposed subdivision.
- o. Designation of the school and fire district which serves the proposed subdivision.
- p. Location of dry and/or wet detention areas for stormwater runoff in common ground, with permanent feasible access provided for maintenance of same. The plat shall also dedicate to St. Charles County or its successors in interest an easement of access to and in the common ground occupied by any detention areas for the purpose of inspection and enforcement of all applicable regulations of such detention areas.^{*14}
- q. Common ground acreage to nearest one-tenth (1/10) of an acre and designation of common ground.
- r. Depict floodway fringe, density floodway, and floodway boundaries, and provide base flood elevations as shown on Flood Insurance Rate Maps (FIRMS) issued by the Federal Emergency Management Agency (FEMA) and the maps presently filed in the office of the Division of Planning and Zoning. Any floodway areas or wetlands must be shown as common ground.
- s. Provide proposed development stormwater runoff factor.^{*46}

- t. Other information, as may be required by the Director of the Division of Planning and Zoning, to serve the intent and purpose of this Chapter. ^{*46}
- u. Depict the location of water lines for subdivisions with individual water treatment systems. ^{*46}
- v. Note on plat that all stub streets will likely be extended in the future development. ^{*46}

SECTION 410.120: WRITTEN STATEMENTS TO BE INCLUDED WITH SUBMITTALS OF PRELIMINARY PLATS FOR REVIEW ^{*13,*29}

- A. An applicant for approval of a preliminary plat to be served by individual waste treatment systems must meet the following requirements, in addition to those set out in Section 410.110. ^{*13}
 - 1. A Department of Natural Resources approved engineering geologic report must be submitted to the Division of Building Code Enforcement prior to a review of the soil evaluation report. ^{*13}
 - 2. A soil evaluation report utilizing a five (5) foot deep test pit and one (1) permeability evaluation for every lot must have Division of Building Code Enforcement approval prior to the Planning and Zoning Commission vote on the final plat. Additional permeability evaluations will be required by the Division of Building Code Enforcement based on grade, lot, and subdivision sizes or any other physical characteristics. Permeability evaluation to be conducted by a soils scientist licensed by the State Health Department. After the final subdivision plat is approved, at least one (1) additional permeability evaluation will be required on each lot located in the area of the proposed leach field. Further evaluations may be required by the Division of Building Code Enforcement. ^{*13}
- B. An applicant for approval of a preliminary plat that is subject to any easement for pipelines, overhead electric lines and other utilities that must be shown on the preliminary plat pursuant to Section 410.110.C.2.b must supply as many additional copies of the preliminary plat as may be required for St. Charles County to forward for comment to all holders of easements in the property to be subdivided that are for the purpose of accommodating one or more high-pressure pipeline(s). ^{*13}
- C. An applicant for approval of a preliminary plat in which subdivision streets connect to roads or highways under the jurisdiction of the State of Missouri or another political subdivision must meet the following requirements, in addition to those set out in Section 410.110. ^{*29}
 - 1. The applicant must submit concept designs for any connections between subdivision streets and existing roads or highways and for any improvements to

them that may be required by the jurisdiction with legal responsibility to maintain improvements within those existing roads or highways.^{*29}

2. The applicant must also submit written documentation that the jurisdiction with legal responsibility to maintain improvements within those existing roads or highways has approved those concept designs, that a party has agreed with that jurisdiction to build the improvements called for in those concept designs.^{*29}

SECTION 410.130: PRELIMINARY PLAT REJECTION FOR REVIEW BY STAFF

The Director of the Division of Planning and Zoning shall review the submitted preliminary plat and other information and documentation submitted, and within eight (8) business days shall determine if the plat as submitted is complete. If the preliminary plat is determined to be incomplete, the Director of the Division of Planning and Zoning shall return the plat to the consultant/designer who prepared the plat with a written explanation of the additional information needed for a staff review.

SECTION 410.140: PRELIMINARY PLAT APPROVAL

Preliminary plat approval shall confer upon the subdivider the following rights and privileges:

1. The preliminary plat will remain in effect for a two (2) year period from the date of final approval by the Governing Body or Director of the Division of Planning and Zoning. The applicant may, during this period, submit all or part or parts of said preliminary plat for final plat approval. Approval of a final plat(s) that is part of a preliminary plat will extend the approval of the preliminary plat for an additional year(s). A request for an extension of time may be made by the developer in writing to the Director of the Planning and Zoning Division for approval. The Director of the Planning and Zoning Division may approve an extension of time due to extenuating circumstances for a period of one (1) year for a preliminary plat. Any part of a subdivision which is being developed in stages shall contain a tract of land at least one (1) block in length.^{*28}
2. The general terms and conditions under which the preliminary plat approval was granted will not be changed.
3. The applicant may submit Land Disturbance plans pursuant to Chapter 412, and improvement plans for all proposed facilities and utilities pursuant to Section 410.160.^{*18}

SECTION 410.145: TREE PRESERVATION PROGRAM FOR ST. CHARLES COUNTY^{*1}

- A. Intent/Purpose.** The purpose of this Section is to promote the public health, safety, comfort and general welfare of St. Charles County residents by providing tree preservation standards. These standards are designed to enhance the quality and appearance of developed properties, protect existing natural resources, buffer differing land uses and conserve the value of land and buildings throughout St. Charles County. These standards will also increase energy efficiency through shading and cooling, filter air pollution, buffer noise and wind and provide wildlife habitat as well as pleasant visual relief.^{*1}
- B. Applicability.** These standards will apply to all new residential developments in unincorporated St. Charles County except the following:^{*1}
1. Individual single-family residences, not in a proposed and/or existing subdivision;^{*1}
 2. Individual two-family residences, not in a proposed and/or existing subdivision;^{*1}
 3. Developments within the A, RM, RF, CO, C1, C2, HTCD, I1, I2 or SWD zoning districts.^{*1}
- C. Plan Requirements.^{*1}**
1. All preliminary residential subdivision plats shall delineate the anticipated tree preservation plan. Tree preservation information supplied on the Preliminary Plat shall be as follows:^{*1}
 - a. The approximate limit of all tree preservation areas.^{*1}
 - b. Approximate areas where trees are to be removed.^{*1}
 - c. Estimated acreage calculations for the preservation areas.^{*1}
 - d. Aerial photo showing the area of trees as they existed three years prior to submittal.^{*1}
 2. Final Tree Preservation Plan shall be included with the grading plans for a site and have the following:^{*1}
 - a. Property boundary including north arrow and scale.^{*1}
 - b. The proposed layout of all lots and public and private right-of-ways.^{*1}
 - c. Existing and proposed topographic data for the site.^{*1}

- d. The location of all known existing utility easements.^{*1}
 - e. The limits of all tree preservation areas to the edge of the canopy drip line.^{*1}
 - f. A statement of intent by the property owner that all the County's tree preservation regulations shall be met within the required time frame and all material to be planted will be of sufficient size, condition, and quality and maintained to meet the intent of the County's tree preservation regulations.^{*1}
3. The tree preservation limits as approved on the Final Tree Preservation Plan shall be depicted on the final plat. A note shall also be provided to reference any tree preservation areas stating: "There shall be no clearing, grading, filling, construction activities or disturbance in any tree preservation areas".^{*28}

D. Tree Preservation Requirements.^{*1}

1. Subject to paragraph 2, below, all developments shall meet a minimum tree preservation requirement of ten percent (10%) of the site or twenty-five percent (25%) of existing woodlands and trees as they existed three years prior to submittal of the Preliminary Plat; whichever is greater. If the total area of trees on the site is equal to or less than 10% of the total site area, 50% of the existing trees shall be retained. The preservation of existing trees must be depicted on the tree preservation plan. Existing woodlands and trees may be determined by using aerial photographs or field inventory. No credit will be given to a tree or any portion of a tree canopy that is not located on the subject property.^{*1}
2. The Director of Community Development may waive all or part of the requirements imposed by paragraph 1, above, provided that:^{*1}
 - a. The Director or his designee, based on his physical inspection of the property to be developed, determines that strict compliance with those requirements would render the property undevelopable,^{*1}
 - b. The requirements for the replacement of destroyed trees imposed by Subsection G of this section shall be met.^{*1}

E. Protective Methods. To receive preservation credit, trees to be preserved must be protected from direct and indirect root damage and trunk and crown disturbance. No credit will be allowed for any dead tree, any tree in poor health or any tree subjected to grade alterations. The death of any tree used for preservation credit shall require the owner to replace the tree. The following standards shall apply:^{*1}

1. The protection area around trees shall include all land within the canopy drip line. This area shall remain free of all grading and filling activities.^{*1}

2. Construction site activities such as parking, material storage, soil stock piling and concrete washout shall not be permitted within tree protection areas.^{*1}
 3. Tree protection areas should be clearly identified prior to any land disturbance. Methods that may be used include snow fence, polyethylene, chain link fence or construction stakes placed every fifteen (15) feet.^{*1,*28}
 4. Signs shall be used to designate tree protection areas. Signs are to be posted visibly on all sides of the preservation area and must be visible throughout the development process. Minimum size for the signs is 24" x 36" and should state the following "TREE PROTECTION AREA -- Machinery access, dumping or storage of materials and equipment is prohibited."^{*1}
- F. Enforcement And Penalties.** The Director of the Division of Planning and Zoning is hereby charged with the responsibility of administering and enforcing the provisions of the landscaping and tree preservation program. All violations are subject to penalties set forth in Section 405.640 through 405.655, except that the Director of the Division of Planning and Zoning shall have the discretion to allow more than ten days for the correction of violations, taking into account such factors as (a) the requirements of the grading project under review and (b) the requirements for planting or transplanting trees and shrubs under the best practices of the landscaping or arborist profession. If required tree protection areas are disturbed during construction, a replacement ratio of three (3) trees to each tree destroyed, damaged or removed is required to be planted in the development. The final ten percent (10%) of the performance guarantee of the required erosion control plan will be held until all tree preservation requirements have been met.
- G. Materials.** A mixture of native, hardy deciduous, flowering and/or coniferous trees may be planted.^{*1}
1. All deciduous trees planted to meet the requirements of this Section must be a minimum caliper of two and one-half (2½) inches at the time of installation.^{*1}
 2. All coniferous trees must be a minimum of six (6) feet in height at the time of installation.^{*1}
- H. Installation And Maintenance.** All landscape materials must meet the following:^{*1}
1. All trees must be in place and healthy prior to the issuance of any occupancy permit. Upon approval by the Director of the Division of Planning and Zoning, a temporary certificate may be issued without the installation, provided written assurances are given that the planting will take place when the proper season arrives.^{*1}
 2. New landscaping shall not be planted within any easement, right-of-way or sight triangle.^{*1}

3. All trees shall have natural bark mulch placed around the base of the tree, at least four (4) inches deep and have at least an eighteen (18) inch radius from the trunk.*¹
4. Newly planted trees shall be supported (staked and tied) through the first growing season to insure proper growth.*¹
5. All landscaping within common ground areas must be maintained by the owner. The landscaping must be maintained in a healthy growing condition as is appropriate for the season of the year. Plant materials, which exhibit damage, must be restored to healthy condition or replaced within the next growing season.*¹

SECTION 410.150: RESERVED*²⁸

SECTION 410.160: IMPROVEMENT PLANS AND INSTALLATION

- A.** After the preliminary plat is approved, improvement plans for all or any part of the subdivision shall be prepared by a Missouri registered engineer and submitted to the Director of the Division of Development Review for review and approval by the Director. If any changes are made to the streets, storm or sanitary sewers, detention facilities, drainage areas, or any other significant changes after the improvement plans have been approved or the date the final plat was recorded, then revised plans must be submitted to the Director of the Division of Development Review for reapproval by the Director. All submittals of improvement plans and design calculations must bear the seal of the engineer.^{*2,*18,*24}
- B.** Improvement plans shall be prepared in accordance with St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter.
- C.** Installation of pavement and related paving improvements shall conform to the requirements set forth in St. Charles County's "Standard Specifications for Highway Construction". Installation of storm sewers shall conform to the requirements set forth in the Metropolitan St. Louis Sewer District's "Standard Construction Specifications for Sewers and Drainage Facilities" dated 2000.
- D.** Actual construction of such facilities and improvements may commence at the developer's risk prior to the final plat approval if the detailed improvement plans have been approved by the Director of the Division of Development Review, provided that such facilities and improvements will be inspected throughout their construction. Final plat approval will be contingent, in part, upon acceptable compliance to County improvement and facility standards.^{*24}
- E.** Improvement plans for subdivisions which contain three (3) acre or larger lots with private streets or subdivisions which have only private improvements proposed, such as condominium plats, commercial plats or industrial plats with parking areas and no streets, shall be prepared on an exhibit not to exceed twenty-four (24) inches by thirty-six (36) inches, and shall contain the following information:^{*18,*28,*46}
1. The title page shall show:^{*18}
 - a. A key map showing the relationship of the area to be subdivided to the tract and which shall reflect areas of the tract previously subdivided plus adjacent streets.^{*18}
 - b. A north arrow and graphic scale.^{*18}
 - c. A title block showing the name and address of the developer and the engineering firm.^{*18}

- d. One (1) or more benchmarks on United States Geological Survey (USGS) Datum or a Missouri Department of Transportation (MoDOT) benchmark on USGS Datum in or near the subdivision to which the subdivision is referenced shall be included. No assumed elevations will be accepted.^{*18,*28}
 2. Plan sheets showing horizontal layouts of streets, storm sewers, open channels, and detention facilities on a graphic scale no less than one (1) inch equals one hundred (100) feet (1" = 100').^{*18,*28,*46}
 3. Plans for grading and sediment and erosion control shall be in accordance with Chapter 412 of this Unified Development Ordinance.^{*18}
 4. Plan sheets showing the proposed finished grading of the site, including both existing and proposed contours at an interval no greater than five (5) feet on a graphic scale no less than one (1) inch equals one hundred (100) feet (1" = 100'). U.S.G.S. contours may be used, except where street grades will exceed eight percent (8%) or where more accurate contour information is required as deemed necessary by the Director of the Division of Development Review.
 5. Profiles of streets and storm sewers on a scale not less than one (1) inch equals fifty (50) feet (1" = 50') horizontal and one (1) inch equals ten (10) feet (1" = 10') vertical. Street elevations are to be shown a minimum of every fifty (50) feet horizontally on tangent sections and a minimum of every twenty-five (25) feet horizontally within a vertical curve. Flow line and top-of-structure elevations are required at all junctions of storm sewer lines. Pipe lengths, diameters, slopes, and material specifications must be provided.
 6. Drainage area maps showing the drainage areas of all off-site and on-site stormwater runoff affecting the site.^{*18,*28}
 7. Construction details and typical sections of streets, entrances, open channels, swales and storm sewers as required. Details of all street entrances onto County roads must be at least one (1) inch equals twenty (20) feet (1" = 20'). Enough information must be provided about the entrance geometrics and the intersecting street to determine whether sight distance, vehicle turning movements, and stormwater drainage will be adequate.
 8. Hydraulic or any other required engineering calculations sealed and signed by a Missouri registered professional engineer.^{*18,*28}
- F.** An applicant for approval of improvement plans for any preliminary plat that is subject to any easement for pipelines, overhead electric lines and other utilities that must be shown on the preliminary plat pursuant to Section 410.110.C.2.b must meet the following requirements, in addition to those set out above.^{*13}

1. The applicant must depict all such easements of record upon the improvement plans.^{*13}
2. The applicant must certify to St. Charles County that the applicant has delivered copies of those improvement plans to all holders of such easements with notice to send comments on or consents to those plans to the Director of the Division of Development Review. The certificate shall also state the date and address of delivery.^{*13}

No improvement plans may be approved without the consents to those plans from the holders of such easements.^{*13}

SECTION 410.170: REVIEW AND INSPECTION FEES

Improvement plans will not be reviewed pursuant to Section 410.160 of this Unified Development Ordinance until review fees as set by ordinance are paid. An hourly fee for inspection of improvements in construction pursuant to Section 410.160 shall be charged as set by ordinance.

SECTION 410.180: PERFORMANCE GUARANTEE

- A. After the improvement plans have been approved, but before recording the record subdivision plat, the subdivider must:
 1. Either complete the improvements, under the inspection of the appropriate inspecting agency and in accordance with the approved improvement plans, and post a performance guarantee for ten percent (10%) of the estimated sum; or^{*28}
 2. Post a performance guarantee ensuring or guaranteeing the installation of all said improvements.^{*28}
- B. If the performance guarantee is a lender's or escrow agreement, that agreement shall:^{*28}
 1. Be prepared on forms approved by ordinance and be signed by the County Engineer and County Registrar.^{*28}
 2. Ensure or guarantee the construction and completion of all the improvements, as set forth in the approved improvement plans based on the cost estimate prepared by the consulting engineer and approved by the Director of the Division of Development Review; and^{*28}
 3. Be held in a special account by the escrow holder or lender, and the funds shall be subject to the audit of St. Charles County.^{*28}
- C. Any lender's or escrow agreement shall be administered as follows:^{*28}

1. The estimated sum shall be held by the escrow holder or the lender as in the agreement provided, until such time as the County Engineer or the Governing Body authorizes release of funds as provided herein. Authorization shall be written and addressed to the escrow holder or the lender authorizing release. The County Engineer may authorize release for disbursement by the escrow holder or the lender for payment of the improvements guaranteed, as the work progresses. At no time will the amount in the escrow account to be released depreciate the account to less than the cost of completing said remaining improvements. This sum shall be determined by using current market value of the materials and labor. In no case shall the escrow holder or lender release more than ninety percent (90%) of the estimated sum until improvements and installations have been completed in a satisfactory manner in accordance with the subdivision regulations and approved by the County Engineer. The remaining ten percent (10%) shall be released upon acceptance or final approval of said improvements per item by the Governing Body. The estimated sum shall be held by the surety as in the agreement provided, until such time as the Governing Body shall, by written authorization addressed to the surety, release the total sum.^{*28}
 2. This amount shall only be authorized to be released in its entirety after the County Engineer certifies that all the improvements have been constructed in accordance with the approved plans, all the requirements of this Chapter have been met, and all the streets and storm sewers and storm sewer structures located within the right-of-way or a recorded easement have been approved by the Governing Body.^{*28}
 3. The Governing Body shall release funds for any completed segment of the work forty-five (45) days after an inspection of the segment of the work has been made, provided no deficiencies were reported during the forty-five (45) day period.^{*28}
 4. In the event that the improvements are not satisfactorily installed within two (2) years after approval of the improvement plans, the Governing Body has the right to remove said monies to complete the guaranteed improvements, unless an extension in time is granted by the Governing Body.^{*28}
- D.** If the performance guarantee is a standby letter of credit, that document may be prepared on forms approved by the financial institution on which it is drawn, but must provide for:^{*28}
1. Drafts to be drawn at offices in St. Charles County, St. Louis County or the City of St. Louis; and^{*28}
 2. Automatic extension without amendment for additional one-year terms unless, at 45 days prior to the letter's current expiration date, the financial institution issuing the letter gives written notice of non-renewal to St. Charles County's Department of Community Development by registered or certified mail or by overnight courier.^{*28}

SECTION 410.190: FINAL PLAT

- A.** After the preliminary plat has been approved by the Director of the Division of Planning and Zoning or County Council, a final plat shall be prepared and submitted to the Director of the Division of Planning and Zoning. Fifteen (15) folded prints and a digital version of the final plat shall be filed in the Division of Planning and Zoning. The final plat may be approved by the Director of the Division of Planning and Zoning and the Chairperson or Secretary of the Planning and Zoning Commission provided it is determined to be in substantial conformance with the approved preliminary plat. No final plat shall be approved if it shows additional existing easements recorded after submittal of the preliminary plat to St. Charles County, unless the Director of the Division of Planning and Zoning determines that those additional existing easements do not encumber land to be dedicated by plat as right-of-way. If such final plat is determined not to be in conformance with said preliminary plat, the applicant may request administrative review of such decision by the Planning and Zoning Commission. The Planning and Zoning Commission may reverse the determination and approve the plat. In no case may a final plat be approved for a subdivision to be served by a newly constructed wastewater treatment facility before the Division of Building Code Enforcement has issued a certificate of occupancy for it as provided in Section 405.500.F.1. The approval of the Director of the Division of Planning and Zoning shall be shown on the plat with the date of such approval and over the signature of the Chairperson or Secretary of the Planning and Zoning Commission. If the applicant has requested an administrative review of the final plat by the Planning and Zoning Commission, fifteen (15) folded prints of the final plat and a reduced copy of the plat sheet measuring eight and one half (8 ½) inches by eleven (11) inches or eleven (11) inches by seventeen (17) inches shall be submitted to the Division of Planning and Zoning at least twenty-seven (27) days prior to the meeting at which approval is requested. The original plat shall show or be accompanied by the following information, whether for residential, commercial, industrial, or public use, such as parks, schools, churches, etc. ^{*1,*26,*28,*46}
- B.** The final plat shall be recorded within ninety (90) days after approval by the Director of the Division of Planning and Zoning, except that the Director of the Division of Planning and Zoning may grant one (1) extension of thirty (30) days. If the final plat is not recorded in that time, the approval shall expire. ^{*1}
- C.** The final plat shall be prepared on mylar, its equal or better, and shall contain the following information (sheet size maximum twenty-four (24) inches by thirty-six (36) inches (24" x 36"), minimum twelve (12) inches by eighteen (18) inches (12" x 18")).
- D.** In addition to the fifteen (15) prints of the final plat, a digitized version that complies with County mapping standards shall be submitted. The digitized version shall show and be accompanied by the following information:

1. The outboundary of the subdivision shall be tied to the Missouri Coordinate System of 1983 in accordance with the current Missouri Minimum Standards for Property and Boundary Surveys;
2. The coordinates of the exterior corners shall be shown on the plat;
3. The surveyor who is sealing the record plat must submit a signed and sealed letter indicating that the digitized version is an accurate representation of the adjusted plat; and
4. The surveyor must submit a sealed paper copy of the adjusted plat.

SECTION 410.200: IDENTIFICATION

- A. Name of subdivision, plat, etc., and name(s) of those who prepared the plat.
- B. North point, date of survey, and scale used.
- C. Acreage of plat.
- D. Location map and key map on the first (1st) page if there is more than one (1) sheet.

SECTION 410.210: PLAT INFORMATION

- A. Accurate boundary survey to State of Missouri minimum surveying standards with bearings and distances tied to surveyed identification points (established section lines, fractional section lines, and/or U.S. survey lines).
- B. Location of lots, streets (including pavement and right-of-way widths), public highways, parks, sidewalks as required, and other features as required, with accurate dimensions to decimals of feet, length, and radii of all curves.
- C. Notation on cul-de-sac islands and raised medians, if any. All plats shall include a note stating:^{*1,*46}

“Construction, renovation, alteration or maintenance of any vegetation, landscaping, and/or subdivision monuments on any cul-de-sac islands and raised medians in right-of-way dedicated or that may be dedicated to the public for streets maintained by the St. Charles County Highway Department shall be the responsibility of the subdivision homeowners association. under special use permits issued by the St. Charles County Highway Department.^{*1,*46}
- D. Acreage and ownership of all common ground.
- E. Location of detention areas for stormwater runoff in common ground with feasible vehicular access, fifteen (15) foot width minimum. The plat shall also dedicate to St.

Charles County or its successors in interest an easement of access to and in the common ground occupied by any detention areas for the purpose of inspection and enforcement of all applicable regulations of such detention areas.^{*14}

- F.** Watercourses left in their natural state must be shown within common ground, with lot lines set back from the top of the existing bank of the watercourse or the 10-year, 24 hour or 15-year, 20 minute water surface elevation, where no established top-of-bank can be determined, for all subdivisions except those with lots with three (3) acres or larger in size, as provided by Part 3, Article VI of Chapter 405 of this Unified Development Ordinance. All plats shall clearly show the boundaries of any setback from natural watercourses on the subject property which are left in their natural state and provide a note to reference that setback area stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County, Missouri".^{*28}
- G.** Setback lines on front and side streets; location and dimension of utility easements. Areas designated as common ground shall not be dedicated as one (1) blanket utility easement unless approved by the Director of the Division of Planning and Zoning.
- H.** Designate pipeline and/or overhead electric easements, and with respect to pipeline easements designate all setbacks and restrictions imposed by Section 405.503, Regulations Concerning High-Pressure Pipelines.^{*9}
- I.** Names of streets and lots numbered in logical order. Streets and names of adjacent subdivision and/or adjacent property owners within one hundred (100) feet in dashed lines.
- J.** Provide for a fifty-five (55) foot wide pavement radius and sixty-three foot right-of-way radius turnaround where needed.
- K.** Depict floodway fringe, density floodway, and floodway boundaries, and provide base flood elevations as shown on Flood Insurance Rate Maps (FIRMS) issued by the Federal Emergency Management Agency (FEMA) and the maps presently filed in the office of the Division of Planning and Zoning. Any floodway areas or wetlands must be designated as common ground on the final plat.
- L.** Indicate the future street number on each lot.
- M.** All areas designated as areas for common use and enjoyment by subdivision lot owners shall be shown on the plat as common ground.
- N.** Depict any existing easements across the property. No final plat shall be approved showing additional existing easements recorded after submittal of the preliminary plat to St. Charles County, unless the Director of the Division of Planning and Zoning determines that those additional existing easements do not encumber land to be dedicated

by plat as right-of-way. Depict any existing easements on adjacent properties within one hundred (100) feet of the site that are utilized for the development of the site.^{*46}

- O.** Depict all monuments on plat.
- P.** Notation of right-of-way to be dedicated to the public, whether such dedications are for subdivision streets, future road improvements, or any other public use, shall be in the form of a note on the plat stating:^{*46,*62}

“The undersigned owners hereby designate the streets and roadways shown hereon as public streets and roadways and dedicate them in trust to St. Charles County, Missouri, for use as right-of-way.”

- Q.** Depict and dedicate all utility easements as specified in 410.320.D. Notation for dedication of utility easements shall include the following language:

"The undersigned owners of the real estate described herein do hereby grant and dedicate the areas shown as "Easements" as perpetual non-exclusive utility easements for sanitary sewers, gas lines, water lines, electric lines, communication lines, other public utility facilities, and all related appurtenances. The perpetual non-exclusive utility easements are hereby granted to [insert applicable utility companies, such as: Public Water Supply District No. 2 of St. Charles County, Missouri, Missouri-American Water Company, Duckett Creek Sanitary District, Cuivre River Electric Company, Union Electric Company d/b/a Ameren Missouri, Laclede Gas, CenturyLink, Charter Communications, East Central Missouri Water and Sewer Authority, AT&T], and to all other public utility providers as their interest may appear, and their successors and assigns, for the installation, use, patrol, access, inspection, maintenance, repair, relocation, and replacement of sanitary sewers, gas lines, water lines, communication lines, electric lines, and other public utility facilities, including all related appurtenances and improvements, the right of temporary use of ground adjacent to said utility easements, not occupied by improvements (limited, however, to five (5) feet on either side of said easement) for the excavation and temporary storage of materials during the installation, inspection, repair, relocation, or replacement of said utility facilities, together with all rights implied by and incidental to the use of said utility easements, including, without limitation, the right of ingress and egress to and from such utility easements from adjacent property, and the right to trim, control, cut, and remove any and all brush, bushes, saplings, trees, roots, undergrowth, rock, overhanging branches, and other obstructions that adversely impact the function or ability to maintain the utility upon, over, and under the utility easements and the adjacent property. Any utility company or public provider that causes damage to the property shall be responsible to restore the disturbed area as nearly as possible to its prior former condition."^{*62}

- R.** Depict and dedicate all storm sewer easements as required by 410.320.E. Notation for dedication of storm sewer easements to the public shall include the following language:

"The undersigned owners hereby dedicate all storm sewer easements identified hereon to St. Charles County, Missouri for St. Charles County's use for storm water drainage facilities, with the right of temporary use of adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair or replacement of said utilities, sewers and drainage facilities." *62

SECTION 410.220: WRITTEN STATEMENTS

- A.** Dedication of all streets, public highways, and land intended for public use, together with the deed book and page of the subdivision restrictions, trust indentures, or street maintenance agreements, and signed by all parties who have mortgage or lien interest, including owner(s).
- B.** Dedication of all private streets and easements.*62
- C.** Certification as to acreage boundaries, monuments made by a registered land surveyor, testifying that the above were made by the surveyor.
- D.** In the event a subdivision is to have privately maintained streets and/or common ground, evidence of the methods for controlling and maintaining each private facility shall be submitted with the final plat. Such restrictions or trust indentures must be reviewed by the Division of Planning and Zoning before they may be recorded. Where any plat includes common ground, that plat shall include a note that title to that common ground shall be conveyed to a homeowners' association or its trustees, and the owner shall convey such title upon establishing such an association and designating its trustees.
- E.** In cases where the developer proposes to include other regulations (i.e., architectural control, covenants, and deed restrictions), they shall be submitted to the Director of the Division of Planning and Zoning indicating the additional regulations and how they are going to be administered.*1
- F.** A letter addressed to St. Charles County by the holder of any easement for pipelines, or for overhead electric lines that must be shown on the preliminary plat pursuant to Section 410.110.C.2.b certifying that the proposed final plat does not impair any rights under that easement or compromise any facilities within it. If such a letter can not be supplied, submit a letter or affidavit stating the date on which a copy of the proposed final plat was mailed or delivered (as the case may be) to the easement holder or its representative, and stating the name and address of that easement holder or its representative.*13
- G.** Prior to the recording of the final plat, an entrance permit is needed from the Missouri Department of Transportation if the subdivision has an entrance on a State-maintained right-of-way.
- H.** A residential housing development must be approved by the Missouri Department of Natural Resources for individual sewage disposal systems on subdivisions containing

seven (7) or more lots prior to the approval of the final plat by the Director of the Division of Planning and Zoning. *¹

- I. Statement relating to proof of payment of tap-on fees for appropriate sewer district.
- J. The above must have all signatures, corporate seal(s) affixed or embossed and be notarized by a notary public prior to the recording of the final plat. All figures and letters on the final plat must be in ink and shall be plain, distinct, and of sufficient size to be easily read, and must be of sufficient density to make a lasting and permanent record.

SECTION 410.230: RECORDING

- A. No subdivision plat shall be filed for record or recorded in the office of the Recorder of Deeds for St. Charles County, Missouri, unless and until the approval of the Secretary or Chairperson of the Planning and Zoning Commission and the County Executive or Director of the Division of Planning and Zoning are endorsed thereon, and until a performance guarantee has been posted or the public improvements have been constructed to County standards. *²⁸
- B. No lot shall be sold for such subdivision plat until it has been reviewed and approved, as provided above, and filed for record in the office of the Recorder of Deeds of St. Charles County, Missouri. No building permit will be issued until the preliminary plat is approved and a Land Disturbance Permit is issued. Further, no dwelling unit may be occupied until the public or private improvements are completed, unless a performance guarantee has been posted for the completion of said improvements and the final plat is recorded. *²⁸

SECTION 410.240: VACATION OF SUBDIVISIONS

- A. When any person or corporation may desire to vacate any subdivision or part thereof in which he/she shall be the legal owner of all of the lots or may desire to vacate any lot, such person or corporation may petition the County Council. Similarly, a person or person owning a lot or lots subject to a platted private street or platted unimproved public street may petition to vacate that street, provided all owners of lots affected by that street join in the petition. Accompanying said petition shall be presented: *^{14,*28,*46}
 1. A distinct legal description of the property to be vacated. *^{14,*46}
 2. A current recorded deed to the property showing ownership. *^{14,*46}
 3. A filing fee in the sum of two hundred dollars (\$200.00). *^{14,*46}

Immediately upon receipt of such petition, the Division of Planning and Zoning shall note thereon the date of filing and make a permanent record thereof. All such petitions shall be set down for consideration before the County Council not later than ninety (90) days from the date of filing the same. Notice of such

hearing shall also be posted at least twenty (20) days in advance thereof in one (1) or more public areas of the Administration Building of the County and on the St. Charles County Government website. Notice shall be given, at least twenty (20) days before the County Council consideration, by U.S. mail to all owners of any real property (as per the current records of the St. Charles County Assessor (within five hundred (500) feet of the parcel of land for which the vacation is proposed.^{*14,*46,*60}

The petition shall be placed on the County Council's Consent Agenda for consideration. If no opposition be made to said petition, the County Council may vacate the same by order with such restriction as they may deem for the public good. Should opposition be made, it must be made in written form and presented to the County Registrar no later than seven (7) days prior to the County Council meeting. Said petition shall then be set down for public hearing before the County Council. No vacation shall take place, unless the advice of the Division of Planning and Zoning be obtained, which advice shall be filed with said petition.^{*14}

- B.** This provision for the vacation of subdivisions or parts thereof shall not apply to requests for the release of platted easement rights. The County Council may consider and grant such releases provided that any and all parties that have or may have interests in such easements consent in writing to the requested release.^{*14}

SECTION 410.250: CONDOMINIUM PLAT

After the recording of a final plat for all individual units or a condominium development, the developer may obtain approval of individual units or structures consistent with the preliminary plat.

In addition to the three (3) paper prints and the mylar of the condominium plat, a digitized version that complies with County mapping standards shall be submitted. The digitized version should be accompanied by the information consistent with the final plat.

The condominium plat shall be consistent with all applicable State Statutes and shall be approved by the Director of the Division of Planning and Zoning.

SECTION 410.260: BOUNDARY ADJUSTMENT PLAT

A. Three (3) folded prints of the boundary adjustment plat shall be submitted to the Division of Planning and Zoning. In addition to the three (3) paper prints and the mylar of the Boundary Adjustment Plat, a digitized version that complies with County mapping standards shall be submitted. The digitized version should be accompanied by the information consistent with the final plat. All Boundary Adjustment Plats shall be prepared by a Missouri registered professional land surveyor and/or Missouri registered professional engineer and bear their signature and seal. There shall be no filing/review fee for a Boundary Adjustment Plat submitted.

B. Boundary Adjustment Plats must meet the following criteria:

1. No additional lot shall be created by any boundary adjustment.
2. The resulting lot or lots shall not be reduced below the minimum sizes and dimensions required by the Unified Development Ordinance.
3. Existing zoning shall not be affected by this procedure.

C. Boundary Adjustment Plats shall include, at a minimum, the following:

1. Name of plat and names of those who prepared the plat.
2. North point, date of survey, and scale used.
3. Location of original and adjusted lot lines and their relation to established section lines, fractional section lines or U.S. survey lines.
4. Acreage of original and adjusted lots.
5. Setback lines, location of easements.

6. Street numbers of each lot.
7. Certification as to acreage boundaries, monuments made by a registered land surveyor, testifying that the above were made by the surveyor.
8. Owner of record signature(s) and lienholder's statement. These signatures must be notarized by a notary public prior to recording the plat.
9. The statement "This Boundary Adjustment Plat is approved for recording this _____day of _____." The statement shall also include a three (3) inch line with the title "Director of the Division of Planning and Zoning" directly below the line for his/her signature.

D. Boundary Adjustment Plat Approval. No Boundary Adjustment Plat shall be filed for record or recorded in the office of the Recorder of Deeds for St. Charles County, Missouri, unless and until the approval of the Director of the Division of Planning and Zoning is endorsed thereon.

ARTICLE IV. DESIGN STANDARD/IMPROVEMENTS**SECTION 410.270: RESIDENTIAL LOT DESIGN STANDARDS**

The following standards are regarded as guidelines for desirable development. The size, shape, and orientation of lots shall be designed to provide desirable building sites and logically related to topography, natural features, streets, and adjacent land uses. Due regard shall be given to natural features such as large trees, unusual rock formations, watercourses, and sites which have historical significance, scenic views, and similar assets, the preservation of which would add attractiveness and value to the subdivision. The following minimum standards are set forth as guides to these goals:

1. Exhibit A summarizes the design standards and improvements to be observed in subdivision development.
2. Where additional widening strips are dedicated on existing streets, calculations of the area of a lot shall not include the dedicated strips in determining the gross area of the lot. Dedicated rights-of-way may be required for proposed subdivisions that abut County roads, Arterial and Collector Streets as depicted on the Thoroughfare Plan or roads maintained by the Missouri Department of Transportation (MoDOT). Additional right-of-way, in excess of the standard dedication for widening strips, may be required when the subdivision is located on the inside of a curved roadway or when conditions exist on the opposite side of the right-of-way that dictate right-of-way offset from the right-of-way centerline. When the subdivision is located on only one (1) side of an existing street or County road, one-half (½) of the required right-of-way width shall be provided, measured from the centerline of the right-of-way, unless otherwise directed by the County Engineer. The centerline must meet the requirements of the St. Charles County Highway Department with regard to radius when located on a curved roadway. The area of all lots must be calculated exclusive of the street rights-of-way.^{*28}
3. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, soil conditions, steepness of terrain, flood conditions, or other adverse natural physical conditions, the Commission may, after adequate investigation, withhold approval of such plats unless engineering studies are presented to the Commission which establish that the method proposed to meet any such condition is adequate to avoid significant danger to public health, life, or public or private property.
4. Driveway grades shall not exceed a fifteen percent (15%) grade.

SECTION 410.280: BLOCKS

Blocks shall be designed so as to provide good circulation of traffic:

1. Lengths. Refer to Exhibit A.

2. Width. Blocks shall be wide enough to allow two (2) tiers of lots with sufficient depth to provide an adequate building site on each lot, except as consistent with street design standards as set forth. All lots within a subdivided plat must have driveway access to interior subdivision streets.

SECTION 410.290: LOT DIMENSIONS, SHAPES AND POSITION

The sizes, shapes, orientations, and dimensions of lots shall be appropriate for the location and physical character of the proposed subdivision and for the type of development proposed, in compliance with the applicable provisions of this Chapter and Chapter 405. Front setback lines shall be shown on all lots intended for residential use, and shall not be less than the setback required by the provisions of this Chapter and Chapter 405.

1. Depth. Excessive depth in relation to width shall be avoided (a proportion of 1:1 or 2:1 will normally be considered appropriate, unless topography is such that other lot dimensions allow for proper development).
2. Street access. Each proposed lot shall front upon a street improved to the St. Charles County Public Standard Specifications, unless the lots front on a private roadway, or existing or proposed State maintained highway.
3. Width. Lots for residential purposes shall have sufficient width at the front setback lines to permit compliance with front yard, side yard, or distance requirements of the Unified Development Ordinance and still be adequate for a building of practicable width. The minimum lot width required for a lot fronting on a curved right-of-way shall be measured along a line tangent to the front setback line at a point midway between the side lot property lines.
4. Side lot lines. Side lot lines shall be at right angles to straight streets and radial to curved streets, except when said radial lot lines detract from desirability of the lot, in which event some deviation may be allowed.
5. Corner lots. Corner lots for residential use shall be platted to permit compliance with the yard and setback requirements of the Unified Development Ordinance. The right-of-way radius on corner lots shall be a minimum of twenty-four (24) feet, or, in the case of a straight line, the line connecting two (2) points at a twenty-four (24) foot distance from the intersection of the projected lot lines.

SECTION 410.300: NON-RESIDENTIAL SUBDIVISION (COMMERCIAL AND INDUSTRIAL)

In addition to the standards of this regulation, which are appropriate to the platting of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated. The following standards shall, therefore, be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
3. Block length. Refer to Exhibit A.
4. Every effort shall be made to protect adjacent residential areas from the proposed non-residential subdivision, including the provision of extra depth in parcels adjacent to an existing or potential residential development, and provision for a permanently landscaped buffer strip or privacy fence where approved by the Planning and Zoning Commission.
5. Streets carrying non-residential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent residential areas, and shall not be connected to streets intended for predominantly residential traffic.

SECTION 410.310: RIGHT-OF-WAY AND UTILITY EASEMENT REQUIREMENTS--GENERAL STANDARDS

- A. Streets shall conform to existing topography as nearly as possible. Streets shall intersect, as nearly as possible, at right angles, and shall be between seventy degrees (70°) and ninety degrees (90°).
- B. Streets will not be approved which are subject to flooding or frequent inundation.
- C. Minor street intersection jogs or discontinuities with centerline offsets of less than one hundred (100) feet are prohibited.
- D. All interior residential streets intersecting on minor and collector streets shall be directly opposite existing or other proposed streets or be a minimum of one hundred fifty (150) feet distant, as measured between street centerlines. Any collector road must have adequate stacking distance to provide for safe traffic movement. All other streets intersecting on arterial or non-residential streets shall be directly opposite existing or other proposed streets or shall be a minimum of three hundred (300) feet distant, as measured between street centerlines.
- E. The system of streets designated for the subdivision, except in unusual cases, must connect with any streets already dedicated in adjacent subdivisions; and, where no adjacent street connections are platted, must in general be the reasonable projection of streets in adjacent tracts, and must continue to the boundaries of the tract subdivided, so that other subdivisions may connect therewith.

- F. Reserved strips of land retained by the subdivision developer that control or limit access at the terminus of streets or that prevent access to streets located adjacent to undeveloped land are prohibited.
- G. Where a street stub has been required of the subdivision development, the developer shall, upon completion of the pavement construction, install a street extension sign at the roadway terminus which reads "THIS STREET WILL LIKELY BE EXTENDED AS PART OF FUTURE DEVELOPMENT". Refer to St. Charles County Design Criteria for the Preparation of Improvement Plans Standard Drawing C612.11, as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter, for location details.
- H. The County Engineer or Director of the Division of Development Review may require traffic studies which he/she deems necessary and may require a street to be dedicated to public use and built to public street standards in order to provide circulation.

SECTION 410.320: STREET RIGHT-OF-WAY AND UTILITY AND STORM WATER EASEMENT REQUIREMENTS^{*62}

- A. **Arterial Streets.** Arterial streets, as designated in the current Thoroughfare Plan as approved by the Governing Body, Exhibit A, or modifications or updates thereto, shall have widths as specified but not less than sixty (60) feet.^{*28}
- B. **Collector Streets.**
1. Major collector streets. Fifty-four (54) feet (see Exhibit A).
 2. Minor collector streets. Forty-eight (48) feet (see Exhibit A).
- C. **Minor, Minor Stub And Cul-de-Sac Streets.** Forty-two (42) feet. All cul-de-sac streets shall have a minimum turnaround pavement radius of forty (40) feet and a minimum right-of-way radius of forty-eight (48) feet. In subdivisions with no through streets, a fifty-five (55) foot pavement radius and a sixty-three (63) foot right-of-way radius will be required on at least one (1) cul-de-sac. For subdivisions in which the only street is a cul-de-sac, the fifty-five (55) foot pavement radius and sixty-three (63) foot right-of-way radius shall only be required if the cul-de-sac exceeds one thousand three hundred (1,300) feet in length. For public streets, an island with a twenty-nine (29) foot radius common ground is recommended in the fifty-five (55) foot radius cul-de-sac. Turnarounds shall not be required on stub streets which are less than two hundred fifty (250) feet in length and are planned to be extended in the future, but will require hazard markers consisting of three (3) standard specification end-of-roadway markers, as set forth in the current "Manual on Uniform Traffic Control Devices" (M.U.T.C.D.), at terminus of pavement. All stub streets in excess of two hundred fifty (250) feet in length must provide a temporary turnaround with hazard markers consisting of three (3) standard specification end-of-roadway markers, as set forth in the M.U.T.C.D., being installed at terminus of pavement. Temporary turnarounds shall have a minimum

pavement radius of forty (40) feet centered within a forty-three (43) foot radius easement. Permits will not be issued for building construction on lots abutting a temporary turnaround, as shown on any recorded subdivision plat, unless and until the temporary facility is actually constructed and approved by the County Engineer. The removal of the temporary turnaround and the restoration of the disturbed ground shall be the responsibility of the party that will be extending the street. Refer to Exhibit A for general street standards.^{*14}

- D. Utility Easements.** Any dedications or grants of utility easements must be entirely outside any areas dedicated as right-of-way to the public. 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 five (5) feet in width may be allowed for underground cable installations. Telephone and electric power lines shall be located underground, except in subdivisions where all of the lots are twenty thousand (20,000) square feet or larger in size, and then the developer will have the option of underground or overhead utility lines.^{*1,*14,*62}

- E. Storm Sewer Easements.** Storm sewers and storm sewer structures shall be located within the right-of-way or dedicated storm sewer easements. Storm sewer easements shall be outside of utility easements, but storm sewer easements and utility easements may overlap for crossings not to exceed twenty (20) feet in width. Storm sewer 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 channels, where required.^{*62}

SECTION 410.330: MINIMUM PAVEMENT WIDTHS

- A. Arterial Streets.** Require a traffic study.

- B. Collector Streets.**
 - 1. Major collector streets. Thirty-eight (38) feet (see Exhibit A).
 - 2. Minor collector streets. Thirty-two (32) feet (see Exhibit A).

- C. Minor, Minor Stub and Cul-de-Sac Streets.** Sixteen (16) to twenty-six (26) feet (refer to Exhibit A). The pavement of a turning circle at the end of a cul-de-sac street shall have a minimum radius of forty (40) feet.

A T- or Y- shaped paved space for a temporary turnaround only must be approved by the County Engineer and will be considered only if an extreme hardship can be demonstrated.

- D. Sidewalks.** Sidewalks shall be installed on both sides of all arterial streets, on one (1) side of collector streets and certain public minor streets. The only public minor streets which will not require a sidewalk are cul-de-sac streets. Sidewalks shall be constructed

of four (4) inch thick concrete, except across driveways and temporary turnarounds where the thickness shall be increased to match the driveway approach or adjacent pavement thickness, and have a minimum width of four (4) feet in residential areas. In commercial and industrial areas, sidewalks shall be required as deemed appropriate by the Director of the Division of Planning and Zoning and the Governing Body and shall have a minimum width of five (5) feet. Maintenance of the sidewalk shall be the responsibility of the adjoining property and this requirement will be indicated on the final plat and subdivision restrictions. Handicap access ramps meeting Americans with Disabilities Act Accessibility Guidelines shall be required at intersections. Sidewalks shall have a transverse slope of two percent (2%) and shall be located within and one (1) foot off the right-of-way line, wherever possible. Sidewalks required along streets with no curb and gutter shall be located outside and within one (1) foot of the right-of-way line, wherever possible, and within a dedicated easement.

- E. Street Lighting.** Street lights may be installed by the developer. Lighting shall be designed and maintained to avoid unnecessary illumination of residential interiors. The developer shall submit to the Division of Planning and Zoning a maintenance agreement, subdivision restrictions, or other similar instrument setting forth the person, corporation, trustees, or other agency responsible for the assessment as well as the collection of monies necessary for the operation of the lighting system within the subdivision.

SECTION 410.340: STREET STANDARDS

Streets shall be designed in accordance to Section 40.20 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter.

SECTION 410.350: STREET GRADES AND CURVED ALIGNMENT

- A. Public Streets.** Longitudinal grades and curved alignments proposed for all public streets shall meet the requirements of Sections 20.10--20.50 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter.
- B. Private Minor Streets Within Subdivisions Zoned "A" and "RR", Service Drives And Alleys.** Longitudinal street grades shall be two percent (2%) minimum, twelve percent (12%) maximum. Private minor streets with no curb and gutter shall have a minimum grade of one percent (1%). Curved alignment of private minor streets shall meet the minimum requirements for minor public streets as listed in Section 20.30 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter.^{*46}

SECTION 410.360: STREET NAME AND TRAFFIC REGULATION SIGNS, STREET NAMES, AND SUBDIVISION NAMES^{*14}

- A. Street name signs meeting the requirements of the M.U.T.C.D. shall be erected by the subdivider at all intersections prior to final occupancy being given to any residential structure.*14
- B. A speed limit sign, meeting the requirements of the M.U.T.C.D., shall be erected by the subdivider at all entrances to the subdivision. The speed limit signs shall display a posted speed limit of twenty-five (25) miles per hour, unless directed otherwise by the County Engineer and shall be installed along the inbound lane of the subdivision within one hundred (100) to one hundred fifty (150) feet of the subdivision entrance. Other traffic regulation signage, to include but not limited to stop signs, as determined by the County Engineer, shall be depicted on Improvement Plans and shall be erected by the subdivider. All required signage shall meet M.U.T.C.D. requirements.*14
- C. When 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.
- D. To provide for public safety and welfare and to avoid duplication, the proposed names of subdivisions shall be approved by the Division of Planning and Zoning and all street names shall be approved by the St. Charles County Dispatch and Alarm Department prior to both preliminary plat approval and such names being assigned.*28

SECTION 410.370: STREET PAVEMENT REQUIREMENTS

- A. Streets shall be graded to the full width of the right-of-way and the pavement fully constructed of the following materials and thicknesses:
1. Public streets. All public streets shall meet the minimum paving standards required in Sections 20.10--20.40 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter.
 - a. Collector streets.
 - (1) Nine and one-half (9½) inches of asphaltic concrete on a four (4) inch thick compacted aggregate base.
 - (2) Seven (7) inches of Portland cement concrete on a four (4) inch thick compacted aggregate base.
 - b. Minor streets.
 - (1) Seven and one-half (7½) inches of asphaltic concrete on properly compacted subgrade.
 - (2) Six (6) inches of Portland cement concrete on properly compacted subgrade.

- c. Temporary pavements.
 - (1) Seven (7) inches of Type "X" asphaltic concrete on properly compacted subgrade; or
 - (2) Four (4) inches of Type "C" asphaltic concrete on seven (7) inches of compacted, rolled stone base.
 - 2. Private streets.
 - a. Eight (8) inches of aggregate on properly compacted subgrade, or
 - b. Six (6) inches of aggregate on an engineering fabric on properly compacted subgrade.
- B.** Subgrade and street pavement construction shall conform to the requirements set forth in "St. Charles County's "Standard Specifications for Highway Construction".

SECTION 410.380: IMPROVEMENT OF EXISTING STREETS

For any development fronting on an existing road or street, it shall be the responsibility of the developer to improve the road or street in conformance with County specifications to the centerline of the road or street, plus an additional twelve (12) feet of width as per County specifications. On all other subdivisions where an existing street is not improved, driveway access must be from interior streets.

SECTION 410.390: DESIGNATION OF PRIVATE STREETS

Streets within subdivisions which are designated as private streets shall meet or exceed private street standards as provided within this chapter. The County may accept for dedication private streets that are brought up to public street standards in existence at the time public dedication is requested. For any subdivision having private streets which received final plat approval from St. Charles County after September 15, 1980, the developer must construct a sign prior to recording of the final plat at all entrances of the subdivision, along the inbound lane of the subdivision within one hundred (100) to one hundred fifty (150) feet of the subdivision entrance, which shall state: "Private Streets Maintained by Property Owners." These signs shall be installed prior to the recording of the final plat and where they are easily visible entering the subdivision and maintained in good order by the developer until the last lot is sold in the subdivision. The minimum size for each sign shall be twenty-four (24) inches high by thirty (30) inches wide, with two (2) inch letters. There shall also be a sufficient contrast in the coloring of the sign background, as compared to the message lettering.^{*46}

SECTION 410.400: MONUMENTS REQUIRED

Sufficient permanent and distinguished monuments shall be accurately placed throughout the subdivision so that street alignment may be traced with accuracy. Such monuments shall be in the form of iron pins or of something equal, not less than one-half (½) inch in diameter and three (3) feet long driven into the earth, or spikes not less than six (6) inches long driven into the pavement. Such monuments shall be installed by the subdivider as soon as is reasonably possible. The location of such monuments shall be indicated on the final plat and shall be placed in accordance with the following requirements:

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.

SECTION 410.405: MINIMUM PUBLIC STANDARDS FOR EXISTING SUBDIVISIONS UPGRADING THEIR PRIVATE STREET AND STORM SEWER IMPROVEMENTS FOR DEDICATION TO AND MAINTENANCE BY THE PUBLIC^{*1}

A. Applicability. These standards shall apply only to subdivisions that were platted prior to November 3, 2003, that have lots of one (1) acre or larger in size, and whose lot owners seek to upgrade their privately maintained streets and storm sewer improvements for dedication to and maintenance by the public.^{*1}

B. Right-of-Way Width. Forty-two (42) feet.^{*1}

C. Pavement Width.^{*1}

1. Minimum of twenty (20) feet in subdivisions with lot sizes of three (3) acres or larger.^{*1}
2. Minimum of twenty-four (24) feet in subdivisions with lot sizes of one (1) to three (3) acres.^{*1}

D. Cul-de-Sac Requirements. Turnarounds shall have a minimum pavement radius of forty (40) feet and a minimum right-of-way radius of forty-eight (48) feet.^{*1}

E. Pavement Requirements.^{*1}

Minimum standards are as follows:^{*1}

1. 5.5 inches of asphalt on 6" of rock on prepared earth subgrade.^{*1}
2. 6.5 inches of asphalt on 3" of rock on prepared earth subgrade.^{*1}
3. 7.5 inches of asphalt on prepared earth subgrade.^{*1}

4. If a substitute pavement section is proposed, an engineering analysis must be provided showing the substituted section meets or exceeds the structural strength and durability of the sections listed above.^{*1}
 5. Any rock base shall extend beyond the edge of the asphalt pavement by six (6) inches on both sides for a total width of twenty-one (21) feet or twenty-five (25) feet, respectively, in accordance with pavement widths noted in Section "C" above.^{*1}
 6. Compacted material shall be placed against the edge of the asphalt pavement. This material shall at a minimum match the thickness of the pavement and have a minimum width of 6 inches.^{*1}
- F. Street Grade.** Street grades shall match the existing grades. Where grades are less than 1% and greater than 12%, every effort should be made to meet the 1% minimum and 12% maximum criteria.^{*1}
- G. Storm Sewers.** Corrugated metal pipe may be used to drain storm water under streets or driveways provided that the gauge of the pipe meets the following minimum standards:^{*1}
1. Pipes twelve (12) inches to thirty (30) inches in diameter must be 14 gauge.^{*1}
 2. Pipes with diameters from greater than thirty (30) inches to forty-eight (48) inches must be 12 gauge.^{*1}
 3. Pipes with diameters greater than forty-eight (48) inches must be 10 gauge.^{*1}
- H. Roadside Ditches.** Roadside ditches shall be cut to fit within the right-of-way or within a permanent drainage easement that will be dedicated to St. Charles County. The ditch slope shall begin a minimum of six (6) inches off the edge of the pavement, and shall not exceed 3:1. The flow line shall be a minimum of three and a half (3.5) feet from the edge of the pavement. The back slope shall be graded to match the existing grade, however, it shall not exceed 1:1.^{*1}
- I. Administrative Variances.** The County Engineer may vary the minimum standards set out above if the County Engineer finds that practical difficulties caused by terrain or built improvements impose undue burdens or costs on completing the project and that the approved variance will not compromise the County's ability to maintain the upgraded improvement.^{*61}

SECTION 410.410: PUBLIC STORM SEWERS AND OTHER DRAIN APPURTENANCES

- A.** In addition to the installation of curbs and gutters along the streets as required by this Chapter, storm sewers shall be required. Such systems will be equipped with adequate curb and yard basins, inlets and outlets, and shall be designed in accordance to St. Charles County's "Design Criteria for the Preparation of Improvement Plans", as issued

by the St. Charles County Highway Department in February, 2002, or as amended thereafter and constructed in accordance to the Metropolitan St. Louis Sewer District's "Standard Construction Specifications for Sewers and Drainage Facilities," dated 2000. The stormwater drainage system shall be separate and independent of the sanitary sewer system. The plans and specifications for the disposing of stormwater shall be approved by the Director of the Division of Development Review.^{*24}

- B.** Detention basins are required in accordance with Section 50.80 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter. When required, stormwater shall be detained and released at a rate not to exceed the release rate from the site under the existing (pre-developed) conditions for the 2-year and 10-year, 24 hour or the 2-year and 15-year, 20 minute design storm events. Detention basins must be located in common ground that is not located in the floodway area. The minimum maintenance access to a detention facility shall be a fifteen (15) foot strip of common ground on which feasible vehicular access shall be constructed by the developer. Detention basins must also contain some type of overflow structure capable of passing a 100-year, 24 hour or 20 minute design storm. An emergency spillway, capable of passing a 100-year, 24 hour or 20 minute design storm, may also be required by the Director of the Division of Development Review to safely route any basin overflow away from developed areas to a point of stable, natural drainage.^{*46}
- C.** For all subdivisions with lots of one (1) acre or more in size, open drainage swales along the streets may be acceptable, if they are conducive to the area, non-erosive, and approved on the preliminary plat. Plans must be approved by the Director of the Division of Development Review.^{*24}

SECTION 410.420: SANITARY SEWERS

- A.** All buildings, structures, and uses of land in the unincorporated area of St. Charles County shall hereafter be required with an adequate, safe, and sanitary disposal system for all human, domestic, and industrial wastes. For purposes of this regulation, disposal of sewage or other liquidated wastes shall conform to the methods outlined herein.
- B.** Where a public sanitary sewer main is reasonably accessible, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot. Such systems and connections shall comply with the regulations of the Missouri Department of Natural Resources. Verification by the service provider shall be submitted with the preliminary plat, if required by the Director of the Division of Planning and Zoning.
- C.** Where a public sanitary sewer system is not reasonably accessible according to the local wastewater regulatory authority, but where plans for the installation of sanitary sewers in the vicinity of the subdivisions have been prepared and approved by the Missouri Department of Natural Resources, the developer shall install sewers in conformity with such plans. Where immediate connection is not possible, and until such connection with

the sewer system in the district can be made, the use of private sewage treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with the regulations and requirements of the County and the Missouri Department of Natural Resources.

- D.** Where no sewers are accessible and no plans for a sewer system have been prepared and approved, the developer shall either install a sewage collection and disposal system in accordance with the requirements of the preceding paragraph, or individual disposal devices may be installed on each lot within the subdivision, provided that no individual disposal device should be permitted unless the lots to be served have sufficient area to allow adequate soil absorption for on-site sewage disposal. The Planning and Zoning Commission may modify lot area requirements in relation to soil conditions and other pertinent facts and findings in any particular subdivision. All such individual devices and systems shall be constructed and maintained in accordance with the regulations and requirements of the County and/or Missouri Department of Natural Resources. Individual sanitary disposal systems shall not be allowed on lots of less than three (3) acres in area. Each individual lot must provide adequate area for lateral drain field and an auxiliary area for a drain field.

SECTION 410.430: WATER SUPPLY

Where a public water supply main is reasonably accessible, the subdivision shall be provided with a complete water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants. Verification by the service provider shall be submitted with the preliminary plat, if required by the Director of Planning. Individual water systems (wells) shall not be allowed on lots of less than three (3) acres in area. Four (4) copies of plans indicating the placement of water lines and fire hydrants shall be conveyed directly to fire district or department serving the proposed subdivision. Enforcement of fire flow regulations shall remain the responsibility of the fire districts.

SECTION 410.440: INSPECTION

- A.** Prior to starting any of the work covered by the above plans, after approval thereof, the developer shall make arrangements to provide for inspection of the work, sufficient, in the opinion of the County Engineer (or, in the case of detention basins, in the opinion of the Director of Development Review), to assure compliance with the plans and specifications as approved.^{*24,*46}
- B.** The County Engineer, or a duly authorized representative, shall make all necessary inspections of all pavement construction, along with all storm sewer construction and sanitary sewer construction within the right-of-way.^{*24}
- C.** The Director of Development Review, or a duly authorized representative, shall make all necessary inspections of all detention facilities.^{*24,*46}

- D.** A minimum of twenty-four (24) hours' notice shall be given to the County Engineer's office and the office of the Director of Development Review prior to the commencement of construction.^{*24}

SECTION 410.450: 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 improvement plans, unless good cause can be shown for the granting of an extension of time by authority of the Governing Body upon recommendation by the County Engineer.

SECTION 410.460: MAINTENANCE AND SUPERVISION

Where the subdivision contains sewers, sewage treatment plants, water supply systems, 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 and for the proper and continuous operation, maintenance, and supervision of such facilities.

SECTION 410.470: TRUST INDENTURES

Trust indentures will be required and reviewed by the Division of Planning and Zoning regarding maintenance of common ground and private improvements.

SECTION 410.480: VARIANCES

- A.** Whenever the tract to be subdivided is of such unusual size or shape, or contains such topographic conditions or characteristics that the strict application of the requirements contained in this Chapter, except as provided in Section 410.480, D. below, would impose practical difficulties or particular hardship, the Planning and Zoning Commission and Governing Body may vary or modify any of the requirements of this Chapter so that the public interest is secured and the general intent of this Chapter is preserved.^{*46}
- B.** In granting variances, the Governing Body may require such conditions as will, in its judgment, secure the objectives of this Chapter.
- C.** In the event of such an appeal, the Commission shall report to the Governing Body, disclosing in what respect the petitioner's application for an exception and facts offered in support thereof met or failed to meet the aforementioned requirements. The Governing Body may affirm, reverse, modify, or amend in whole or part of any determination of the Commission. It shall require the affirmative vote of five (5) County Council members to overturn a negative recommendation of the Planning and Zoning Commission or to modify or amend any determination of the Commission on any variance application. A majority of the County Council shall be sufficient to affirm any determination of the Commission.

- D.** Upon written request to the Commission, an applicant can seek a waiver of the requirement that any new lot platted shall not have frontage on a County road or thoroughfare as shown on the current Thoroughfare Plan as approved by the Governing Body. The individual request shall be reviewed and granted where there is a topographic hardship or if an equal or better alternative can be provided that is not in agreement with this ordinance. The Director of Community Development and the County Engineer shall review the request and provide a recommendation to the Commission regarding the merits of the request. The Commission shall approve or deny the waiver request.^{*46}

SECTION 410.490: FEE

There shall be a review fee as set by ordinance accompanying any request for a variance.

ARTICLE V. ADMINISTRATION

SECTION 410.500: ENFORCEMENT

- A.** The Governing Body shall not permit any public improvements over which it has control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the adoption of this Chapter, unless such subdivision or street has been approved in accordance with the provisions of this Chapter.^{*46}
- B.** Violations of this Chapter shall be enforced as provided in Sections 405.640 through 405.655 of this Unified Development Ordinance.^{*46}

EXHIBIT A. REQUIRED SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS*14

Design/Standard Improvements

313

410.270-410.500

Improvement	3 Acre Lot Minimum	1 to 3 Acre Lot Size	Less than 1 Acre Lot Size	Multiples/Duplexes/ Mobile Home Parks	Commercial/Industrial
Right-of-way (feet)					
Arterials	60-100 (2-5 lanes) ^{*28}	60-100 (2-5 lanes) ^{*28}	60-100 (2-5 lanes) ^{*28}	60-100 (2-5 lanes) ^{*28}	60-100 (2-5 lanes) ^{*28}
Major collectors	54	54	54	54	54
Minor collectors	48	48	48	48	48
Minor streets	42	42	42	42 (Public) ^{*7}	42
Easements, utility—total width (feet)	10 ^{*8}	10 ^{*8}	10 ^{*8}	10 ^{*8}	10 ^{*8}
Block length—maximum (feet)	2,640	2,640	1,320	1,320	600
Block length—minimum (feet)	500	500	500	500	N/A
Cul-de-sac maximum length (feet)	2,640	1,200	900	900	600
Cul-de-sac minimum right-of-way radius (feet)	48 ^{*3}	48 ^{*3}	48 ^{*3}	48 ^{*3}	48 ^{*3}
Cul-de-sac minimum pavement radius (feet)	40 ^{*3}	40 ^{*3}	40 ^{*3}	40 ^{*3}	40 ^{*3}
Pavement width (feet)					
Arterials	Exhibit A1	Exhibit A1	Exhibit A1	Exhibit A1	Exhibit A1
Major collectors	38 ^{*1}	38 ^{*1}	38 ^{*1}	38 ^{*1}	38 ^{*1}
Minor collectors	32 ^{*1}	32 ^{*1}	32 ^{*1}	32 ^{*1}	32 ^{*1}
Minor streets	24 (Public)/20 (Private) ^{*9}	24 ^{*9}	26	26 ^{*7}	26
Cul-de-sac streets	24 (Public)/16 (Private) ^{*9}	24 ^{*9}	26	26 ^{*7}	26
Street curvature - minimum centerline radius (feet)					
Arterials	Per County Highway Dept. 375	Per County Highway Dept. 375	Per County Highway Dept. 375	Per County Highway Dept. 375	Per County Highway Dept. 375
Major collectors	375	375	375	375	375
Minor collectors	150	375	150	150	150
Minor streets		150			
Type of improvement					
Street ^{*6}	Public (built to public standards) or Private (minimum 8 inches of rock or 6 inches of rock on an engineering fabric)	Public or Private built to Public Standards	Public or Private built to Public Standards	Public or Private built to Public Standards ^{*7}	Public or Private built to Public Standards
Curb and gutter required	No	No	Yes	Yes ^{*5}	Yes
Public water required	No	Yes ^{*2}	Yes	Yes	Yes
Sanitary sewer required	No	Yes	Yes	Yes	Yes
Sidewalks	No	No	Yes	Yes	Yes
Improvement plans	Yes	Yes	Yes	Yes	Yes
Setback line—minimum (feet)	50	35	25 ^{*4}	25 ^{*4}	25-35
Lot width—minimum (feet)	150	150	70-100	Variable, depending on District 35-70	N/A

- | | | | | | |
|---|---|---|--|---|---|
| 1 | If needed. | 4 | Except for PUD Overlay Districts. | 7 | Private with adjacent parking, 24 ft. minimum pavement width with right-of-way equal to street width. |
| 2 | If public water supply is reasonably accessible. | 5 | Except private with adjacent parking. | 8 | 14 ft. wide easements are required where storm sewer is located between lots/units. |
| 3 | See Street Right-of-Way and Utility Easement Requirements of this section regarding criteria for larger (55' pavement/63' r/w) turnarounds. | 6 | Per St. Charles County Highway specifications. Coring to be included for all type pavements with penalties for deficiencies. | 9 | Not including the width of any curb & gutter. |

N/A: Not Applicable

EXHIBIT A1. REQUIRED SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

Guide for Determining Widths and Type of New Roadways

When the traffic generated reaches a point that it cannot adequately be handled by a minor street, the following general guidelines will be used in determining the pavement width of the street necessary for handling the traffic:

Type	Pavement Width*	Approximate Average Daily Traffic (Ultimate Development)
Minor collectors	32 feet	2,000
Major collectors	38 feet	3,500
Arterials	Refer to the current Master Plan as approved by the Governing Body and the current Thoroughfare Plan as approved by the Governing Body ^{*28}	5,000
Traffic study may be required of developer by Planning and Zoning Commission, Director of the Division of Development Review, or County Engineer for pavement width.		
*Roadways constructed to Federal requirements may require additional width.		

The average daily traffic (ADT) is approximate and the above criteria intended as a general guideline only. The actual need and widths of collector or arterial type roads will be investigated for each development. Traffic volumes for residential and multi-family developments will generally be based on the number of trips generated per unit. A detailed traffic study will normally be required for commercial and industrial developments as requested by the Planning and Zoning Commission, Director of the Division of Development Review, or County Engineer.

The need for and location of collector and arterial streets will be determined on the basis of traffic generated by the surrounding developments as well as the development itself. Consideration will also be given to the spacing and continuity of collector and arterial streets. New roadways will be required, in accordance with the current Master Plan as approved by the Governing Body and the current Thoroughfare Plan as approved by the Governing Body as amended or required traffic studies.^{*28}

EXHIBIT B. EXAMPLE OF FEES

For fees for services required by the Unified Development Ordinance of St. Charles County, Missouri, see Section 425.020 of this Title.

EXHIBIT C

ST. CHARLES COUNTY STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION

Copies of the St. Charles County Standard Specifications for Highway Construction are available through the St. Charles County Highway Department

CHAPTER 412: UNIFIED DEVELOPMENT ORDINANCE OF ST. CHARLES COUNTY, MISSOURI "EROSION AND SEDIMENT CONTROL REGULATIONS" *18**ARTICLE I. GENERAL PROVISIONS****SECTION 412.010: PURPOSE**

- A. The purpose of this Chapter is to control soil erosion on land that is undergoing development for non-agricultural uses and to preserve the natural terrain and waterways of land within the unincorporated portion of St. Charles County. Soil erosion may result in the loss of valuable top soil, the degradation of water quality, and obstruct stormwater flows in storm sewers, road ditches and natural water courses.
- B. The provisions in this regulation are intended to promote land preservation and the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth. Application of the regulations in this document is intended to control soil erosion and sedimentation.
- C. This Chapter shall not constitute a waiver by St. Charles County of its sovereign immunity. No official or employee of St. Charles County who enforces the provisions of this Chapter shall have the authority to waive or be deemed to waive any official immunity, nor establish any special duty to any party that may constitute an exception to the public duty doctrine. Damages due to conduct in violation of this Chapter shall be the sole liability of the party or parties in violation, and not of St. Charles County.

SECTION 412.020: SCOPE OF AUTHORITY

Any person, firm, corporation or business proposing to remove any ground vegetation, to disturb or fill the land, or to store soil within unincorporated St. Charles County shall apply to the Department of Community Development for approval and issuance of a land disturbance permit. State and federal permit conditions that are more stringent than the requirements set forth herein shall govern.

SECTION 412.030: DEFINITIONS

The definitions set out in Section 405.060 in this Unified Development Ordinance shall apply to this Article in addition to the following terms:

RUNOFF: That part of rainfall that flows off the land into streams or other surface waters.

SUBSTANTIAL RAIN EVENT: A rain event which has a rainfall intensity that causes erosion, or a rain event that exceeds 1.00 inch in a 24 hour period.

ARTICLE II. LAND DISTURBANCE PERMIT*18**SECTION 412.040: LAND DISTURBANCE PERMIT REQUIRED**

It shall be unlawful for the owner of a property and/or that owner's agent to perform land disturbance activities affecting 5000 square feet or more without obtaining a Land Disturbance Permit.

SECTION 412.050: EXEMPTIONS

A. Notwithstanding Section 412.040, a Land Disturbance Permit will not be required for the activities listed below, provided that no change in drainage patterns or sedimentation onto adjacent properties will occur.^{*28,40*}

1. Land disturbance activities in public rights-of-way covered by a special-use permit.
2. Land disturbance activities for or by any public utility for the installation, inspection, repair or replacement of any of its facilities.
3. Land disturbance activities in quarries and permitted sanitary landfills that do not drain off the property.
4. Land disturbance activity of land for farming, nurseries, landscaping, or gardening or similar agricultural or horticultural use whenever there is substantial compliance with recommendations or standards of the local soil conservation authority.
5. Removal of existing or dying grass or similar vegetation by disturbing not more than a maximum area of 10,000 square feet and re-sodding or re-seeding with new landscaping to include preparation of the seed bed; provided erosion and sediment control measures are provided until the grass or other vegetation is established.
6. Gardening, and similar activities on property occupied by one- or two-family dwellings.
7. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
8. Repair of levees when such levees protect primarily agricultural land uses and when damage to such levees is caused by breach, over-topping or wave action provided:
 - a. Such repairs are not on levees subject to the jurisdiction of the United States Army Corps of Engineers ("Corps"), or

- b. Such repairs are authorized by a nationwide or regional general permit issued by the Corps, so long as the owner of the property or that owner's agent provides copies to the Development Review division of any reports required by the Corps under that nationwide or regional general permit.^{*40}

ARTICLE III. GENERAL REQUIREMENTS^{*18}

SECTION 412.060: PLAN SUBMITTAL REQUIREMENTS

Three (3) sets of plans (construction drawings) shall be submitted to the Development Review Division for review and approval along with the plan review fee. Initially submitted plans must include all items in subsections A and B of this section and must be supplemented by all items in subsection C of this section prior to issuance of any permit, unless an item is waived pursuant to Section 412.070.

1. General Information.

- a. Name, address and telephone number of property owner or Permittee.
- b. Property address and location map of land disturbance property.
- c. Property boundaries and adjacent property owners.
- d. A site map showing the outlines of the total project area and land disturbance areas.
- e. Total acreage of site or property.
- f. Total acreage of land disturbance.
- g. Name and address of engineering firm or engineer.
- h. Existing land use and zoning.
- i. USGS benchmark source and site benchmark on USGS datum.
- j. Plotted no larger than on 24" by 36" paper at an appropriate horizontal scale between 1"=50' and 1"=10'.
- k. Topographic survey of physical features to at least 25 feet beyond the land disturbance activity area.
- l. Existing surface contours at interval no greater than two (2) feet to at least 25 feet beyond the land disturbance activity area.
- m. FEMA flood panel number, and delineation of 100-year flood plain and floodway.

-
- n. Location of soil types, wooded areas, watercourses, wetlands, surface water bodies, and soil borings.
 - o. Location of all underground and above ground utilities, including pipelines operated at a service pressure in excess of 200 psig.
 - p. Delineation of the Tree Preservation Plan per Section 410.145 of this Unified Development Ordinance.
 - q. Delineation of the Vegetative Buffer Plan per Section 405.5021 of this Unified Development Ordinance.
 - r. Field surveyed natural watercourses showing top and toe of banks.
 - s. Proposed access to the site either from public right-of-way under a permit issued by the governing agency, or through private property under an easement or license. (Attach copy of permit, easement, or license).
 - t. All proposed permanent improvements to be constructed as part of the land disturbance activity.
 - u. Proposed surface contours at intervals no greater than two (2) feet to at least 25 feet beyond the land disturbance activity area.
 - v. County standard land disturbance activity notes, which includes a note stating that “The contractor, shall request inspection 2 days in advance of construction startup”.
 - w. County standard construction details.
 - x. Signature, seal, and date of a licensed professional engineer.
 - y. Signature, seal, and date of a registered land surveyor, and his (her) statement identifying sources of topographical information.
 - z. A signed statement by the Permittee assuming full responsibility for the performance of the land disturbance activities, and that all State, County and private property or roads will be adequately protected.
 - aa. Other items as required in the Design Manual, or as required by the Director of Development Review.

2. Specific Design Information.

- a. A geotechnical report identifying the United States Department of Agriculture soil textures throughout the site; slope stabilization analysis for cut and fill slopes;

and, other pertinent data related to erosion or sediment concerns during land disturbance activities.

- b. The sequence of all land disturbance activities including those listed below, and all installations of erosion and sediment controls listed below, shall be shown on construction plans:
- (1) Stripping and clearing;
 - (2) After changes in drainage courses;
 - (3) Construction of underground infrastructure;
 - (4) Construction of structures, such as buildings, pavement, retaining walls;
 - (5) Final grading; and
 - (6) Landscaping.

The Director of Development Review may require that separate construction plans be submitted for separate phases of the project.

- c. Stabilization of any stream bank erosion problems existing in natural watercourses that are to be left undisturbed, that may jeopardize private lots, public utilities, or detention facilities.
- d. Details of any temporary drainage system proposed to be installed in connection with any and all phases of land disturbance activity.
- e. Details of proposed water impoundment structures, embankments, sediment or debris basins, grass or lined waterways and diversions with the details, and locations of proposed stable outlets and the location of any downstream impoundments which could be affected by the proposed land disturbance activities.
- f. Location of construction traffic entrance and wash-off pad.
- g. Description of erosion and sediment controls that will be installed prior to, and during land disturbance activity to control pollutants in storm water discharges, along with drainage area map with appropriate pre-development, appropriate interim and post runoff calculations for each proposed stormwater conveyance system, and erosion and sediment control. (Calculations shall conform to Article IV of this Chapter.
- h. Drawing depicting the runoff travel paths, which are the route taken by a drop of effective rainfall falling at the most hydraulically remote point to the outlet of a drainage basin to determine the time of concentration used in item 7 above.

Provide calculations for time of concentration and composite curve number (CN) for pre-developed watersheds.

- i. Description and location of permanent erosion and sediment controls after land disturbance activities have ended.
 - j. Calculations required by Section 412.150.
- 3. Other Required Submittals.** Other items, if applicable, must be submitted prior to issuance of a Land Disturbance Permit.
- a. Alternative material and vendor specifications for erosion and sediment control devices.
 - b. Other County permits, such as Flood Plain Development Permit, Special Use Permit, Demolition Permit, and Building Permit for retaining walls.
 - c. Permits from other governmental agencies, such as United States Army Corps of Engineers Section 404 permit, and Missouri Department of Natural Resources Section 401 permit.
 - d. Missouri Department of Natural Resources Land Disturbance Permit.
 - e. Performance guarantee pursuant to Section 412.080.
 - f. Executed easements needed for land disturbance activities or access.
 - g. Payment of base inspection fee required by this ordinance.

SECTION 412.070: WAIVER OF REQUIREMENTS

The applicant may request a waiver of specific plan submittal requirements to the Director of Development Review. The Director of Development Review may grant the request for a waiver including a reduction in base inspection fees, upon determining that the item to be waived is not applicable to the project under review or that the request for a waiver is justified and that the remaining information on the submitted plans or permit application is sufficient to show that the work will comply with the objectives and principles of this Chapter.^{*46}

SECTION 412.080: PERFORMANCE GUARANTEE

In order to obtain a Land Disturbance Permit, the applicant must insure or guarantee the stabilization of the site upon completion or stoppage of the land disturbance activity.

A. Performance Guarantee Required.^{*28,*46}

The applicant shall post a performance guarantee with the County in the amount established in this Section.^{*28}

1. If the performance guarantee is a lender’s or escrow agreement, that agreement shall:^{*46}
 - a. Be prepared on forms approved by ordinance and be signed by the Director of the Division of Development Review and County Registrar;^{*46}
 - b. Ensure or guarantee the installation of sediment and erosion controls and the final stabilization of ground cover based on amounts established in Section 412.080, B and approved by the Director of the Division of Development Review; and,^{*46}
 - c. Be held in a special account by the escrow holder or lender, and the funds shall be subject to the audit of St. Charles County.^{*46}

2. If the performance guarantee is a standby letter of credit, that document may be prepared on forms approved by the financial institution on which it is drawn but must provide for:^{*46}
 - a. Drafts to be drawn at offices in St. Charles County, St. Louis County, or the City of St. Louis; and,^{*46}
 - b. Automatic extensions for additional one-year terms unless, at 45 days prior to the letter’s current expiration date, the financial institution issuing the letter gives written notice of non-renewal to St. Charles County’s Department of Community Development by registered or certified mail or by overnight courier.^{*46}

B. Amount of Performance Guarantee.^{*46}

1. Except as provided hereafter in this section, the amount of the performance guarantee shall be determined from the estimated land disturbance acreage rounded up to the nearest tenth (0.1) of an acre times the cost per acre according to the following schedule:^{*46}

Land Disturbance Acreage	Cost per Acre
< 5.0	\$3,000
5.0 – 20.0	\$2,500
> 20.0	\$2,000

2. However, additional amounts will be required equal to the costs of other proposed construction items referenced in Section 412.060 A.20 and/or B.2.^{*46}

3. Alternatively, the applicant may post a performance guarantee in an amount determined by a line-item cost estimate for all erosion and sediment controls, and other proposed construction items referenced in Section 412.060 A.20 and/or B.2.^{*46}

C. Release of Performance Guarantee Funds.^{*46}

1. The Director of Development Review may authorize release up to fifty percent (50%) of any performance guarantee funds upon confirming by inspection that all erosion and sediment controls, and other proposed construction items referenced in Section 412.060 A.20 and/or B.2 are in place and functioning properly, including establishment of vegetation.^{*46}
2. The Director of Development Review may authorize release up to ninety percent (90%) of any performance guarantee funds subject to an escrow or lender's agreement upon confirming by inspection that vegetation has been established and ongoing maintenance has been provided for all installed erosion and sediment controls. However, the amount retained shall not be reduced to less than the cost of maintaining the erosion and sediment controls.^{*46}
3. The Director of Development Review shall authorize release of all remaining performance guarantee funds only when the County Inspector certifies that all land disturbance work has been completed and all soil subject to the Land Disturbance Permit is stabilized, including permanent vegetation.^{*46}

SECTION 412.090: ISSUANCE OF A LAND DISTURBANCE PERMIT

A Land Disturbance Permit shall be issued by the Director of Development Review only if:

1. The application for that permit is complete and includes all submittals required by this Chapter and not waived pursuant to Section 412.070; and
2. The design submitted for approval with the permit is consistent with the design standards established or authorized by Article IV of this Chapter.

SECTION 412.100: TRANSFER OF LAND DISTURBANCE PERMIT

Unless a Permittee transfers a Land Disturbance Permit as provided herein, that Permittee remains bound by the terms of that Permit even after transfer of ownership of land subject to it. A Land Disturbance Permit may be transferred only if all of the following conditions are met.

1. The Permittee must file a request for transfer with the Director of Development Review cosigned by the Transferee, which must include:
 - a. A legal description of the area to be transferred; and
 - b. A map or plan showing the area to be transferred.
2. The Director of Development Review must determine from the request and supporting documentation that the area to be transferred includes substantially all of any drainage basin or basins wholly or partly within the area subject to the

originally issued permit, and give Permittee and Transferee written mail notice of that determination.

3. The Transferee must submit to the Director of Development Review:
 - a. A performance guarantee (as provided in Section 412.080, above); and^{*28}
 - b. A copy of the Missouri Department of Natural Resources Land Disturbance Permit Ownership Transfer documentation per 10 CSR 20-6.200 for the same transfer (no County permit may be transferred without this document).

SECTION 412.110: REQUIREMENTS BEFORE CONSTRUCTION STARTUP

It is the responsibility of the Permittee to ensure that the following items are performed prior to construction startup, unless deemed non-applicable to the project by the Director of Development Review.

1. Schedule a preconstruction conference with the Director of Development Review prior to the start of each construction phase of land disturbance activity including installation of the temporary construction entrance. The Permittee will be responsible for notifying all contractors and other entities including utility crews that will perform work at the site to be in attendance.
2. Supply in writing to the Director of Development Review, the name and telephone number of all contractors and subcontractors, and a 24 hour telephone number of the Permittee's designated agent supervising and directing all land disturbance activities on site.
3. Stake and post signs of tree preservation areas per Section 410.145 of this Unified Development Ordinance, and vegetated buffer areas per Section 405.5021 of this Unified Development Ordinance.
4. Identify in writing each erosion and sediment control product that is not a specification authorized by Article IV of this Chapter, and submit manufacturer specifications and installation techniques for approval by the Director of Development Review for performance equivalency with County specifications.
5. Identify proposed good housekeeping practices to control general site pollutants, such as construction wastes, site litter, construction debris, dust, and sanitary wastes.
6. Identify toxic or hazardous substances, petroleum products, pesticides, herbicides, and other pollutants that will be used on site. Identify pollution control method for each substance, and submit an emergency management plans for responding to any loss of toxic materials due to a containment failure. This plan must include documentation of actions and mandatory reporting to the Saint Charles County Division of Environmental Services, Solid Waste Enforcement.

7. Provide a location map depicting any proposed borrow or fill sites in the County, and the proposed truck haul routes through the County.
8. Provide an erosion and sediment control installation sequencing schedule for approval by the Director of Development Review. The schedule should be a graph or tabulation of each erosion and sediment control installation consistent with Section 412.060 Subsection B2.

SECTION 412.120: PLAN MODIFICATIONS DURING CONSTRUCTION

A. Field Modifications.

The Permittee shall modify already approved plans or modify descriptions of pollution prevention methods, in any of the following circumstances.

1. Inspections by the Director of Development Review or by the Missouri Department of Natural Resources indicate deficiencies.
2. Inspections by the Permittee indicate deficiencies.
3. Either the Permittee or the Director of Development Review determines that the current installations are ineffective in significantly minimizing or controlling erosion of land or sedimentation in streams or lakes.
4. Either the Director of Development Review or the Missouri Department of Natural Resources determines that total settleable solids from a storm water outfall exceeds 2.5 milliliters per liter per hour (ml/L/hr), or 0.5 ml/L/hr in the event the Land Disturbance Activity is within a Valuable Water Resource Area, as determined by the Missouri Department of Natural Resources.
5. Either the Director of Development Review or the Missouri Department of Natural Resources determines that violations of Water Quality Standards 10 CSR 20-7.031(3) may occur or have occurred.
6. Either the Director of Development Review or the Missouri Department of Natural Resources determines that the pollution prevention methods submitted to the Director of Development Review as required by Section 412.060, above, are ineffective in preventing pollution of waterways from construction wastes, chemicals, fueling facilities, concrete truck washouts, toxic or hazardous materials, site litter or other substances or wastes likely to have an adverse impact on water quality.^{*46}

B. Submittal of Amended Plans.

The Permittee shall submit for the Director of Development Review's approval amended plans and descriptions of pollution prevention methods, in any of the following circumstances.

1. The Permittee seeks to modify the originally approved plans for the design, operation or maintenance of erosion and sediment controls.
2. The Permittee modifies the design for the construction project for which the Permittee submitted those originally approved plans, so as to significantly affect the quality of storm water discharges.
3. The Director of Development Review determines that the temporary facilities or erosion and sediment controls installed according to approved plans fail to meet performance standards imposed by these regulations, and that those failures require amendment of those plans, and supporting documentation or calculations.

SECTION 412.130: INSPECTIONS AND REPORTS

A. County Inspections.

1. The Permittee consents to the County inspecting the proposed development site and all work in progress, and to payment of additional inspection fees above the base inspection fee, if any, as authorized by ordinance.
2. The Director of Development Review or his designee shall make inspections and either approve that portion of the work completed or notify the Permittee in writing when the work fails to comply with the conditions of the Land Disturbance Permit.
3. The Permittee shall notify the Director of Development Review or his designee at least two working days before the following activities to obtain timely inspection:
 - a. Establishment of tree preservation and stream buffer boundaries. Refer to Section 412.110 (3);
 - b. Start of land disturbance or construction;
 - c. Installation of erosion and sediment controls;
 - d. Completion of site clearing;
 - e. Completion of rough grading;
 - f. Completion or suspension of final land disturbance activity;
 - g. Close of the construction season; and
 - h. Completion of final landscaping.

4. The Director of Development Review or his designee shall inspect the property periodically for compliance with these regulations, after a substantial rain event, and after any notice to correct issued pursuant to subsection B of Section 412.140. The Director of Development Review or his designee may inspect the property upon receipt of a citizen complaint concerning erosion or sediment control issues.

B. Permittee Inspections and Reporting.

1. The Permittee shall make regular inspections of the permitted site, observing all erosion and sediment control and other pollutant control measures, outfalls and off-site receiving waters. The inspections must be conducted by a person knowledgeable in the principles and practice of erosion and sediment controls, who possess the skills to assess conditions at the construction site that could impact storm water quality, and to assess the effectiveness of the erosion and sediment controls used.
2. Inspections must be made by the Permittee at least once per week and no later than 2 days after a substantial rain event. A reduction in the weekly inspections may be waived by the Director of Development Review for the following reasons:
 - a. The entire site is temporarily stabilized;
 - b. Runoff is unlikely due to winter conditions, such as snow cover or frozen ground; and
 - c. Construction is during arid periods when no erosion or sediment has occurred.
3. All inspections by the Permittee shall be documented in written form on reports with copies submitted to the Director of Development Review at the time interval specified in the permit. A report of each inspection shall be kept on site by the Permittee if possible. Otherwise, the inspection form will be retained by the Permittee at its closest business office located within the County. Falsification of reports is in violation of the permit, and cause of immediate suspension or revocation of the permit. The inspection reports are to include the following minimum information:
 - a. Inspector's name and signature;
 - b. Date of inspection;
 - c. Observations relative to the effectiveness and deficiencies of the erosion and sediment controls, and other pollution prevention controls;
 - d. Actions taken or necessary to correct deficiencies, including the log of field changes to the approved plan during the period covered by the report;

- e. A listing of areas where land disturbance activities have permanently or temporarily stopped; and
 - f. Storm water sampling information and analytical results, when applicable.
4. The Permittee shall be responsible for correcting any deficiencies identified within seven (7) calendar days of the date of inspection required by this subsection identifying these deficiencies.
 5. The Director of Development Review shall make additional inspections as necessary to ensure the validity of the reports filed and, where applicable, to confirm the correction of reported deficiencies

SECTION 412.140: VIOLATIONS, CORRECTIONS AND ENFORCEMENT

A. Violations.

1. It shall be a violation of this Chapter to construct, enlarge, alter, repair, or maintain any land disturbance activity, excavation, or fill, or cause the same to be done, contrary to any provision of this Chapter.
2. It shall be a violation of this Chapter to fail to install and maintain any erosion and sediment control measures and systems authorized and required by a duly issued Land Disturbance Permit.
3. It shall be a violation of this Chapter to fail to comply timely with any Notice to Correct issued pursuant to subsection B of this Section, or correct timely any deficiencies identified by the permittee pursuant to Section 412.130.B.4, above.
4. The need to halt or reduce the permitted construction or grading activity in order to maintain compliance with the permit conditions shall not be a defense to the Permittee in an enforcement action.

B. Notice to Correct, Notice of Violation, and Service of Notices.

1. Upon confirming any violation or deficiency, the Director of Development Review shall issue a written Notice to Correct directing abatement of those violations and/or correction of that deficiency within seven (7) calendar days. The Notice shall state that failure to comply with its terms shall constitute an additional violation of this Chapter.
2. Upon confirming failure to comply timely with any Notice to Correct, the Director of Development Review shall issue a written Notice of Violation, including a Stop Work Order and notice of fines as authorized by subsection C of this Section.

3. Notwithstanding the foregoing provisions of this subsection, when the Director of Development Review finds that any person has undertaken land disturbance activity without a land disturbance permit required by this Chapter, the Director of Development Review shall issue a Notice of Violation including a Stop Work Order and notice of fines as authorized by subsection C of this Section, and such fines shall accrue from the day on which such unauthorized land disturbance commenced.
4. The Director of Development Review shall serve any written Notice authorized by this subsection by posting one copy at the work site, and by hand-delivering or mailing other copies to any and all persons responsible for the violation or deficiency.

C. Enforcement

1. **Stop Work Order.**

The Director of Development Review shall also have the right to stop all or any part of the construction activities and development until all corrections set out in such notice have been satisfactorily made. To that end, the Director of Development Review shall issue and post on the site a written order directing that such construction activities and development be stopped immediately, and shall serve that written order upon any person, firm, corporation or business engaged in such construction activities and development at the site that is the subject of the violation. Every day that such work continues shall constitute a separate violation. This ordinance does not preclude remedies available under federal, state or common law.
2. **Forfeiture of Performance Guarantee.**

In the event of a violation or deficiency that is not resolved in a reasonable time, the performance guarantee proceeds may be used by the County to install pollution prevention controls to stabilize the site subject to the Land Disturbance Permit. Prior to resumption of work, Permittee must post a new performance guarantee in an amount determined pursuant to Section 412.080.
3. **Fines.**

Any person responsible for a violation of this Chapter shall be guilty of a misdemeanor and liable for a fine not to exceed one thousand dollars (\$1000) a day. Every day that such violation is ongoing shall constitute a separate violation.
4. **Enforcement.**

It shall be the duty of the Director of Development Review to enforce this Chapter. In discharging that duty the Director of Development Review may request and shall receive, so far as may be necessary in the discharge of that duty, the assistance and cooperation of other County Officials, including, but not limited to, the following: the Sheriff, the Directors of Community Development and Building Code Enforcement, the County Engineer, and the County Counselor.

5. Actions for Fines and Injunctive Relief.
In the event of a violation, the Director of Development Review may request the County Counselor to institute in the Circuit Court an appropriate action for fines and injunctive relief against the person or persons responsible for that violation.

SECTION 412.145: CLOSING OF LAND DISTURBANCE PERMITS

The Director of Development Review shall close land disturbance permits upon Permittee's stabilization of all soil at the site subject to the permit, and release the entire performance guarantee as authorized in Section 412.080.C.

ARTICLE IV. DESIGN REQUIREMENTS AND PERFORMANCE GOALS^{*18}

SECTION 412.150: PURPOSE

This Article IV specifies or authorizes performance and design standards to reduce the amount of sediment and other pollutants in stormwater discharges associated with the land disturbance activities as required by these regulations. The applicant's engineer shall select and design erosion and sediment controls adequate to meet those requirements.

SECTION 412.160: PERFORMANCE STANDARDS

Designs for erosion and sediment controls shall meet the following performance standards.

1. Compliance with all standards imposed by Missouri Department of Natural Resources Missouri State Operating Permit MO-R100A, or if the land disturbance area is within a Valuable Water Resource Area, as determined by the Missouri Department of Natural Resources, a Missouri State Operating Permit MO-R109 issued in compliance with the Missouri Clean Water Law (Chapter 644, RSMo, as amended), the Federal Water Control Act (Public Law 95-500, 92d Congress, as amended), and Missouri and Federal Regulations pursuant thereto.
2. Compliance with the following additional standards stated herein.
 - a. No Land Disturbance Activity shall result in the impounding of surface water on property other than the Permittee's unless the Permittee obtains easements or licenses for that purpose.
 - b. Runoff into receiving streams from any area undergoing Land Disturbance Activities that is greater than three acres shall not exceed the 6-month peak runoff rate for that area in its pre-developed state.
 - c. Temporary discharges into receiving streams from any area undergoing land disturbance activities shall not result in the accelerated erosion of those streams' channels at the point of discharge.
3. If temporary facilities and erosion and sediment controls installed pursuant to approved plans fail to meet the performance standards set out herein, the Director of Development Review may require the Permittee to submit modified plans as provided in Section 412.120, above.

SECTION 412.170: DESIGN CRITERIA

The erosion and sediment controls and temporary facilities identified in Subsection A shall be designed to accommodate at a minimum the runoff for the design storm specified in that Subsection, using the runoff coefficients specified in Subsection B, and calculated according to the methods defined in this Section.

If installed erosion and sediment controls, designed according to this Article, fail to meet its performance standards above, the Permittee shall be required to correct the deficiency in question, as provided in Section 412.120.

A. Design Storm.

Designs for erosion and sediment controls and temporary facilities constructed during land disturbance activities shall be based on the design storms shown in Exhibit 1.

Exhibit 1 – Design Storm

Erosion & Sediment Control & Temporary Facilities	Design Storm
Stormwater Conveyance Systems: On-site drainage ditches & diversions	6-mo
By-pass storm sewers & channels	2-yr
Entrance road culvert	2-yr
Storm Inlet Sediment Protection	6-mo
Stream Crossing Structures: Duration of use: 4 months or less	2-yr
Duration of use: longer than 4 months	10-yr
Sediment Basin: Basin size	6-mo
Basin overflow	10-yr

B. Runoff Coefficient.

The runoff coefficient (C) corresponds to the effective runoff based on ground cover, ground slope, and that portion of rainfall that is lost to surface runoff by processes such as depression storage, infiltration, interception, and evaporation. The runoff coefficients in Exhibit 2 shall be used in calculating peak runoff rates and stormwater volumes.

Exhibit 2 - Runoff Coefficient Table (C)

Ground Cover	Runoff Coefficient (C)
Pasture, and unimproved areas	15%
Woods	10%
Lawns, ≤ 6% slope	15%
Lawns, > 6% slope	30%
Graded/no vegetation, ≤ 6% slope	50%
Graded/no vegetation, > 6% slope	60%
Gravel Parking Lot	75%
Gravel Road	80%
Pavement, walks, buildings	95%

The runoff coefficients shall be determined for each drainage area to proposed erosion and sediment control, and temporary facilities based on the following criteria.

1. Land disturbance areas shall be considered stripped of all vegetation in determining runoff for erosion and sediment controls placed prior to land disturbance activities.
2. After cut and fill operations are completed, land disturbance areas shall be considered stripped of all vegetation, and pavement installed in determining sediment controls, runoff conveyance systems, and erosion prevention devices.

C. Peak Runoff Rate Calculation Method.

The Rational Method, as developed by Mulvaney in 1851, shall be used to determine the peak (maximum) runoff rate. The Rational Method (also known as the Rational Formula) is:

$$Q = C i A$$

where Q = peak runoff rate in cubic feet per second (cfs)
 C = runoff coefficient (dimensionless)
 i = rainfall intensity rate in inches per hour
 A = drainage area in acres

1. The runoff coefficients (C) to be used are set out in tabular form in Subsection B, Exhibit 2, above.
2. The rainfall intensity rates (i) were derived for St. Charles County from the *Rainfall Frequency Atlas for the Midwest, Bulletin 71* by Huff and Angel, 1992 for a ten minute (10) rain event. The rainfall intensity rates in Exhibit 3 shall be used.

Exhibit 3 - Rainfall Intensity Rates (i)

Design Storm	Rainfall Intensity Rate (inches/hour)
6-month	2.86
1-year	3.54
2-year	4.38
5-year	5.53
10-year	6.62

D. Total Runoff Volume Calculation

The total volume of runoff for calculating sediment basin size shall be based on the runoff coefficient times the total rainfall in a 24 hour period, which is:

$$V = P \times C \times A \times 3630$$

- where V = total runoff volume in cubic feet
 P = inches of rainfall in a 24 hour period
 C = runoff coefficient (dimensionless)
 A = drainage area in acres

1. The runoff coefficients (C) to be used are set out in tabular form in Subsection B, Exhibit 2, above.
2. The total inches of rainfall in a 24 hour period was derived for St. Charles County from the *Rainfall Frequency Atlas for the Midwest, Bulletin 71* by Huff and Angel, 1992. The following exhibit shall be used:

Exhibit 4 - Total Inches of Rainfall in a 24-Hour Period

Design Storm	Total Rainfall (inches)
6-month	2.03
1-year	2.50
2-year	3.25
5-year	4.10
10-year	5.00

SECTION 412.180: DESIGN MANUALS AND GUIDELINES

A. Design Manual Authorized.

The Director of Development Review is hereby authorized to develop design criteria for erosion and sediment controls that may be employed to comply with these regulations, and to meet the performance standards set out above. The design criteria may include specific requirements or conditions for the use of any particular erosion and sediment control. Such design criteria shall be included in St. Charles County's "Design Criteria for the Preparation of Improvement Plans" (Design Manual).

B. Use of Design Manual and Other Guidelines.

Plans required by these regulations may include erosion and sediment controls included in the Design Manual, but the Design Manual is not intended to preclude use of other erosion and sediment control methods not included in it. Engineering professionals are encouraged to design innovative ways to address site specific conditions. In all cases, erosion and sediment control products shall be used and installed according to the manufacturer's specifications. In all cases,

designs must be approved by the Director of Development Review, and must be in compliance with these regulations and the terms and conditions of applicable Federal and State permits.

SECTION 412.190: SURFACE STABILIZATION REQUIREMENTS

A. Surface Stabilization Techniques.

Bare ground must be stabilized by vegetation, rock surfacing, erosion control blankets and netting, soil binders, structural topping, like concreting, or other techniques authorized by the Design Manual or approved pursuant to Section 412.100, above. With respect to vegetation, the following provisions shall also apply.

1. Temporary seeding shall be used if the area will be disturbed later in the development. The area must be vegetated by permanent seeding or sodding, when no further land disturbance will occur.
2. Seeding, fertilizing, and mulching shall be applied at the rates and times specified in the Design Manual.
3. Mulch can be used as temporary cover in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. Application rates are shown in the Design Manual.
4. Temporary seeding and mulching shall be placed on 70% of the total disturbed site area according to the stabilization schedule.
5. Temporary seeding may be suspended in portions of the project area which have an active building permit. Upon completion of the building activity, the site must be permanently stabilized.
6. Seeded areas shall be re-fertilized 4 weeks after initial seeding. The seeded area shall be inspected at that time for uniform cover and adequate density. All areas which are bare and sparse (less than 30% ground cover) shall be re-seeded and mulched.
7. Non-degradable mats shall be used only as a permanent installation, and in areas that will not be mowed.

B. Surface Stabilization Schedule.

Land disturbance activities shall be scheduled as provide in the table below:

Exhibit 5 - Soil Stabilization Schedule

Soil Disturbance Activity or Condition	Required Stabilization Time
Soil disturbance has ceased in areas greater than 2000 square feet.	14 days
After construction of dikes, swales, diversions, and other concentrated flow areas	5 days
When slopes are steeper than 3 horizontal to 1 vertical	7 days
When slopes are greater than 3% and longer than 150 feet.	14 days
Perimeter controls around soil stockpiles.	End of workday
Stabilization or covering of inactive stockpiles.	30 days
When land disturbance is completed, permanent soil stabilization must be installed.	30 days

C. Land Disturbance Phasing.

Land disturbance activities should be scheduled in stages of development, so that only the areas that are actively being developed are exposed. Land disturbance areas exceeding ten acres may require phasing, if the Director of Development Review determines that runoff from the Land Disturbance Area may adversely affect other property.

SECTION 412.200: EARTHWORK REQUIREMENTS

1. Surface water shall be diverted from the face of all cut and fill slopes exceeding 8 feet in vertical elevation.
2. Slope breaks shall be provided whenever the vertical elevation of any slope exceeds 20 feet.
3. Diversion berms shall not exceed 800 feet in length.
4. No excavation shall be made so close to the property line to endanger any adjoining public or private street without supporting and protecting such public or private street or property from settling, cracking or other damage.
5. No fill material shall be placed so as to cause or to allow the same to be deposited upon or to flow onto another property without written consent of the owner.
6. No fill material shall be placed so as to cause or to allow the same to be deposited upon or to flow onto any public street, walk, place or way, nor so close to the top of a bank of a channel as to create the possibility of bank failure.

7. Materials for fills shall consist of material obtained from excavation of banks, borrow pits or other approved source. Material shall be free of vegetative matter and deleterious material and shall not contain large rocks or lumps except as certified by a geotechnical engineer to be acceptable fill material.
8. No cut or fill slope shall be made steeper in slope than three (3) horizontal to one vertical without a geotechnical report and approval by the Director of Development Review.
9. Individual and isolated slopes, rock dikes, undisturbed natural slopes and slopes blending with the natural terrain may be steeper than the requirements as approved by the Director of Development Review.
10. All fills and trench backfills shall be compacted to the minimums as defined in the Design Manual. Compaction of fills and backfills must be certified by a geotechnical engineer.
11. Solid rock, shale, tree stumps, masonry, and other obstructions shall be removed to a depth of two (2) feet below finished grade or pavement subgrade.

SECTION 412.210: STORMWATER CONVEYANCE REQUIREMENTS

Temporary conveyance of stormwater during land disturbance activities depends upon the peak runoff for the design storm, and a suitable method to prevent erosion after construction. The requirements listed below shall be used for temporary conveyance of stormwater.

1. All drainage shall be designed to transport surface waters to the nearest practical storm drain, natural watercourse or street as approved by the Director of Development Review.
2. Diversion channels and ditches are to be designed to a non-erosive velocity as defined in the Design Manual or the geotechnical report required by Section 412.060 (B1). Diversion ditch length shall not exceed 800 lineal feet.
3. A rock outlet is required at all pipe and improved channel discharges to open watercourses. The maximum design velocity shall be 10 feet per second (fps). If the discharge velocity exceeds 10 fps, an engineered energy dissipater may be required, as determined by the Director of Development Review.

SECTION 412.220: SEDIMENT CONTROL REQUIREMENTS

1. A temporary construction vehicle wash-off pad is required to avoid tracking mud onto public roads, and must be located where construction traffic leaves the site. The Permittee shall remove any mud, sediment or debris tracked onto public roads by sweeping or other mechanical means.

2. Sediment basins shall be used to meet water quality discharge requirements and pre-developed runoff rates during land disturbance activities. Sediment basins shall be designed for the following criteria.
 - a. Sediment volume shall be determined from the Natural Resources Conservation Service's Revised Universal Soil Loss Equation (RUSLE)
 - b. Wet volume shall contain the total runoff produced from the 6-month 24-hour storm.
 - c. Dewatering time shall be 24 hours for the total volume of wet storage of the basin.
 - d. The outlet must be designed to convey the peak 10-yr runoff with a minimum one foot freeboard between the water surface of the outlet and the top of the basin embankment.
 - e. Other sizing requirements are described in the Design Manual.

CHAPTER 415: PRESERVATION OF HIGHWAY CORRIDORS ESTABLISHED IN UNINCORPORATED ST. CHARLES COUNTY**SECTION 415.010: DEFINITIONS**

As used in this Chapter, the following words and phrases mean:

APPLICATION OR REQUEST: Any application or request listed in Section 415.020 of this Chapter and affecting any lot, tract or parcel of land which abuts or is located wholly or partially within a highway corridor.

COMMISSION: The Missouri Highway and Transportation Commission.

CORRIDOR MAP: A legal description of the metes and bounds of the area within a highway corridor, tied to an existing or reestablished government corner, and accompanied by a county map showing the general location of the highway corridor, the legal description governing in the case of any inconsistency with the corridor drawn on the map.

HIGHWAY CORRIDOR: The area projected to be needed as right-of-way for the construction and maintenance of a future new or relocated State highway, as determined by the Commission.

SECTION 415.020: APPLICATIONS OR REQUESTS FOR BUILDING PERMITS, ZONING CHANGES, SUBDIVISION PLANS OR MODIFICATIONS OF EXISTING SETBACK LINES

If the Commission has filed a certified copy of any corridor map or amendment thereto with St. Charles County, the Director of the Division of Planning and Zoning, by personal delivery or by certified mail, return receipt requested, shall send the Commission or the officer or agent designated by it for this purpose a copy of any application or request listed below immediately upon receiving it, if that application or request affects any lot, tract or parcel of land which abuts or is located wholly or partially within a highway corridor:

1. An application or request for a new building permit for the construction of a new commercial, industrial or residential building or an increase in the square footage of an existing commercial or industrial building;
2. An application or request for a zoning change, variance, or exception or conditional use permit;
3. An application or request to approve a subdivision plan or plat of other proposed development; or
4. An application or request for a modification of existing setback lines from highways.

SECTION 415.030: NO ACTION TAKEN BY COUNTY UNTIL RECEIPT OF NOTICE OF CONCURRENCE

Whenever the Director of the Division of Planning and Zoning sends the Commission a copy of any application or request pursuant to Section 415.020 of this Chapter, St. Charles County shall take no action on that application or request for forty-five (45) days from the Commission's receipt of the application or request, unless the Commission sends the Director of the Division of Planning and Zoning a notice of concurrence in the application or request.^{*46}

SECTION 415.040: RECOMMENDATION OF COMMISSION - ACCEPTANCE OR REJECTION BY COUNTY

If the Commission recommends that approval of an application or request be conditioned upon special modifications or limits, St. Charles County, by action of the officer of body with the authority to approve the application or request, shall accept or reject those conditions, and the Director of the Division of Planning and Zoning shall send written notice of that decision to the Commission by personal delivery or by certified mail, return receipt requested.

SECTION 415.050: NOTIFICATION OF PROBABLE INTENT TO ACQUIRE ANY PROPERTY - COUNTY'S RESPONSE

If (as provided by Section 226.963 or Section 226.965, RSMo, as amended) the Commission provides written notice of probable intent to acquire the whole or any part of a property that is the subject of an application or request, St. Charles County shall:

1. Take no action to approve such application or request for one hundred twenty (120) days from receipt of that notice; and
2. Thereafter be free to approve or disapprove such application or request if the Commission has not acquired, agreed to acquire, or commended an action in the St. Charles County Circuit Court to acquire by condemnation the property affected by the application or request.

CHAPTER 417: DIRECTIONAL AND WAY-FINDING SIGNAGE PROGRAM^{*31}

Editor's Note - Exhibit B "lease agreement for sign premises" and Exhibit C "sign agreement" are on file in the Registrar's office with original ordinance 07-050.

SECTION 417.010: PURPOSE^{*31}

The purpose of these regulations is to provide for signage along designated corridors to provide limited directional information to cultural sites, recreational facilities, historical sites, certain activities related to tourism or recreation and/or transportation facilities.

SECTION 417.020: PROGRAM^{*31}

The Director of the Department of Community Development shall administer the St. Charles County Directional and Way-Finding Program and shall be responsible for:

1. Identifying and securing sites for signs meeting the requirements of these regulations and on terms subject to approval by the St. Charles County Council;
2. Establishing design criteria for uniformity of signage, which criteria shall conform substantially to concept designs provided in Exhibit A attached to these regulations;
3. Coordinating the fabrication and erection of sign assemblies and the printing of signs to be placed on them with the St. Charles County Engineer;
4. Maintaining sign assemblies and the sites on which they are erected;
5. Ensuring compliance with these regulations and payment by entities placing signs on sign assemblies of all fees required herein.

SECTION 417.030: DEFINITIONS^{*31}

When used in these regulations, the following terms shall have the following meanings.

CULTURAL SITE: Any facility for the performing arts, exhibits or concerts that is open to all age groups.

DIRECTIONAL SIGN: Sign installed in advance of the closest intersection where motorists must make a decision to turn or continue on a path to arrive at the desired permitted activities.

EDUCATIONAL SITE: Exhibit or structure open to public viewing including, but is not limited to, zoological or botanical park in which living animals, insects or plants are kept and exhibited to the public.

HISTORIC SITE: Structure, site or district listed on the National Register of Historic Places and/or open to the public for guided tours with an educational format for informing visitors about St. Charles County history.

LEGEND: Content on sign face indicating name of permitted activity, logo, directional arrow and distance information.

MUSEUM: A facility open to the public at least one hundred (100) days per year in which works of artistic, historical or scientific value are cared for and exhibited to the public.

PERMITTED ACTIVITY: Any historic site, cultural site, recreational site, educational site, museum, airport, ferries or tourist-oriented activity.

RECREATIONAL SITE:

1. Recreational area including area for bicycling, boating, fishing, hiking, picnicking.
2. Golf course open to the public and offering at least nine (9) holes of play (but not miniature golf course, driving range, chip and putt course or indoor golf facility).
3. Marina having at least twenty (20) slips and offering services to the public.
4. Winery or brewery, licensed facility producing a minimum of five hundred (500) gallons of wine and/or beer per year, open to the public for guided tours, tasting and/or sales a minimum of three hundred twenty (320) hours per year and providing an educational format for informing visitors about wine and/or beer processing.

SIGN ASSEMBLY: A structure or support displaying up to eight (8) signs providing directional information.

TOURIST-ORIENTED ACTIVITY: Any historic site, cultural site, recreational site, educational site, museum or transportation facility.

TRANSPORTATION FACILITY: River ferry; airport.

WAY-FINDING SIGN: A sign that is installed in advance of the closest intersection where motorists must make the last decision to turn before turning onto the site of the permitted activity and such site is not visible from the intersection or the site is more than three hundred (300) feet from such intersection.

SECTION 417.040: SIZE, HEIGHT, SHAPE, COLOR AND MATERIAL ^{*31}

A. Directional Signs.

1. Directional signs shall conform to specific sign designs that will apply to all directional signs within a designated corridor. Sign design and designated corridors shall be approved by the Governing Body. Directional signs shall be constructed from material that conforms to the 1999 Missouri Standard Specifications for Highway Construction, Section 1042.2.7.3 and consists of engineer grade reflective sheeting. The maximum size of each sign on a sign assembly shall be one and seventy-five hundredths (1.75) feet wide and six (6) feet in length. Each sign should be rectangular in shape and shall have a white legend and border on a blue background.
 2. The sign assembly shall not be larger than one hundred twenty (120) square feet, containing up to eight (8) signs each being one and seventy-five hundredths (1.75) feet tall and six (6) feet wide. In lieu of one (1) sign assembly containing one hundred twenty (120) square feet at a permitted location, two (2) sign assemblies, each containing no more than 60 square feet, and four (4) permitted activity signs are permitted. Individual signs may contain a directional arrow. An assembly in which individual signs have directional arrows shall group all those with like direction instructions and prioritized on the sign ordered with left turns on top or on the upper left side of the sign, followed by right turns and straight ahead. The total sign height shall not exceed eighteen (18) feet.
 3. The content of the legend on each panel shall be limited to the business identification and directional information. The legends shall not include promotional advertising. Each sign shall have a maximum of two (2) lines of legend including a separate directional arrow and the distance to the facility shown beneath the arrow.
 4. The sign assembly may also include a sign indicating a general activity description and theme design.
 5. All letters and numbers on directional signs, except on the logos, should be uppercase and at least six (6) inches in height.
- B.** *Way-Finding Signs.* Way-finding signs shall be no larger than sixteen (16) square feet. Content is limited to the name of a single attraction and necessary travel information. Sign height shall not exceed ten (10) feet.
- C.** *General Regulations For Directional And Way-Finding Signs.*
1. Signs shall be retroflective to meet MoDOT and MUTCD requirements.
 2. Sign supports may need to meet MoDOT breakaway requirement as determined by the County Engineer. The signs must be on their own supports and not mounted on other sign or pole structures.

SECTION 417.050: LOCATION REQUIREMENTS^{*31}

A. *Designated Corridors.* Directional and way-finding signs may be installed along the following designated corridors:

1. Highway 94 North commencing four hundred (400) feet south of Highway B to West Alton city limits and Highway 94 South from Highway 40/61 to Warren County.
2. Highways B, C, J, V, DD and F from Highway D to Highway 94 South.
3. Portage Road, Grafton Ferry Road, Orchard Farm Road, Wilson Road, Church Road from Washeon Road west, Washeon Road and Seeburger Road.

B. *Location Requirements For Directional Signage.*

1. The sign assembly shall be no more than four hundred (400) feet from intersections where a directional decision may be needed.
2. The sign assembly shall be no closer than one hundred fifty (150) feet from the intersection measured from the right-of-way.
3. Sign structures shall be one hundred fifty (150) feet apart measured along the right-of-way.
4. The sign assembly must be located within the first fifteen (15) feet of depth on private property or with County approval in County roadway right-of-way.
5. Sign locations shall not interfere with traffic control signage.
6. Signs within County right-of-way shall obtain the approval of the County Engineer through issuance of a special use permit.
7. In no instance shall more than two (2) directional sign assemblies of sixty (60) square feet each be provided on the approach side of a road before an intersection.

C. *Location Requirements For Way-Finding Signage.*

1. A way-finding sign shall be located on private property or with approval from the appropriate County agency in the ROW and within fifty (50) feet of the required turn.
2. A way-finding sign shall not be permitted if other directional signs are present at the intersection.

D. *Exceptions To Location Requirements.*

1. Sign assemblies shall only be permitted on the same side of the roadway as the direction of travel to the permitted activity unless an exception is approved.
2. Exceptions to the location requirements may be considered and approved by the Director of Community Development based upon substantial findings that the regulations, physical constraints or the inability to obtain private property easement rights for sign locations result in the inability to reasonably permit such signage per the location standards.

SECTION 417.060: ADMINISTRATION AND FEES^{*31}

- A. The Director of the Department of Community Development shall coordinate acquisition of leased premises for sign assemblies and shall submit proposed leases to the County Council for its approval by consent agenda. Such leases shall conform substantially to Exhibit B attached to these regulations.
- B. The Director of the Department of Community Development shall coordinate annual agreements for placing signs on assemblies. Such agreements shall conform substantially to Exhibit C attached to these regulations and may be executed by the County Executive upon the Director's recommendation.
- C. Annual fees for placement of signs on sign assemblies shall be calculated to defray the costs of site acquisition (amortized over the term of the lease for leased premises), of sign assembly and installation (amortized over a term of two (2) years) and of maintenance of the sign assembly (calculated annually). Fees shall be recalculated on a pro rata basis upon addition or removal of signs affixed to sign assemblies.
- D. The Director of the Department of Community Development shall have discretion to decide which sign assembly to erect at a given site and the number of signs to place on that sign assembly based on consultation with projected users of the sign assembly.
- E. Notwithstanding any other provision of this Section, where a permitted activity leases premises meeting the requirements of these regulations for a sign assembly that will carry only that permitted activity's sign, the Director of the Department of Community Development may enter into a sign agreement with that permitted activity conforming substantially to Exhibit D attached to these regulations.^{*54}

SECTION 417.070: FAILURE TO PAY FEES, REMOVAL OF SIGN^{*31}

If any entity which, having placed a directional or way-finding sign on a sign assembly, fails to pay any fee required by Section 417.060 the Director of the Department of Community Development shall issue and serve by personal service and/or first-class mail, postage prepaid, a notice of delinquency with an order to pay the fee in question within ten (10) days of the notice's date. If the fee remains unpaid on that date, the Director shall remove the entity's sign without further notice and terminate the County's agreement with the entity conducting the permitted activity.

EXHIBIT A. DESIGN OF SIGNS^{*31}

For the designated corridors consisting of Highway 94 N commencing four hundred (400) feet south of Highway B to the West Alton city limits, Highways B, C, J, V, Portage Road, Grafton Ferry Road, Orchard Farm Road, Wilson Road, Church Road from Washeon Road west, Washeon Road, and Seeburger Rd., the approved design is depicted in Drawing 1.

DRAWING 1



For the designated corridors consisting of Highway 94 South from Highway 40/61 to Warren County, Highways DD and F from Highway D to Highway 94 South, the approved design is depicted in Drawing 2.

DRAWING 2



CHAPTER 420: MISCELLANEOUS REGULATIONS CONCERNING LAND USE**SECTION 420.010: ACCEPTANCE BY CONSENT AGENDA OF STREETS, STORM SEWERS AND RELATED EASEMENTS MEETING COUNTY STANDARDS FOR PUBLIC STREETS AND STORM SEWERS^{*27}**

Acceptance of streets, storm sewers and related easements meeting public standards pursuant to Chapter 410 of the Unified Development Ordinance and having a plan approved the Director of the Division of Development Review, as required by that Chapter, may be accomplished on the Consent Agenda of the County Council where the St. Charles County Highway Department or, in the case of improvements built as Neighborhood Improvement District projects, the St. Charles County Department of Community Development provides a written recommendation to the Council recommending such acceptance and certifying that the improvements recommended for acceptance have been built and meet the standards of the County.^{*24,*27}

SECTION 420.020: INSPECTION, MAINTENANCE AND REPAIR OF DETENTION BASINS AND OTHER STORM WATER MANAGEMENT FACILITIES^{*20,*52}

A. Definitions: In this section, the following words and terms are defined as provided below.

DAY: A calendar day.

DIRECTOR: The Director of the Division of Development Review or his or her designee.^{*52}

DETENTION BASIN: See definition in Section 405.060 of the Unified Development Ordinance of St. Charles County, Missouri.

ST. CHARLES COUNTY: The unincorporated part of St. Charles County, Missouri.

STORM WATER MANAGEMENT FACILITY: A facility designed and installed to intercept, detain, retain, infiltrate, evaporate, transpire, filter, and/or convey surface storm water runoff, including but not limited to such facilities as detention basins, storm water harvesting facilities, rain gardens, bio-swales, bio-retention basins, engineered wetlands, sand and other proprietary filter systems, pervious pavement, etc., for the purposes of removing pollutants, reducing or controlling storm water volume, maintaining pre-development hydrology, and/or flood control.^{*52}

UNIFIED DEVELOPMENT ORDINANCE: The Unified Development Ordinance of St. Charles County, Missouri, Chapters 405 and 410 and 412 of the Ordinances of St. Charles County, Missouri.^{*52}

B. Inspection Program: The Director shall inspect all storm water management facilities in St. Charles County as provided below:^{*52}

1. **Inspection Schedule:** Except as provided in subsection E, the Director shall inspect each detention basin and may inspect any other storm water management facility in St. Charles County as provided below.^{*52}
 - a. The Director shall inspect each detention basin every five (5) years. The first inspection of any detention basin built and approved after the effective date of this provision shall be no sooner than one (1) year after the basin's initial inspection and approval under the applicable provisions of the Unified Development Ordinance. Later inspections shall take place at least every five (5) years.^{*52}
 - b. The Director may inspect any other storm water management facility as necessary to ensure that it continues to perform as designed.^{*52}
 2. **Consent to Inspections:** Property owners or their successors in interest shall be deemed to have consented to continued inspections under this provision by submission to and approval by St. Charles County of plans for detentions basins and/or other storm water detention facilities and (as applicable) their maintenance pursuant to the provisions in the Unified Development Ordinance for approval of site plans or improvement plans.^{*52}
 3. **Inspection Standards:** In all inspections conducted under this provision, the Director shall determine whether the detention basin and/or other storm water management facility under inspection is maintained to the following standards:^{*52}
 - a. The site plan or improvement plan for the detention basin and/or other storm water management facility approved by St. Charles County pursuant to the Unified Development Ordinance or previously adopted ordinances or orders or regulations; and^{*52}
 - b. The Property Maintenance Code of St. Charles County; and
 - c. The performance and inspection criteria for detention basins and/or other storm water management facilities duly promulgated by the Director.^{*52}
 - d. The inspection and maintenance plan attached to the Agreement and Restrictions for the Storm Water Management Facility as authorized by ordinance or the inspection and maintenance program included in subdivision plats or indentures.^{*52}
- C. **Promulgation of Performance and Inspection Criteria:** The Director shall develop and distribute to owners of detention basins and/or other storm water management facilities performance and inspection criteria required above.^{*52}
- D. **Entry for Purposes of Inspection, Notice:** Except where consent to inspection is deemed granted as provided in Subsection B above, the Director may inspect any

detention basin and/or other storm water management facility in St. Charles County only after ten (10) days' written notice. Such notice shall be by U.S. Mail to owners of storm water management facilities serving properties that are under single ownership. In all other cases, such notice shall be posted as follows. In the case of a basin and/or other facility serving several properties or a subdivision, notices shall be posted:^{*52}

1. At all entrances to the subdivision,^{*52}
2. On the right-of-way closest to the basin and/or other facility,^{*52}
3. At the entrance to any easement of access to that basin and/or other facility, and^{*52}
4. At the basin's and/or other facility's site if accessible.^{*52}

In addition, if a subdivisions' trustees are reasonably identifiable, or if an owner has designated a registered agent as provided by applicable law, the Director shall give those persons ten (10) days' written notice by U.S. Mail.^{*52}

E. Violations and Corrections: If upon inspection the Director finds that a detention basin and/or other storm water management facility violates any of the inspection standards set out above, the Director shall take one of the following actions.^{*52}

1. If, based on inspections and review of County records, the Director finds that a detention basin that was approved for installation before August 1, 1986, no longer exists as of January 1, 2011, and further finds that the basin's absence causes no or minimal harm to storm water management and to surrounding or affected properties in the basin's watershed, the Director may in his/her discretion notify the basin's owner of the violation and of that determination. The notice shall further provide that no corrective action is required of the non-existent basin's owner and that the Director is removing the non-existent basin from the requirements of Section 420.020, OSCCMo.^{*52}
2. If, based on inspections and on a consideration of surrounding or affected properties in any basin's or facility's watershed, the Director determines that a violation in the condition of an existing basin or facility causes no or minimal harm to storm water management and to surrounding or affected properties in the basin's watershed, the Director may in his/her discretion notify the facility's owner of the violation and of that determination. The notice shall state, however, that the basin or facility may be inspected as often as every one (1) year so long as the violation persists, and that the Director may order correction of the violation in the future if it is later found to result in adverse effects to storm water management.^{*52}
3. If the Director cannot make a determination of no or minimal harm under paragraphs 1 and 2, above, the Director shall send the owner or owners by first class mail a written notice detailing those violations and requiring submission of a

corrective action plan with deadlines for abating those violations within no more than twenty (20) days of the date of the notice. For good cause shown, and provided there is no immediate harm to the public welfare, the Director may grant the owner or owners a reasonable extension for submitting that corrective action plan. The Director may approve the plan as submitted or require its amendment within no more than fourteen (14) days. The notice shall also state that the detention basin or storm water management facility will be inspected every one (1) year until inspections reveal no violations and may be inspected thereafter at the discretion of the Director but at least every five (5) years.^{*52}

F. Abatement or Legal Action by the Director: If the owner or owners fail to secure approval of a corrective action plan or fail to comply with an approved plan or in any other way fail to correct the violations of which the Director notified them, the Director shall take one of the following action.^{*52}

1. The Director, after reasonable notice and an opportunity for hearing given to the owner or owners of the detention basin and/or other storm water management facility, shall order the same done and the costs assessed against the property of the owners as a special tax lien. In the case of detention basins and/or other storm water management facilities within common ground in subdivisions, such assessments shall be imposed upon all lots within the subdivision in question.^{*52}
2. Alternatively, the Director may request the County Counselor to institute an appropriate action for fines and/or injunctive relief against the owners or persons responsible for the detention basin and/or other storm water management facility in violation. Any person responsible for a violation of this Section shall be guilty of a misdemeanor and liable for a fine not to exceed one thousand dollars (\$1,000.00) a day. Every day that such violation is ongoing shall constitute a separate violation.^{*52}

SECTION 420.030: METHODS OF ASSESSMENT OF BENEFITS UNDER SECTION 67.459, RSMO., FOR ALL NEIGHBORHOOD IMPROVEMENT DISTRICTS^{*32}

A. In any neighborhood improvement district created by the Governing Body of St. Charles County, the costs associated with the exercise of eminent domain to acquire an easement on a particular parcel within the district and which is receiving a benefit from the improvements shall be assessed solely against that parcel.^{*32}

B. As provided in St. Charles County Ordinance 99-75 and herein, the proposed method of assessment of benefits under Section 67.459, RSMo., for any Sanitary Sewer Neighborhood Improvement District formed hereafter shall be as follows:^{*32}

1. The total cost of the proposed improvements will be divided and assessed over a period of twenty (20) years by the St. Charles County Council against each parcel of property or lot located within the district based on a determination of the total number of lots benefited and apportioning the cost equally to each lot, regardless

of whether such parcel of real property is developed or undeveloped land at the time of such initial assessment; provided, however, that the following adjustments shall be made:^{*32}

- a. All costs related to demolition of existing septic tank systems and construction of lateral lines and related improvements shall be apportioned solely against the parcels of property or lots within the district which currently have a structure with a septic tank system or other sewage disposal system;^{*32}
- b. All costs associated with the exercise of eminent domain to acquire an easement for the project on a parcel or lot within the district shall be apportioned solely against that particular parcel or lot;^{*32}
- c. In the case of property on which a single residence is situated on two (2) or more parcels or lots at the time of such initial assessment in such a manner as to prevent the issuance of permits for additional residences thereon without the demolition of the existing residence, such parcels or lots shall be treated as if it were a single parcel or lot;^{*32}
- d. In the case of two (2) or more parcels of real property or lots treated as a single parcel or lot in accordance with subparagraph (c) above, upon the issuance of any building permit which would allow more than one (1) commercial or residential structure to be located thereon, a sewer connection fee shall be payable to the neighborhood improvement district for each such additional structure; and^{*32}
- e. In the case of property which is undeveloped at the time of such initial assessment, upon the issuance of any building permit which would allow more than one (1) commercial or residential structure to be located thereon, a sewer connection fee shall be payable to the neighborhood improvement district for each such additional structure.^{*32}

- C. The proposed method of assessment of benefits under Section 67.459, RSMo, for any Road Neighborhood Improvement District formed hereafter shall be as follows: The total cost of the proposed improvement will be divided and assessed over a period of ten (10) to twenty (20) years by the St. Charles County Council equally per front foot or per square foot against property within the district or by any other reasonable assessment plan determined by the Governing Body of St. Charles County, including assessment against each parcel of property or lot located within the district and apportioning the cost equally to each lot, regardless of whether such parcel of real property is developed or undeveloped land at the time of such initial assessment; provided, however, that in the case of property on which a single residence is situated on two (2) or more parcels or lots at the time of such initial assessment in such a manner as to prevent the issuance of additional residences thereon without the demolition of the existing residence, such parcels or lots shall be treated as if it were a single parcel or lot.^{*32}

SECTION 420.040: CONTROL AND ERADICATION OF JOHNSON GRASS^{*39}

- A.** It shall be the duty of all owners of land in unincorporated St. Charles County:^{*39}
1. To control and eradicate Johnson grass and to prevent its regrowth and reinfestation on all lands, rights-of-way and easements owned, occupied or controlled by them;^{*39}
 2. To employ methods of control and eradication and for the prevention of the regrowth and reinfestation of Johnson grass as directed by the State of Missouri's Director of Agriculture or by St. Charles County's Weed Control Board; and^{*39}
 3. To comply with all orders, rules and regulations promulgated by the State of Missouri's Director of Agriculture pursuant to the provisions of sections 263.255 to 263.267, Revised Statutes of Missouri. (RSMo 263.261)^{*39}
- B.** In case of violations of subsection A, above, the Director of Neighborhood Preservation shall:^{*39}
1. Give written notice to the owner or occupant of the violation's site that St. Charles County is a "Johnson Grass Extermination Area" pursuant to Sections 263.255, et seq., Revised Statutes of Missouri, and that Johnson grass is growing on that site; and^{*39}
 2. Direct the owner to take steps, using methods recommended by Missouri's College of Agriculture, Missouri's Director of Agriculture or St. Charles County's Weed Control Board toward controlling and eradicating Johnson grass on the owner's land within seven (7) days of the date of the notice.^{*39}
- C.** Failure to comply with the Director's Notice shall constitute a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the St. Charles County jail for a term not to exceed one year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues. Enforcement of this section shall be the responsibility of the County Counselor.^{*39}
- D.** Nothing in this section impairs the powers, rights and duties vested in individuals or officials of the State of Missouri or of St. Charles County by Sections 263.255 through 263.267, Revised Statutes of Missouri. Nor, in appropriate cases where legal action fails to abate the public nuisance of the existence or growth of Johnson grass, is the County Counselor barred from pursuing abatement under subsection E of this section or from bringing an action in the circuit court of St. Charles County to enjoin that nuisance in the same manner as the Prosecuting Attorney may bring such an action under Section 263.262, Revised Statutes of Missouri.^{*39}

- E.** Notwithstanding any other provision of this section, upon finding Johnson grass on any property, the Director of Neighborhood Preservation may serve a notice on the owners of the property and on any other person responsible for it that St. Charles County is a “Johnson Grass Extermination Area” pursuant to Sections 263.255, et seq., Revised Statutes of Missouri, and that Johnson grass is growing on that property. That notice may be served personally, or by mail, or by posting on the property. Unless the Director of Neighborhood Preservation finds that an emergency exists justifying a shorter time, that notice shall order a hearing by the Director in at least seven (7) days and that the owners of or persons responsible for the property take appropriate steps for controlling and eradicating Johnson grass by the time of that hearing. If such steps are not taken by the time of the hearing, the Director of Neighborhood Preservation may find and declare at that hearing that the Johnson grass growing on the property is a nuisance and order appropriate steps for controlling and eradicating it within seven (7) days or a shorter time if an emergency exists. If such steps are not taken within that time, the Director of Neighborhood Preservation shall cause such steps to be taken and certify the costs thereof and of all necessary inspections to the St. Charles County Director of Finance. The St. Charles County Director of Finance shall prepare a special tax bill against the property for those costs, to be collected by the St. Charles County Collector of Revenue with other taxes assessed against the property. From the date of its issuance, the tax bill shall be a first (1st) lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the tax bill or the proceedings leading up to its issuance shall be a defense thereto. The St. Charles County Director of Finance shall deliver each special tax bill to the St. Charles County Collector of Revenue on or before the first (1st) day of June of each year to be collected with property taxes as provided above.^{*39}

CHAPTER 422: MODEL ILLICIT DISCHARGE AND CONNECTION REGULATIONS^{*36}**SECTION 422.010: PURPOSE–INTENT^{*36}**

The purpose of this Chapter is to provide for the health, safety and general welfare of the citizens of unincorporated St. Charles County through the regulation of non-stormwater discharges to a stormwater drainage system to the maximum extent practicable as required by Federal and State law. Specifically, this Chapter establishes methods for controlling the introduction of pollutants into the stormwater drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Chapter are:

1. To regulate the contribution of pollutants to stormwater drainage systems due to stormwater discharges by any user;
2. To prohibit illicit connections and discharges to stormwater drainage systems; and
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Chapter.

SECTION 422.020: DEFINITIONS^{*36}

For the purposes of this Chapter, the following terms shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Director of Community Development for St. Charles County or his or her designee or an agency or other political subdivision of the State of Missouri authorized to regulate the discharge or control of stormwater.

BEST MANAGEMENT PRACTICES (BMPS): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials storage.

CONSTRUCTION ACTIVITY: Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.^{*39}

DIRECTOR: the Director of Community Development of St. Charles County, Missouri.

HAZARDOUS MATERIALS: Any material, including any substance, waste or combination thereof, which is defined as a hazardous substance by the Administrator of the United States Environmental Protection Agency pursuant to 33 USC Section 1321(b)(2)(A), as amended, of

the Clean Water Act, in 40 CFR Sections 117.1 to 117.3 and 302.1 to 302.4 and its Appendices A and B.

ILLEGAL DISCHARGE: Any direct or indirect non-stormwater discharge to stormwater drainage systems, except as exempted in Section 422.070 of this Chapter.

ILLICIT CONNECTIONS: Either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter stormwater drainage systems including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater and wash water to enter stormwater drainage systems and any connections to such systems from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by St. Charles County; or
2. Any drain or conveyance connected from a commercial or industrial land use to a stormwater drainage system which has not been documented in plans, maps or equivalent records and approved by St. Charles County.

INDUSTRIAL ACTIVITY: Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by EPA (or by a State under authority delegated pursuant to 33 U.S.C. Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

NON-STORMWATER DISCHARGE: Any discharge to a stormwater drainage system that is not composed entirely of stormwater.

PERSON: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT: Anything which causes or contributes to pollution including, but not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects or accumulations; floatables; pesticides, herbicides and fertilizers; hazardous materials; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES: Any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent walks and parking areas.

STORMWATER: Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER DRAINAGE SYSTEM: Publicly-owned facilities by which stormwater is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems and/or receiving waters to the maximum extent practicable.^{*39}

WASTEWATER: Any water or other liquid discharged from a facility that is “wastewater” as defined in 10 CSR 20-2.010, as amended.

SECTION 422.030: APPLICABILITY^{*36}

This Chapter shall apply to all water entering stormwater drainage systems generated on any developed and undeveloped lands unless explicitly exempted by St. Charles County.

SECTION 422.040: RESPONSIBILITY FOR ADMINISTRATION^{*36}

The Director or his or her designee shall administer, implement and enforce the provisions of this Chapter.

SECTION 422.050: SEVERABILITY^{*36}

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

SECTION 422.060: ULTIMATE RESPONSIBILITY^{*36}

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore this Chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution or unauthorized discharge of pollutants.

SECTION 422.070: DISCHARGE PROHIBITIONS^{*36}

A. Prohibition Of Illegal Discharges. No person shall discharge or cause to be discharged into stormwater drainage systems or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to stormwater drainage systems or watercourses is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this Chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to stormwater drainage systems, uncontaminated pumped ground water, foundation or footing drains (not including active ground water dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated—typically less than one (1) PPM chlorine), fire-fighting activities and any other water source not containing pollutants.
2. Discharges specified in writing by the Director or another authorized enforcement agency as being necessary to protect public health and safety.
3. Dye testing is an allowable discharge, but requires a verbal notification to St. Charles County prior to the time of the test.
4. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations and provided that written approval has been granted for any discharge to stormwater drainage systems.

B. Prohibition Of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to stormwater drainage systems or allows such a connection to continue.

SECTION 422.080: SUSPENSION OF ACCESS TO STORMWATER DRAINAGE SYSTEMS^{*36}

- A. Suspension Due To Illicit Discharges In Emergency Situations.** The Director may, without prior notice, suspend discharge access to stormwater drainage systems by any person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment or to the health or welfare of persons or to stormwater drainage systems or to Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Director may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters of the United States or to minimize danger to persons.
- B. Suspension Due To The Detection Of Illicit Discharge.** Any person discharging to stormwater drainage systems in violation of this Chapter may have their access to such systems terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its access to a stormwater drainage system. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
- C.** A person commits an offense if the person reinstates access to a stormwater drainage system for premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

SECTION 422.090: INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES^{*36}

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director prior to the allowing of discharges to stormwater drainage systems.

SECTION 422.100: MONITORING OF DISCHARGES^{*36}

- A. Applicability.** This Section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- B. Access To Facilities.**
1. The Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, shall be permitted to enter and inspect facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

2. Facility operators shall allow the Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater and the performance of any additional duties as defined by State and Federal law.
3. The Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
4. The Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, have the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, access to a permitted facility is a violation of a stormwater discharge permit and of this Chapter. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Chapter.
7. If the Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, have been refused access to any part of the premises from which stormwater is discharged and he/she is able to demonstrate probable cause to believe that there may be a violation of this Chapter or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Chapter or any order issued hereunder or to protect the overall public health, safety and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 422.110: REQUIREMENT TO PREVENT, CONTROL AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES^{*39}

St. Charles County will adopt requirements identifying Best Management Practices (BMPs) for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, of stormwater drainage systems or of waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to stormwater drainage systems. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 422.120: WATERCOURSE PROTECTION^{*36}

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

SECTION 422.130: NOTIFICATION OF SPILLS^{*36}

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, stormwater drainage systems or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director or his or her designee within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

SECTION 422.140: ENFORCEMENT–NOTICE OF VIOLATION^{*39}

Whenever the Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, find that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Director or his or her designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices or operations shall cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and^{*39}
5. Payment of a fine to cover administrative and remediation costs; and^{*39}
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.^{*39}

SECTION 422.150: ENFORCEMENT–APPEAL OF NOTICE OF VIOLATION^{*36}

Any person receiving a notice of violation may appeal the determination of the Director or his or her designee. The notice of appeal must be received within fifteen (15) days from the date of the notice of violation. Hearing on the appeal before the Director or his or her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the Director or his or her designee shall be final.

SECTION 422.160: ENFORCEMENT–MEASURES AFTER APPEAL^{*36}

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within fifteen (15) days of the decision of the Director or his or her designee upholding the appealed decision, then the Director or his or her designees or representatives or contractors shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Director or his or her designees or representatives or contractors to enter upon the premises for the purposes set forth above.

SECTION 422.170: ENFORCEMENT—COST OF COUNTY'S ABATEMENT OF THE VIOLATION^{*36}

Within sixty (60) days after abatement of the violation, the owner of the property will be notified of the costs of abatement, including all necessary inspections and administrative costs. If the amount due to the County for its abatement of the violation is not paid within a timely manner as determined by the decision of the Director or his or her designee, the Director shall certify the above costs to the St. Charles County Director of Finance. The St. Charles County Director of Finance shall prepare and issue to the owners of the property in violation a special tax bill against the property for those costs, payable within thirty (30) days of issuance. Each such special tax bill shall include a notice of lien stating that if the bill is not paid when due, it shall become, from the date of its issuance, a first (1st) lien on the property until paid, to be collected by the St. Charles County Collector of Revenue in the same way as property taxes are collected. Each such special tax bill shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the tax bill or the proceedings leading up to its issuance shall be a defense thereto. The St. Charles County Director of Finance shall deliver each such special tax bill that remains unpaid after payment is due to the St. Charles County Collector of Revenue on or before the first (1st) day of June of each year, to be collected with property taxes as provided above.

SECTION 422.180: ENFORCEMENT—INJUNCTIVE RELIEF^{*39}

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. If a person has violated or continues to violate the provisions of this Chapter, the Director may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 422.190: COMPENSATORY ACTION^{*36}

In lieu of enforcement proceedings, penalties and remedies authorized by this Chapter, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION 422.200: ENFORCEMENT—VIOLATIONS DEEMED A PUBLIC NUISANCE^{*36}

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety and welfare and is declared and deemed a nuisance and may be summarily abated or restored at the violator's expense and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

SECTION 422.210: ENFORCEMENT–CRIMINAL PROSECUTION^{*36}

- A.** Any person that has violated or continues to violate this Chapter shall be liable to criminal prosecution to the fullest extent of the law and shall be subject to a criminal penalty of one thousand dollars (\$1,000.00) per violation per day and/or imprisonment for a period of time not to exceed one (1) year per violation per day.
- B.** The Director may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses.

SECTION 422.220: ENFORCEMENT–REMEDIES NOT EXCLUSIVE^{*36}

The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable Federal, State or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 422.230: ENFORCEMENT–LEGAL ACTION^{*36}

Enforcement of this Chapter shall be the responsibility of the County Counselor.

CHAPTER 425: FEES**SECTION 425.010: FEES FOR SPECIAL USE PERMITS AND INSPECTIONS REQUIRED BY THE HIGHWAY DEPARTMENT**

The Highway Department shall charge the following fees for services required by Sections 229.300 through 229.370, Revised Statutes of Missouri, as amended:

1. Fifteen dollars (\$15.00) for processing applications for special use permits.
2. Fifteen dollars (\$15.00) per hour for inspections.
3. Ten dollars (\$10.00) for renewing special use permits.

SECTION 425.020: FEES FOR SERVICES AND PERMITS AS REQUIRED BY THE UNIFIED DEVELOPMENT ORDINANCE

A. The Division of Planning and Zoning shall charge the following fees for processing applications to rezone property pursuant to Section 405.535 of the Unified Development Ordinance:

1. Five hundred dollars (\$500.00) for properties 4.99 acres or less in area.
2. Six hundred dollars (\$600.00) for properties from 5.00 to 19.99 acres in area.
3. Seven hundred dollars (\$700.00) for properties from 20.00 to 49.99 acres in area.
4. Eight hundred dollars (\$800.00) for properties from 50.00 to 74.99 acres in area.
5. Nine hundred dollars (\$900.00) for properties from 75.00 to 99.99 acres in area.
6. One thousand dollars (\$1,000.00) for properties 100.00 acres or more in area.

B. The Division of Planning and Zoning shall charge the following fees for processing applications for conditional use permits pursuant to Section 405.510 of the Unified Development Ordinance:

1. Four hundred dollars (\$400.00) for applications filed without rezoning applications affecting the same property.^{*19}
2. One hundred fifty dollars (\$150.00) for applications filed with rezoning applications affecting the same property.

C. The Division of Planning and Zoning shall charge the following fee for processing applications for variances pursuant to Sections 405.590 and 410.490 of the Unified Development Ordinance:

1. Two hundred fifty dollars (\$250.00).^{*19}
- D.** The Division of Planning and Zoning shall charge the following fee for processing applications for floodplain development permits pursuant to Section 405.330 of the Unified Development Ordinance:
1. Sixty dollars (\$60.00) for major improvements (any work not a minor improvement).^{*19}
 2. Fifteen dollars (\$15.00) for minor improvements (such as: electrical permit, furnace permit, a/c permit, and unenclosed deck permit).^{*19}
- E.** Reserved.^{*46}
- F.** The Division of Planning and Zoning shall charge the following fees for issuing Zoning Confirmations pursuant to Section 405.531 of the Unified Development Ordinance:
1. Ten dollars (\$10.00).
- G.** The Division of Planning and Zoning shall charge the following fees for reviewing site plans pursuant to Section 405.525 of the Unified Development Ordinance:
1. One hundred dollars (\$100.00) plus five dollars (\$5.00) per acre for each acre or fraction thereof of the property subject to the site plan under review.^{*19}
- H.** The Division of Planning and Zoning shall charge the following fees for reviewing preliminary plats pursuant to Section 410.100 of the Unified Development Ordinance:
1. Two hundred dollars (\$200.00) plus five dollars (\$5.00) for each lot, for single-family residential plats.^{*19}
 2. Two hundred dollars (\$200.00) plus four dollars (\$4.00) for each dwelling unit, for attached single-family residential plats.^{*19}
 3. Two hundred dollars (\$200.00) plus three dollars (\$3.00) for each dwelling unit, for multi-family residential plats.^{*19}
 4. Two hundred dollars (\$200.00) plus five dollars (\$5.00) per acre for each acre or fraction thereof, for commercial or industrial subdivision plats.
- I.** Reserved^{*46}
- J.** The Department of Community Development--Division of Development Review shall charge the following fees for reviewing improvement plans pursuant to Sections 410.160 and 410.170 of the Unified Development Ordinance:

1. Two hundred fifty dollars (\$250.00) plus fifteen dollars (\$15.00) per lot, for single-family residential subdivisions.^{*19}
 2. Two hundred fifty dollars (\$250.00) plus fifteen dollars (\$15.00) per dwelling unit, for attached single-family and for multi-family residential subdivisions.^{*19}
 3. Two hundred fifty dollars (\$250.00) plus twenty-five dollars (\$25.00) per acre or fraction thereof, for commercial and industrial subdivisions.^{*19}
- K.** The Highway Department shall charge the following fees for inspecting subdivision improvements pursuant to Sections 410.160 and 410.170 of the Unified Development Ordinance:
1. Twenty-five dollars (\$25.00) per hour.^{*19}
- L.** (Reserved)^{*19}
- M.** The Division of Building Code Enforcement shall charge the following fees for applications for sign permits from the Division of Planning and Zoning pursuant to Section 405.470 of the Unified Development Ordinance:
1. Two hundred fifty dollars (\$250.00) for off-premise signs.
 2. Seventy-five dollars (\$75.00) for temporary introductory off-premise signs.^{*19, *53}
 3. Seventy-five dollars (\$75.00) for temporary on-premise signs.^{*19, *53}
 4. Seventy-five dollars (\$75.00) for entrance signs (i.e. subdivision monuments) without electricity.^{*19, *53}
 5. One hundred dollars (\$100.00) for entrance signs (i.e. subdivision monuments) with electricity.^{*19, *53}
 6. One hundred dollars (\$100.00) for ground signs (i.e. pole signs).
 7. Seventy-five dollars (\$75.00) for wall or projecting signs without electricity.^{*19, *53}
 8. One hundred dollars (\$100.00) for wall or projecting signs with electricity.^{*19, *53}
- N.** The Division of Development Review shall charge the following fees for reviewing plans submitted with applications for Land Disturbance Permits and for conducting inspections pursuant to Sections 412.060 and 412.130 of the Unified Development Ordinance:^{*19}

1. The plan review fee amount shall be determined from the estimated land disturbance acreage rounded up to the nearest tenth (0.1) of an acre times the cost per acre as follows:^{*19}
 - a. Fifty dollars (\$50.00) plus fifty dollars (\$50.00) per each additional land disturbance acre over 1 acre up to 10 acres, and:^{*19,*46}
 - b. Twenty-five dollars (\$25.00) per each additional land disturbance acre over 10 acres up to 25 acres, and:^{*19}
 - c. Ten dollars (\$10) per each additional land disturbance acre over 25 acres.^{*19}

2. The base inspection fee to be collected before issuance of the Land Disturbance Permit will be as follows:^{*19}

Land Disturbance Acreage ^{*19}	Base Fee ^{*19}	Base Inspection Hours ^{*19}
Less than 1 acre	\$150.00	6
1 to 3 acres	\$500.00	20
More than 3 acres	\$1000.00	40

3. Twenty-five dollars (\$25.00) per hour shall be collected for additional inspections exceeding the base inspection hours.^{*19}
 4. Twenty-five dollars (\$25.00) per hour shall be reimbursed for inspections less than the base inspection hours.^{*19}
- O.** The Divisions of Planning and Zoning, Development Review and Building Code Enforcement are authorized to receive payment by credit card for fees imposed by this Section, but shall charge a convenience fee reasonably calculated to recover all but no more than all administrative costs imposed by the credit card service under contract to process such payments.^{*19,*30}

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- *1 Changes made per Ordinance Number 04-053 in effect 5/24/04.
 - *2 Changes made per Ordinance Number 04-075 in effect 7/12/04.
 - *3 Changes made per Ordinance Number 04-104 in effect 7/13/04.
 - *4 Changes made Per Ordinance Number 04-086 in effect 6/29/04.
 - *5 Changes made per Ordinance Number 04-017 in effect 2/10/04.
 - *6 Changes made per Ordinance Number 04-132 in effect 9/01/04.
 - *7 Changes made by Director of Planning and Zoning Division on 8/23/04 per Section 405.070.
 - *8 Changes made per Ordinance Number 04-158 in effect 11/5/04.
 - *9 Changes made per Ordinance Number 04-162 in effect 10/13/04.
 - *10 Changes made per Ordinance Number 05-015 in effect 3/10/05.
 - *11 Changes made by Director of Planning and Zoning Division on 2/16/05 per Section 405.070.
 - *12 Changes made by Director of Planning and Zoning Division on 6/09/00 per Section 405.070.
 - *13 Changes made per Ordinance Number 05-027 in effect 4/7/05.
 - *14 Changes made per Ordinance Number 05-029 in effect 5/2/05.
 - *15 Changes made per Ordinance Number 05-061 in effect 7/7/05.
 - *16 Changes made by Director of Planning and Zoning Division on 9/7/05 per Section 405.070.
 - *17 Changes made per Ordinance Number 05-129 in effect 9/14/05.
 - *18 Changes made per Ordinance Number 05-148 in effect 1/01/06.
 - *19 Changes made per Ordinance Number 05-151 in effect 1/01/06.
 - *20 Changes made per Ordinance Number 05-152 in effect 1/01/06.
 - *21 Changes made per Ordinance Number 06-002 in effect 2/13/06.
 - *22 Changes made per Ordinance Number 06-003 in effect 2/13/06.
 - *23 Changes made per Ordinance Number 06-004 in effect 3/06/06.
 - *24 Changes made per Ordinance Number 06-041 in effect 5/08/06.
 - *25 Changes made per Ordinance Number 06-157 in effect 12/18/06.
 - *26 Changes made per Ordinance Number 07-001 in effect 2/8/07.
 - *27 Changes made per Ordinance Number 07-044 in effect 3/27/07.
 - *28 Changes made per Ordinance Number 07-040 in effect 4/20/07.
 - *29 Changes made per Ordinance Numbers 07-051 and 07-053 in effect 5/3/07.
 - *30 Changes made per Ordinance Number 07-078 in effect 5/31/07.
 - *31 Changes made per Ordinance Number 07-050 in effect 3/27/07.
 - *32 Changes made per Ordinance Number 07-045 in effect 3/27/07.
 - *33 Changes made per Ordinance Number 07-113 in effect 10/11/07.
 - *34 Changes made per Ordinance Number 07-147 in effect 12/22/07.
 - *35 Changes made per Ordinance Number 07-148 in effect 12/22/07.
 - *36 Changes made per Ordinance Number 07-159 in effect 1/07/08.
 - *37 Changes made per Ordinance Number 07-193 in effect 2/07/08.
 - *38 Changes made per Ordinance Number 08-003 in effect 2/21/08.
 - *39 Changes made per Ordinance Number 08-033 in effect 5/16/08.
 - *40 Changes made per Ordinance Number 08-133 in effect 2/19/09.
 - *41 Changes made per Ordinance Number 08-146 in effect 2/19/09.
 - *42 Changes made per Ordinance Number 09-015 in effect 4/6/09.
 - *43 Changes made per Ordinance Number 09-137 in effect 1/20/10.
 - *44 Changes made by Director of Planning and Zoning Division on 4/16/10 per Section 405.070.
 - *45 Changes made by Director of Planning and Zoning Division on 4/16/10 per Section 405.070.
 - *46 Changes made per Ordinance Number 10-041 in effect 7/14/10.
 - *47 Changes made per Ordinance Number 09-070 in effect 8/26/09.
 - *48 Changes made per Ordinance Number 09-081 in effect 9/23/09.
 - *49 Changes made per Ordinance Number 10-090 in effect 11/24/10.

- *50 Changes made per Ordinance Number 11-008 in effect 4/13/11.
- *51 Changes made per Ordinance Number 11-026 in effect 6/15/11.
- *52 Changes made per Ordinance Number 11-037 in effect 6/14/11.
- *53 Changes made per Ordinance Number 11-105 in effect 12/02/11.
- *54 Changes made per Ordinance Number 08-037 in effect 4/04/08.
- *55 Changes made per Ordinance Number 12-016 in effect 4/20/12.
- *56 Changes made per Ordinance Number 12-026 in effect 5/12/12.
- *57 Changes made per Ordinance Number 12-086 in effect 12/29/12.
- *58 Changes made per Ordinance Number 12-090 in effect 1/12/13.
- *59 Changes made per Ordinance Number 13-014 in effect 4/13/13.
- *60 Changes made per Ordinance Number 13-060 in effect 9/22/13.
- *61 Changes made per Ordinance Number 13-077 in effect 12/14/13.
- *62 Changes made per Ordinance Number 14-046 in effect 07/05/14.

Editor's Note--The words "zoning ordinance" have been changed to "unified development ordinance".

Editor's Note--Reference to planning and building departments were changed to divisions of planning and building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code. For designation of the division of planning and zoning, see ord. no. 03-195 adopted 12-31-03.