

**THE CITY OF
PORTAGE DES SIOUX, MISSOURI**
Development Ordinance
"PLANNING AND ZONING ORDINANCE"

CHAPTER 100: DEVELOPMENT ORDINANCE OF PORTAGE DES SIOUX, MISSOURI "PLANNING AND ZONING REGULATIONS" "PLANNING AND ZONING ORDINANCE"

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**CHAPTER 100: DEVELOPMENT ORDINANCE OF
THE CITY OF PORTAGE DES SIOUX, MISSOURI.
"PLANNING AND ZONING REGULATIONS"**

PART 1. GENERAL PROVISIONS

SECTION 100.010: TITLE

The regulations of Chapter 100 and 200 shall be known and may be cited as the Development Ordinance of Portage Des Sioux, Missouri, effective December 3, 2012
ORDINANCE NUMBER: 296

SECTION 100.015: PURPOSE

A. An Ordinance to regulate and restrict in the incorporated portion of Portage Des Sioux, Missouri 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 incorporated territory of the City for the aforesaid purposes; to arrange according to this detailed Chapter of the 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 rezoning, amendments, permits, enforcement, and penalties, and a Board of Zoning Adjustment, defining its powers and duties.

B. This Chapter and Chapter 200 also are intended for the purpose of providing adequate services and utilities, safe and convenient access, a desirable and attractive living environment through proper subdivision de sign, and for the purpose of utilizing development standards directed toward reasonable costs for initial development and continuing maintenance, including the following:

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, storm water, 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 proper distribution of population.

C. Also an intention of this Chapter and Chapter 200 is to control soil erosion on land that is undergoing development for non-agricultural uses, to preserve the natural terrain and waterways, and to regulate the redirection of storm water that could impact flooding by flowing into storm water drainage facilities or natural watercourses not capable of receiving the additional storm water within the incorporated portion of Portage Des Sioux. Soil erosion scars the land and creates sediment that clogs storm sewers and road ditches, chokes streams, and creates silt lakes, all of which pose a threat to public health and

safety. The provisions in this regulation are intended to provide a natural community environment, prevent flooding, prevent soil erosion, and reduce costly repairs to gullies, washed-out fills, water conveyance systems, roads, and embankments.

SECTION 100.020: FINDINGS

The Board of Aldermen 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 Portage Des Sioux and to secure the most appropriate use of land; and to facilitate adequate provision of public improvements throughout the City.

SECTION 100.025: AUTHORITY

- A. Portage Des Sioux enacts this Development Ordinance and grants to the Board of Aldermen legislative power pertaining to planning and zoning, and also pursuant to the State of Missouri's planning and zoning enabling legislation for Fourth-Class Cities (Chapter 89, RSMo., as presently enacted or as amended hereafter.)
- B. Wherever the provisions of this Chapter require a greater width or size of yards, courts, or other open space, or require a lower height of building or less number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or city ordinance or regulation, the provisions of this Chapter shall govern. Wherever the provisions of any other statute or city ordinance or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by this Chapter, the provisions of such statute or city ordinance or regulation shall govern.

SECTION 100.026: ESTABLISHMENT PLANNING AND ZONING COMMISSION

- A. **APPOINTMENTS:** The Planning and Zoning Commission is hereby established. The Commission shall consist of seven (7) members, including the Mayor, if the Mayor so chooses to be a member, a member of the Board of Aldermen selected by the board, if the Board chooses to have a member serve on the Commission and five (5) citizens appointed by the Mayor and approved by the Board of Aldermen. The members shall be residents, registered voters and property owners in the City of Portage Des Sioux for at least (1) year prior to the appointment.
 - 1. **TERM:** The term of each of the citizen members shall be for four years, except that the term of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered.
 - 2. **ALTERNATES:** Alternate members shall be appointed from the "Board of Adjustment" when needed. The alternates will only be appointed to fill permanent vacancies of the Planning and Zoning Commission until such time as the Mayor and Board of Aldermen may appoint a new member to the Board.
 - 3. **VACANCIES:** Vacancies or absences on the "Planning and Zoning Commission" caused by death, incapacity to perform, failure to attend three (3) consecutive meetings (unexcused), or resignation shall be filled forthwith by appointment of a new member pursuant to this Ordinance on appointments.
 - 4. **STAFF APPOINTMENTS:** Appointment to the "Planning and Zoning

Commission", shall be by the Mayor with approval of the Board of Aldermen. The Director of Planning and Zoning and the Floodplain Administrator shall be appointed by the Mayor. They may be the same person or the positions may be filled by separate appointments as justified by job and time requirements

- B. **OATH:** Each member shall take an oath, to be administered by the City Clerk, to ensure that the spirit and intent of the Development Ordinance shall be observed, the welfare of the public upheld and substantial justice done.
- C. **MEETINGS:** The City Board of Planning and Zoning shall meet once a month on the third Thursday or appropriately selected day, for the purpose of conducting business with matters concerning the planning, land use, zoning, and construction of all structures etc. in the city. This will include the application of the Development Ordinance and all other Ordinances falling under the regulation of the Planning and Zoning Commission. The Board will also from time to time make suggestions and recommendations to the Board of Aldermen as to changes required for better management of the physical properties of Portage Des Sioux. To include new Ordinances, Ordinance changes, map changes and zoning changes.
- D. **FUNDS APPROPRIATION OF:** The Board of Aldermen shall provide the funds, equipment and accommodations necessary for the work of the Planning and Zoning Board but the expenditures of the Board, exclusive of gift, shall be within the amount appropriated for that purpose by the Board of Aldermen.
- E. **MAJORITY:** A majority of the Board shall constitute a quorum, (a majority of present members), and a concurring vote of four (4) members shall determine all matters of revision to Zoning, Planning, and modification sent to the Board of Aldermen for revision of Ordinances.

SECTION 100.030: APPLICABILITY

This Development Ordinance applies to all land, property, and development in the City of Portage Des Sioux.

SECTION 100.035: CONSISTENCY WITH COMPREHENSIVE PLAN

The Zoning District Maps adopted or amended, or to be adopted or amended, as parts of this Development Ordinance, shall be in accordance with the Master Plan for Portage Des Sioux adopted by the Board of Aldermen.

SECTION 100.040: INTERPRETATION

In interpreting and applying the provisions of this Chapter 100 and Chapter 200, 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 Chapter 100 and Chapter 200 impose a greater restriction or higher standard, then Chapter 100 and Chapter 200 shall control.

SECTION 100.045: SEVERABILITY

All of the Sections of this Chapter 100 and Chapter 200 shall be severable. In the event that any Section of this Chapter 100 or Chapter 200 is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining Sections of this Chapter 100 and Chapter 200 are valid, unless the court finds the valid Sections of this Chapter 100 or Chapter 200 are so essentially and inseparably connected with and so dependent upon the void

Section that it cannot be presumed that the Board of Aldermen 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.

SECTION 100.050: REPEAL

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

SECTION 100.055: COMPLIANCE WITH THE REGULATIONS

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.

SECTION 100.060: DEFINITIONS

For the purpose of Chapter 100 and Chapter 200, the following words and terms used herein are defined to mean the following:

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.

ACKNOWLEDGMENT: For the purposes of the Development Ordinance, acknowledgment shall be made by a notary public, commissioned by the State of Missouri.

ACTUARIAL RATES: See RISK PREMIUM RATES.

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 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.

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 The City of Portage Des Sioux. 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 The City of Portage Des Sioux.

Animal	Head per Animal Unit
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: Telecommunication antennas include omnidirectional "whip," directional "panel," and microwave antennas. The antennas must be above surrounding and adjacent vegetation and structures, as the technology requires "line of sight" between the telecommunication facility and the subscriber's communications unit. Telecommunication facility's channel transmit power levels, at the antenna measured as effective radiated power (ERP), are very low, ranging from ten (10) watts in some urban installations to about one hundred (100) watts in suburban areas, and, generally, a maximum of five hundred (500) watts in rural areas.

ANTENNA SUPPORT STRUCTURES: Antennas may be supported by existing or proposed "freestanding" communication structures; existing or proposed non-communications structures, such as water tanks and smokestacks; and existing or proposed building walls or roofs.

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

APARTMENT HOTEL: An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

APPEAL: A request for a review of the Director of the Department of Planning and Zoning's interpretation of any provision of this Chapter or Chapter 200 or a request for a variance.

APPURTENANT STRUCTURE: A structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

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 The City of Portage Des Sioux, 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 FLOOD: A flood having a one percent (1%) chance of being equaled 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 four (4) or more bedrooms are available to the 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.

BED AND BREAKFAST RESIDENCE: A single-family residence where the host must live in the residence; where there are between one (1) and three (3) guest rooms 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.

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 Commissioner of the Department 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 100.590 et seq.

BOARD OF ALDERMEN: City Counsel.

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. Board of Aldermen expressly excludes ear piercing, as a body piercing procedure.

BREAKAWAY WALL: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

BUILDING CODE:

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 partial 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.

CAMPER: A piggy-back device mounted on a truck chassis which provides sleeping quarters and storage space, and may also provide stove, refrigerator, and toilet.

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.

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 development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

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 the State at a gross vehicular weight equal to or in excess of twelve thousand (12,000) pounds;
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 The City of Portage Des Sioux.

COMMISSIONER PLANNING AND ZONING: Director of Planning and Zoning

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 100, Sections 100.510, 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 area

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.

Board of Aldermen: The body established by Ordinance of The City of Portage Des Sioux to include the Mayor and Board of Aldermen.

CITY ENGINEER: A registered professional engineer in the State of Missouri designated by the Board of Aldermen to perform professional engineering services for the City.

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

CURB LEVEL: The mean level of the curb in front of the lot, or, in the case of a corner lot, along that abutting street where the mean curb level is the highest.

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 or 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 sub-surfaced 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.

DIRECTOR OF COMMUNITY DEVELOPMENT: The City official designated Director of the Planning and Zoning Commission.

DIRECTOR OF BUILDING CODE ENFORCEMENT: Director of Planning and Zoning.

DIRECTOR OF DEVELOPMENT REVIEW: Director of Planning and Zoning

DIRECTOR OF PLANNING AND ZONING: The Director of Planning and Zoning

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.

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.

ENVIRONMENTAL CONSTRAINTS: Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or, in certain instances, may preclude development.

EQUIPMENT STORAGE: Radio and related equipment may be stored in shelters, buildings, or cabinets, with the selection related to the amount and type of equipment required at each telecommunication facility location. Both newly created and existing space is used. Equipment storage space requirements range from about twenty (20) square feet to about four hundred fifty (450) square feet.

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.

EXISTING CONSTRUCTION: See CONSTRUCTION, EXISTING.

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

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.

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.

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.

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

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.

FOLDING TRAILER: A combination of tent and trailer body of a low compact shape designed for towing capable of expanding into a shelter for sleeping.

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.

FREESTANDING TELECOMMUNICATION FACILITY: A telecommunication facility that consists of a stand-alone support structure, typically a guyed tower, self-support tower, or a monopole; antennas; and associated equipment storage shelter(s).

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

FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the

loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

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.

GOVERNING BODY: The executive and/or legislative branches of The City of Portage Des Sioux government as defined and empowered by the City Ordinances.

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.

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 with no more than two additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home 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.

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 distances radially 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 bulkier than self-support towers at the same height, location,

and loads.

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.

HEIGHT OF BUILDINGS: The vertical distance measured from the average finished ground level adjoining the building to the highest point of the roof.

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.

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; 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 100.495 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: An individual or two (2) or more persons who are related by blood, marriage, or adoption, living together and occupying a single housekeeping unit; or a group of not more than three (3) person who are not related by blood, marriage, or adoption, living together by joint agreement and occupying a single

housekeeping unit.

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: Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use.

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: The removal or destruction by mechanical or chemical means, of vegetation, not including however normal cultivation associated with an agricultural operation.

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.

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.

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.

LIVING AREA SPACE: That portion of the dwelling unit utilized for living purposes within the exterior walls of the structure which does not include porches, breeze-ways, garages, and carports.

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 200, 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 DEPTH: The mean horizontal distance from the front lot line to the rear line.

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 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, and above grade 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 200.

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.

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.

MARINA: A dock or basin providing secure moorings for motor boats 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.

MESSAGE 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.

MICROCELL/REPEATER FACILITY: A telecommunication facility that is used to provide increased capacity in high call demand areas or to improve coverage in areas of weak coverage (i.e., microcell), or that extends the coverage of another telecommunication facility (i.e., repeater). Microcell and repeater facilities generally consist of only two (2) or three (3) antennas and a small equipment cabinet.

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.)

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.

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-five (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.

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 infirm; 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 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.

PERFORMANCE GUARANTEE: Escrow agreement or lender's agreement. A deposit or legal document made out to the Board of Aldermen in an amount equal to the full cost of the public improvements (sediment and erosion control, grading, street paving, sidewalk, storm sewer construction, and detention basin), which are required by this regulation, said cost being estimated by the consulting engineer and approved by the Director of Development Review, said cash deposit being sufficient to assure the County that said improvements will be constructed in accordance with these regulations.

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, proprietor ship, partnership, corporation, association, or other legal entity.

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 control. A planned development district may contain a single combination of land uses, provided that such development is reviewed, evaluated, and approved by the City and satisfies the requirements contained within the ordinance under "Planned District Area."

PLANNED DISTRICT AREA: The territory intended to be developed as a Planned Development District, and portrayed and defined in the master development plan as filed for review and approval or, if different, then as approved.

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: The City of Portage Des Sioux 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.

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.

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.

REPETITIVE LOSS STRUCTURE: A building covered by a contract for flood insurance that has incurred flood-related damages on two (2) occasions during a ten (10) year period ending on the date of the event for which a second (2nd) claim is made, in which the cost of repairing the flood damage, averaged, equaled, or exceeded twenty-five percent (25%) of the market value of the building at the time of each such flood event.

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.

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: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption, either within the restaurant building or off-premise. The facility may have a drive-through facility.

REST HOME: Any premise which is utilized to provide twenty-four (24) hour accommodation, board and care to three (3) or more residents who need or are provided with shelter, board, supervision of diets, assistance in personal care, storage and distribution or administration of medications.

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.

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.

RISK PREMIUM RATES: Those rates established by the Administrator of the Flood Insurance Program pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.

RIVER BOAT 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.

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 land filling 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.

SELF-SUPPORT TOWER: A structure composed of three (3) or four (4) support steel legs used to support telecommunications equipment and antennas. Generally, heights typically range from sixty (60) to two hundred (200) feet. The triangular or square base side dimension increases with height and loads, from about ten (10) feet to twenty-five (25) feet.

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.

SILT TRAPS OR FILTERS: Staked bales or silt fencing systems that function as a filter and a velocity check to trap fine-grained sediment, while allowing satisfactory passage of storm water runoff.

SITE: A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single 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 100.525, 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.

SOIL AND WATER CONSERVATION DISTRICT (SWCD): Section 278.070.4, RSMo., defines a soil and water conservation district. The St. Charles SWCD is a locally organized and operated unit of government functioning under Missouri law, to promote protection, maintenance, improvement, and wise use of the soil and water within the County.

SOLID WASTE INCINERATOR: An engineered apparatus used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence, and combustion air can be controlled.

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.

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 structure in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire, or sale.

START OF CONSTRUCTION: See CONSTRUCTION, START OF.

STEALTH COMMUNICATION FACILITY: These new or existing facilities can include antennae in a church steeple, light standard poles, telephone poles, billboards, and similar-type structures that do not have the appearance of a monopole or lattice tower.

STORY: That part of a building included between the surface of one (1) floor and the surface of the floor above, or, if there be no floor above, that part of the building which is above the surface of the highest floor thereof.

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, DEAD-END: Local streets similar to cul-de -sacs, except that they provide no turnaround circle at their closed end, and are not permitted in any proposed subdivision. Stub streets, planned for future continuation, are not considered to be dead -end streets, and must provide temporary turnaround areas which shall meet the requirements of the City Engineer for design, maintenance, and removal.

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 three (3) acres in area, providing that no illegal zoning lot is created; or
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; or
4. The division of a tract of land into three (3) or more lots, tracts, sites, or parcels which are three (3) acres or more in size but less than ten (10) acres in area.

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."

SUBSTANTIAL REDEVELOPMENT: Any addition or expansion, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. The term does not 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."

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.

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

TELECOMMUNICATION DEVICE: Antennas which are mounted to an existing structure, on the roof of a building, or on the building's walls. The facility includes the antennas and the related equipment, which may be located in the existing building structure, or with a new, unmanned equipment shelter, typically placed on or near the existing structure.

TELECOMMUNICATION FACILITY: An unmanned facility consisting of equipment buildings, shelters or cabinets, accessory equipment, and an existing or new structure 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.

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.

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.

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 100, Sections 100.590 et seq. Also, a grant of relief by the community from the terms of a FLOOD PLAIN 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.

VIBRATION: No vibration shall be permitted which is discernible without an instrument on any adjoining lot or property.

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 FLOOD PLAIN management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Chapter or Chapter 200 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.

WINERY: One (1) or more buildings used 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, 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 the area of The City of Portage Des Sioux.

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.

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 200.

YARD, FRONT: A yard across the full width of the lot extending from the front

line of the main building to the front line of the lot.

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

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

ZONING DISTRICT MAP: A series of maps of The City of Portage Des Sioux with all notations, dimensions, references, and symbols shown thereon depicting the individual zoning districts in accordance with Section 100.065.

PART 2. DISTRICT REGULATIONS

ARTICLE I. ESTABLISHMENT OF ZONING DISTRICTS AND MAPS

SECTION 100.065: 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 Portage Des Sioux, is hereby divided into Five (5) Zoning Districts and four (4) Overlay Zoning Districts as follows:

1. Zoning Districts.
 - a. "A" Agricultural District. (If/when established by amendment to this Ordinance. Addition to Zoning Map will be necessary)
 - b. "R1A" Single-Family Residential District
 - c. "R1B" Single-Family Residential District
 - d. "R1C" Single-Family Residential District
 - e. "C1" Neighborhood Commercial District
2. Overlay Districts.
 - a. "RF" Riverfront/Recreation District
 - b. "FF" Floodway Fringe Overlay District
 - c. "FW" Floodway Overlay District
 - d. "DF" Density Floodway Overlay District

SECTION 100.070: USES NOT PERMITTED IN ANY DISTRICT

For the purpose of this chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this chapter, uses not specifically listed are prohibited.

SECTION 100.075: BOUNDARIES OF DISTRICTS

- A. 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 Department 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 street, platted lot lines, survey or land lines is not clear, it shall be determined by the Commissioner of the Department 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 Planning and Zoning shall apply the district designations on the map to the streets, rail road 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 200.
- D. Vacating 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.

ARTICLE II. "A" AGRICULTURAL DISTRICT

SECTION 100.080: "A" AGRICULTURAL DISTRICT

A. **Statement Of Intent.** The intent of this district is to provide for agricultural, recreational, wildlife, open space, farming, and related uses in areas where non-farm residential development is not of a significant portion in relation to the area of the district. The minimum lot size of three (3) acres is designed to support agricultural uses and home sites which require proper siting in a rural area.

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.
2. Apiaries, aviaries, fish hatcheries, and fur farming or the raising of fur-bearing animals.
3. Boarding stable.
4. Cemetery.
5. Churches.
6. 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.
7. Ferry landings, boat docks and marinas.

8. Forest or wildlife reservations or small conservation uses.
9. Golf course and clubhouse, with a driving range (unlighted) as an accessory use.
10. Home occupations, as regulated in Part 3, Article IV, Section 100.495 of this Chapter.
11. Hunting, fishing, and propagation of wildlife.
12. Manufactured/mobile homes, modular structures.
13. Public building or facility erected by a governmental agency.
14. Public parks or playgrounds.
15. Public school (elementary, middle, and high), or private school having a curriculum equivalent to a public elementary, middle, or high school.
16. Railroad right-of-way.
17. 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.
18. Single-family/single household dwellings and modular homes.
19. Sod farms.
20. Utility substation or pumping station for electrical, gas, or telephone utilities.
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. Private stables, provided said stables are fifty (50) feet from all property lines (one (1) horse or pony per one (1) acre).

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.
7. Boats; the rental, sale, storage, and repair of boats, and boating supplies, including marine gas.
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.

9. Campgrounds.
10. Centralized yard waste composting facility, with conditions regulated in Part 4, Section 100.520, Development Standards for Certain Conditional Uses.
11. Extraction, quarrying, or mining of sand, gravel, top soil, or other material.
12. Farm stands, commercial.
13. Historic sites.
14. Houseboats.
15. 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 provided further that the building shall be set back from a required yard lines a minimum of fifty (50) feet. Hospitals may include a helicopter landing pad area as an accessory use.
16. Kennels, provided that the buildings and pens are one hundred fifty (150) feet from all property lines.
17. 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.
18. Logging operations, sawmills, and mill storage of lumber, not including any fabrication of timber structures.
19. Nurseries.
20. Pallets - Indoor recycling facilities for reusable wooden pallets.
21. Preschool, daycare, special, or other private school.
22. Private clubs, provided said private club is a minimum of one hundred (100) feet from all property lines.
23. Recreational facility, including a lake, fishing lake (commercial), swimming pool, tennis court, riding stable, rifle ranges, skeet shooting clubs, and other activities featuring the use of firearms when all parts of these activities are located at least one hundred (100) feet from property boundaries.
24. Restaurant in association with any permitted or conditional use (except single-family residence).
25. Single-family/single household dwellings and manufactured/modular homes utilized as a second (2nd) dwelling.
26. Telecommunication facility as regulated in Part 3, Article VIII Section 100.505.
27. Veterinary clinic.

28. Winery.

D. Height, Area And Lot Requirements.

1. **Maximum height.** Thirty-five (35) feet (except as regulated in Part 3, Article I, Section 100.410 et seq.).
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.** Three (3) acres.
7. **Minimum dwelling size (living space).** Twelve hundred (1200) square feet for single-family.

E. Accessory Structure.

1. **Maximum size of accessory structure.** None for agricultural structures and structures placed upon parcels ten (10) acres in size or larger. For parcels three (3) to ten (10) acres in size the maximum structure size is two thousand (2,000) square feet, for parcels one (1) to three (3) acres in size the maximum structure size is one thousand five hundred (1,500) square feet and for parcels less than one (1) acre in size the maximum structure size shall be fifty percent (50%) of the base area of the main structure.
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 private stables.** Fifty (50) feet from all property lines.

F. Additional Requirements. See Part 3, Article I, Section 100.100 et seq.

G. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 100.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 100.470 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 constructed of cedar, redwood, masonry or other compatible building material, and on the fourth side by a solid gate of compatible material.

ARTICLE III. RESIDENTIAL DISTRICTS

SECTION 100.090: "R1A", "R1B", "R1C",

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 one (1) acre to nine thousand (9,000) square feet, which lots are served by sanitary sewers and a public water supply. These districts and their related minimum lot sizes are as follows:

1. "R1A" - 9000 square feet;
2. "R1B" - 9000 square feet;
3. "R1C" - 10,890 square feet 1/4 acre;

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 twenty (20) acres.
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 100.495 of this Chapter
5. 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.
6. Parks or playgrounds.
7. Public building or facility erected by a governmental agency.
8. Public school (elementary, middle, or high), or a private school having a curriculum equivalent to public elementary, middle, or high school.
9. Railroad right-of-ways, not including railroad
11. 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.
12. 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 The City of Portage Des Sioux, Missouri, and 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.

13. Two-family/two household dwellings designated at the time of platting in the "R1C" district.
14. 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.
15. Group Home Facility
 - (a) 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.
 - (b) Group home facilities shall be a permissive use in these districts when the following conditions are met:
 - (i) The number of residents complies with the requirements of this Zoning Ordinance.
 - (ii) The parking requirements as set by this Zoning Ordinance have been met.
 - (iii) The proposed Group Home Facility is not within six hundred (600) feet of another existing Group Home Facility 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.
 - (iv) 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 as that term is defined in the Building Code, except structural alterations required to directly accommodate the disability of the residents with a disability recognized by the Americans with Disabilities Act.
 - (v) The structure meets the requirements of the City's housing, building and fire codes as set forth in the City Code or the codes adopted by reference therein.
 - (vi) 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.
 - (vii) The Group Home Facility shall have the appearance of

a conventional single family residence with a single kitchen facility.

- (c) If a single family dwelling or a single family residence ceases to operate for the purposes of a Group Home Facility, any other use of such home, other than allowed by this Zoning Ordinance, must be approved by the Planning and Zoning Commission.

- 16. Foster Care Homes. Any private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. The Foster Care Home must comply with this Zoning Ordinance concerning occupancy permits, except as to number and relationship of occupants, and comply with all building and safety codes applicable to actual use of single family dwellings or single family residences.

C. Conditional Uses.

- 1. Adult day care.
- 2. Historic sites.
- 3. Houseboats.
- 4. 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 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.
- 5. Kennels, on a site of not less than three (3) acres, provided all pens are one hundred fifty (150) feet from all property lines.
- 6. 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. Manufactured Home Subdivisions, manufactured homes and modular structures not meeting the provisions with in Section 100.090.B.12, with conditions regulated in Part 4, Section 100.520, Development Standards for Certain Conditional Uses.
- 8. Preschool, daycare, special, or other private school.
- 9. Private clubs on a site of not less than two (2) acres.
- 10. 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.
- 11. Top soil removal operation.
- 12. Utility substation for electric, gas, or telephone utilities.
- 13. A Group Home Facility which is the same as that defined in Section 100.060 except that it may house 9 to 15 persons, or a group home

which meets the definition of 100.060 but does not meet all of the qualifications as a permissive use as required by Section 100.055.

14. Manufactured and Modular Structure(s) not utilized as a dwelling.

D. Height, Area And Lot Requirements.

1. **Maximum height.** Forth-five (45) feet (except as regulated in Part 3, Article I, Section 100.100 et seq.).
2. **Minimum front yard.**
 - a. "R1A", "R1B" Thirty (30) feet.
 - b. "R1C" Thirty five (34) feet.
3. **Minimum side yard.**
 - a. "R1A" "R1B" Ten (10) feet.
 - b. "R1C" Fifteen (15) feet.
4. **Minimum rear yard.**
 - a. "R1A" "R1B" Thirty-five (35) feet.
 - b. "R1C" Thirty-five (35) feet.
5. **Minimum lot width.**
 - a. "R1A" sixty (60) feet.
 - b. "R1B" Sixty (60) feet.
 - c. "R1C" Sixty (60) feet.
6. **Minimum lot area.**
 - a. "R1A" "R1B" Nine thousand (9000) square feet
 - b. "R1C" Ten thousand eight hundred ninety (10890) square feet
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 Planning and Zoning in locating lots 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 fi ve 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.

E. Accessory Structure.

1. **Maximum size of accessory structure (except stables)**. Seven hundred fifty (750) square feet. (Defined as per FEMA FLOOD PLAIN Ordinance.)
2. **Minimum front yard of accessory structure**.
 - a. "R1A" "R1B" Thirty (30) feet
 - b. "R1C" Thirty-five (35) feet.
3. **Minimum side yard of accessory structure**.
 - a. Under one hundred fifty (150) square foot structure, three (3) foot set-back.
 - b. Over One hundred fifty (150) Square foot structure, Ten (10) foot set-back.
4. **Minimum rear yard of accessory structure**.
 - a. Under One hundred fifty (150) square foot structure, Three (3) foot set-back.
 - b. Over One hundred fifty (150) square foot structure, Ten foot set-back.
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. **Design Requirements**. "R1A" "R1B" and "R1C", all accessory, non-residential buildings over 200 square feet must be constructed of like building materials and designed architecturally to be in substantial compliance with the primary structure. "R1C" only, the use of metal siding, including, but not limited to, aluminum and steel, in the construction of an accessory structure is prohibited. Horizontal Residential siding over panels is permitted.

F. Additional Requirements. See Part 3, Article I, Section 100.100 et seq.

G. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 100.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 100.470 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.

ARTICLE IV, BLANK FOR LATER AMENDMENTS

ARTICLE V. ENTERTAINMENT DISTRICT

SECTION 100.120: "RF" RIVERFRONT ENTERTAINMENT OVERLAY DISTRICT

A. Statement Of Intent. The intent of this district is to provide for various entertainment and recreational uses alongside a major river. The district also is designed to encourage tourism and provide for specific commercial and service operations. Major rivers are limited to the Mississippi and Missouri Rivers.

B. Permissive Uses.

1. Amusement game machine complexes, amusement theme parks, batting cages, bowling lanes, excursion boats, golf courses, golf driving ranges, miniature golf courses, movie theaters (indoor), roller or ice skating rinks (indoor and outdoor), sports complexes, swimming pools (indoor and outdoor), and tennis courts.
2. Boat docks, marinas, piers, sale of boats, commercial recreational uses.
3. Cafes (including outdoor), coffee shops, and delicatessens.
4. Camping and recreational vehicle sites and parks, in accordance with the requirements for site plans in Part 4, Section 100.525, Site Plan Review.
5. Houseboats.
6. Performing arts theaters.
7. Restaurants (excluding drive-thru or drive-in facilities), banquet centers, and floating restaurants.
8. RIVERBOAT gambling vessels, boat support facilities, docking facilities, employee support facilities, ground transportation support facilities, passenger ticketing facilities, parking facilities, and security facilities.
9. Souvenir and curio shops, art and craft shops, and gift shops.
10. Taverns, bars, nightclubs, and floating operations of such uses.

C. Additional Requirements. See Part 3, Article, Section 100.100 et seq.

ARTICLE VI. OFFICE AND COMMERCIAL DISTRICTS

SECTION 100.130: "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. Grocery Stores
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.
5. Cemetery on a site of not less than twenty (20) acres.
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.
10. Group home facility.
11. Historic sites.
12. Home occupations, as regulated in Part 3, Article IV, Section 100.495.
13. Language classes.
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.
15. Hospitals may include a helicopter landing pad area as an accessory use.
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, photographic studio, laundry or dry cleaning, pet grooming, laundrette or self-service laundry, and other uses of similar character.
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 building or facility erected by a governmental agency.
25. Public school (elementary, middle, or high), or a private school having a curriculum equivalent to public elementary, middle, or high school.
26. Railroad right-of-ways, not including railroad yards.
27. 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, metalwork, 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. 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.
29. Telecommunication facility as regulated in Part 3, Article VIII, Section 100.505.
30. Utility substation for electric, gas, or telephone utilities.
31. Accessory uses customarily incidental to any of the above.

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.
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.
6. Liquor, wine, and beer, retail.
7. Manufactured/modular structures not utilized as a dwelling, in accordance with the conditions regulated in Part 4, Section 100.520, Development Standards for Certain Conditional Uses.
8. Restaurant, fast-food restaurant, cafeteria, ice cream parlor, tea room, bar, and tavern.
9. Temporary fireworks stand.
10. Temporary recreation and entertainment.

- D. Height, Area And Lot Requirements For All Structures. Consistent with District Requirements of Structure, Or a minimum of;**
1. **Maximum height.** Forty-five (45) feet (except as regulated in Part 3, Article I, Section 100.100 et seq.).
 2. **Minimum front yard.** Twenty-five (25) 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 (9,000) square feet for residential).
 7. **Minimum dwelling size (living space):** Eight Hundred (800) square feet.
- E. Additional Requirements.** See Part 3, Article I, Section 100.100 et seq.
- F. Parking, Loading And Sign Regulations.** See Part 3, Article II, Section 100.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 100.470 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 100.135: "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 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 Neighborhood Commercial "C1" Districts.
 2. Art gallery and museum.
 3. Automobile car wash.
 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 tall sight-proof fence.
 5. Bed and breakfast inn.
 6. Blacksmithing and welding service.
 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.
8. Business or commercial school or academy.
 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.
 10. Dyeing, cleaning, printing, tinsmithing, tire sales and service, upholstering, 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 tall sight-proof fence.
 11. Department and discount store.
 12. Display and sales room.
 13. Farm machinery and equipment, sales, and repair.
 14. Farm or feed store, including accessory storage of liquid or solid fertilizer.
 15. Frozen food lockers and cold-storage facility.
 16. Furniture, home furnishing, and floor covering, retail.
 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.
 18. Health and exercise club, reducing salon, and athletic club.
 19. Laboratory-research, experimental, or testing.
 20. Landscaping contracting services.
 21. Mail order facilities, including direct mail and similar facilities.
 22. Manufacturing of cleaning products, paints, stains, dyes, and other related products of a similar non-hazardous character (see #10).
 23. Microbrewery.
 24. Motel or hotel.
 25. Nightclub.
 26. Public parking garage facility.
 27. Radio or television broadcasting station or studio and telegraph offices.
 28. Recreation, commercial indoor.
 29. Rental agency.
 30. Supermarket.

31. Taxidermy.
32. Telecommunication tower as regulated in Part 3, Article VIII, Section 100.505.
33. Theatre, stage, or motion picture, indoor.
34. Veterinarian, animal hospital, or kennel, if within an enclosed building.
35. Accessory use customarily incidental to any of the above including a crematory as an accessory use to a mortuary.

C. Conditional Uses.

1. Airport or landing field.
2. Amphitheater, aquarium, arena and fieldhouse, auditorium, convention center, planetarium, stadium, and zoo.
3. Amusement game machine complex.
4. Amusement park or any outdoor amusement area.
5. Automobile, boat, truck, mobile home, manufactured home, modular home, recreational vehicle sales, rental and leasing (new and used).
6. Automobile, boat, truck, mobile home, manufactured home, modular home, recreational vehicle storage.
7. Bed and breakfast residence.
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.
9. Drive-in theatre.
10. Firewood-cutting, sales and storage.
11. Helicopter landing pad area.
12. Houseboats.
13. Lumberyard and building materials.
14. Regional shopping center.
15. Self-storage or mini warehouses.
16. Single-family/single household dwellings and manufactured homes and modular structures utilized as a dwelling, with conditions regulated in Part 4, Section 100.520, Development Standards for Certain Conditional Uses.
17. Telecommunication tower as regulated in Part 3, Article VIII, Section 100.505.
18. Temporary fireworks stands.
19. Truck or bus terminal.

20. Truck stop, with or without restaurant and motel facilities.
21. Vehicle washing facility for tractor trailers.
22. Warehouse or wholesale establishment.

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

1. **Maximum height.** Sixty (60) feet.
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.
4. **Minimum rear yard.** Fifteen (15) feet.
5. **Minimum lot width.** None.
6. **Minimum lot areas.** None (except seven thousand (7,000) square feet for residential).
7. **Minimum dwelling size (living space):**
 - a. Eight hundred (800) 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. Additional Requirements. See Part 3, Article 1, section 100.405 et seq.

ARTICLES VII, VIII, IX, X, BLANK FOR LATER AMENDMENTS.

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

SECTION 100.245: STATEMENT OF INTENT It is the intent of these districts to promote the public health and safety, and to minimize those losses from periodic flooding by applying the provisions of this Article of the Development Ordinance, to:

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.

4. Assure that eligibility is maintained for property owners in the City to purchase flood insurance in the National Flood Insurance Program.

SECTION 100.250: FLOOD LOSSES RESULTING FROM PERIODIC INUNDATION

The flood hazard areas of Portage Des Sioux, 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.

SECTION 100.255: 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 100.260: METHODS USED TO ANALYZE FLOOD HAZARDS

This Article of the Development Ordinance uses a reasonable method of analyzing flood hazards, which consist of a series of unrelated steps.

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 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 December 6, 1999, as amended hereafter.
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 100.265: STATEMENT OF PURPOSE

It is the purpose of this Development Ordinance Article to promote public health, safety, and general welfare, and to minimize those losses described in Part 1, Sections 100.025 through 100.035, Chapter 100 and Part 1, Sections 100.010 and 100.015, Chapter 100 by applying the provisions of this Development Ordinance Article to:

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

The City of Portage Des Sioux has adopted the Flood Insurance Rate Map, the Floodway, the Density Floodway Map, and the Flood Insurance Study dated December 6, 1999, as amended hereafter, provided by the Federal Emergency Management Agency.

SECTION 100.275: LANDS TO WHICH THIS ARTICLE OF THE DEVELOPMENT ORDINANCE APPLIES

The "FW", "FF", and "DF" Districts apply to all lands within the jurisdiction of the incorporated City of Portage Des Sioux, 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 Development Ordinance Article. In all areas covered by these overlay zoning districts, no development shall be permitted, except upon a FLOOD PLAIN development permit issued by the Department of Planning and Zoning under such safeguards and restrictions as The City of Portage Des Sioux may reasonably impose for the promotion and maintenance of the general welfare, safety, and health of the inhabitants of the incorporated City of Portage Des Sioux.

SECTION 100.280: ENFORCEMENT OFFICER

The FLOOD PLAIN Manager of Portage Des Sioux is hereby designated as the Governing Body's duly designated Enforcement Officer under this Development Ordinance Article.

SECTION 100.285: 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 Development Ordinance.

SECTION 100.290: 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 Department of Planning and Zoning shall make the necessary interpretation based upon all available technical evidence. In such cases where the interpretation is contested, the Board of Zoning Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his/her case to the Board of Zoning Adjustment and to submit his/her own technical evidence, if he/she so desires.

SECTION 100.295: COMPLIANCE

No development located within known flood hazard areas of The City of Portage Des Sioux shall be located, extended, converted, or structurally altered without full compliance with the terms of this Article of the Development Ordinance and all other applicable regulations.

SECTION 100.300: ABROGATION AND GREATER RESTRICTIONS

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

SECTION 100.305: WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Article of the 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 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 Development Ordinance will not create liability on the part of The City of Portage Des Sioux or any officer or employee thereof for any flood damages that may result from the reliance on this Article of the Development Ordinance of any administrative decision lawfully made thereof.

SECTION 100.310: SEVERABILITY

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

SECTION 100.315: APPEAL

When a request for a FLOOD PLAIN development permit to develop in a flood hazard area is denied by the Department 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 thirty (30) days of the public hearing.

SECTION 100.320: ADMINISTRATION

- A. The Director 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 Planning and Zoning under this Article of the 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;
 - d. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - 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 Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of evidence of such notifications to the Federal Insurance Administrator.
 - 4. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - 5. Obtain and maintain a record of the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures.
 - 6. Obtain, if the structure has been floodproofed in accordance with attendant utility and sanitary facilities, and maintain a design such that below 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.

7. When floodproofing is utilized for a non-residential structure, the Director of the Department 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 200. 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 Planning and Zoning.
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 100.375 (E) and (F) of this Article, and may be subject to review by the Board of Zoning Adjustment as defined within Section 100.375.

SECTION 100.325: FLOOD PLAIN DEVELOPMENT PERMIT

No person, firm, or corporation shall initiate any development or substantial improvement, or cause the same to be done in a designated flood hazard area, without first obtaining a separate FLOOD PLAIN development permit for each building or structure, including the placement of manufactured homes.

SECTION 100.330: APPLICATION FOR A FLOOD PLAIN DEVELOPMENT PERMIT

To obtain a FLOOD PLAIN development permit, the applicant must apply for such a FLOOD PLAIN development permit with the City Department of Planning and Zoning. A FLOOD PLAIN development permit must be signed by the applicant on the form furnished. Every such FLOOD PLAIN development permit shall:

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 FLOOD PLAIN development permit.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Indicate the assessed value of the structure and the fair market value of the improvement.
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.
7. Give such other information as reasonably may be required by the Director of the Department of Planning and Zoning.
8. Be accompanied by plans and specifications for proposed construction.
9. Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.
10. Be issued by the Director of Planning and Zoning or the Assistant Director of Planning and Zoning.

11. Be accompanied by a fee as set by ordinance; fee is not applicable for electric or septic tank repair permits.
12. Be valid for the same period as the Building Permit. In the event there is no Building Permit, the FLOOD PLAIN Development Permit will be in effect for two (2) years from the date of issuance.

SECTION 100.335: SUBSTANTIAL DAMAGE/IMPROVEMENT

- A. The following items shall be included in the determination of substantial damage/improvement: 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.
- 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. All applicants for FLOOD PLAIN development permits shall complete an application for substantial damage/improvement review on forms provided by the Department of Planning and Zoning, unless exempted from this requirement by the Director of Planning and Zoning.

SECTION 100.340: BLANK

SECTION 100.345: ESTABLISHMENT OF THE FLOODWAY, FLOODWAY FRINGE AND DENSITY FLOODWAY OVERLAY DISTRICTS

- A. The mapped FLOOD PLAIN areas within the jurisdiction of this Article of the Development Ordinance are hereby divided into the three (3) following districts:
 1. A Floodway Overlay District (FW).
 2. A Floodway Fringe Overlay District (FF).

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 Development Ordinance and those standards of the underlying zoning district are prohibited. These zones shall be consistent with the numbered and unnumbered 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.

SECTION 100.350: STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT, THE FLOODWAY FRINGE OVERLAY DISTRICT AND THE DENSITY FLOODWAY OVERLAY DISTRICT

- A. No FLOOD PLAIN development permit shall be granted for new construction, substantial improvement, and other improvements including the placement of manufactured homes, modular homes, and mobile homes with in all numbered and unnumbered A Zones (including AE Zone), unless the conditions of this Article are satisfied.
- B. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this Article of the Development Ordinance. If Flood Insurance Study data is not available, the City shall utilize any base flood or floodway elevation data currently available from Federal, State, or other sources.
- 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 designed and/or located so as to prevent water from entering, damaging, or accumulating within the components during conditions of flooding.
 4. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation. Single electric service for recreational uses must be elevated a minimum of ten (10) feet above existing average grade.
 5. That, until a floodway has been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 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 City.

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.
 - 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.
 - 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 The City of Portage Des Sioux 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 minimize or eliminate flood damage.
 - 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.

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, and not larger than two thousand (2,000) 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; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the FLOOD PLAIN management requirements of this Chapter; and a FLOOD PLAIN development permit has been issued.
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 seven hundred and fifty (750) 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 FLOOD PLAIN management requirements of this Chapter; and a FLOOD PLAIN development permit has been issued.

SECTION 100.355: FLOODWAY FRINGE OVERLAY DISTRICT

A. Permitted Uses. Any use permitted in Section 100.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District, and the Density 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 100.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District, and the Density 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 A1-30 and Zone AE on the City's FIRM, have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation.
2. Require that all new construction and substantial improvements of non-residential structures within Zones A1-30 and Z one AE on the City'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 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 100.320 (B) (7) of this Article.
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 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.

SECTION 100.360: 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 and is 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:
 - 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 or substantially improved within the unnumbered A Zones and AE Zone on the County's FIRM on sites:
 - 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 manufactured/mobile homes to be placed or substantially improved on sites within an existing manufactured/mobile home park or subdivision within the unnumbered A Zones and AE Zone on the County's FIRM, that are not subject to the provisions of Subparagraph (2) of this Subsection, be elevated so that either:
 - 1. The lowest floor of the manufactured/mobile home is elevated one (1)

foot above the base flood elevation; or

2. The manufactured home chassis is supported by reinforced piers or other foundation element of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement.

D. Require that recreational vehicles number no more than one (1) recreational vehicle unless it is an approved campground or travel trailer park placed on sites within the unnumbered A Zones and AE Zone on the City's FIRM:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; and
2. Be currently licensed and ready for highway use; or
3. Meet the permit requirements for Section 100.325, FLOOD PLAIN Development Permit and Section 100.330, Application for a FLOOD PLAIN Development Permit of this Article and the elevation and anchoring requirements for mobile/manufactured homes in Subsections (A) and (B) of this Section. 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 and is licensed for transportation use. 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.

SECTION 100.365: 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 Development Ordinance. All encroachments, including fill, new construction, substantial improvements, and other developments must be 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:

1. Agricultural uses, such as general farming, pasture, nurseries, and forestry.
2. Residential uses, such as lawns, gardens, and parking and play areas.
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 unnumbered Zone A, obtain, review, and reasonably utilize any floodway data available through Federal, State, or other sources or Section 100.350, 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.

SECTION 100.370: 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 FLOOD PLAIN and to do so by permitting development to occur in a fashion that disperses and spreads it throughout the density floodway. A "No-Rise Certification", as stated in Section 100.370, Density Floodway Overlay District, Subsection (C)(1) of this Article, will be required.

1. 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.
2. The City of Portage Des Sioux 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 December 6, 1999, as amended hereafter.

B. Application Procedure For FLOOD PLAIN Development Permits In The Density Floodway.

1. When an individual requests a FLOOD PLAIN development permit in the density floodway, the following materials are provided to the applicant the Planning and Zoning office:
 - a. The brochure " All About Building in the FLOOD PLAIN."
 - 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 100.370, Density Floodway Overlay District, Subsection (D)(1)(e), the Commissioner of the Department of Planning and Zoning shall:
 - a. Review submittal to determine compliance.
 - b. Release a FLOOD PLAIN development permit (in most applications to allow construction of foundation only).
 - c. Upon submittal of a second (2nd) elevation (certificate), release approved FLOOD PLAIN development permit, if elevation meets or exceeds requirement of one (1) foot above the 100-year FLOOD PLAIN.

- d. Record the actual loss of area for the lot/parcel on the Assessor's tax parcel map(s).

SECTION 100.375: VARIANCE

- A. The Board of Zoning Adjustment**, as established by The City of Portage Des Sioux, shall hear and decide appeals and requests for variances from this Article of the Development Ordinance.
- B. Agricultural and accessory structures**, as defined in Section 100.350, 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 200. 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 Department of Planning and Zoning in the enforcement and administration of this Article of the 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 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 Comprehensive Plan and FLOOD PLAIN management program for that area;
 8. The relationship of the proposed use to the Comprehensive Plan and the FLOOD PLAIN management program for that area;
 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. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous and surrounded by lots with existing structures constructed below the base flood level, provided Subsection (E) (2--6), below, have been fully considered. As the lot increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
2. 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.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
5. Variances shall only be issued upon:
 - 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.
6. The City of Portage Des Sioux 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 200.

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 100.375, Variance, Subsection (D) of this Article. 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 FLOOD PLAIN management regulations of this Chapter or Chapter 200 shall demonstrate that the varied structure is located in wide, expansive FLOOD PLAIN 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 only, as identified on the community's Flood Insurance Rate Map (FIRM).
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 100.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (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 100.350, 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 above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with in Section 100.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (3) of this Article.
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 openings that will permit the automatic entry and exit of floodwaters in accordance within Section 100.355, Floodway Fringe Overlay District, Subsection (B)(3) of this Article.
7. The agricultural structures must comply with the FLOOD PLAIN management floodway encroachment provision within Section 100.365, 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. The City of Portage Des Sioux 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 200.
11. Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer prior to the issuance of any FLOOD PLAIN development permit for construction.

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 100.375, Variance, Subsection (D). 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 100.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (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 100.350, 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 above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions, in accordance within Section 100.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (3) of this Article.
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 openings that will permit the automatic entry and exit of floodwaters, in accordance within Section 100.355, Floodway Fringe Overlay District, Subsection (B)(3) of this Article.

6. The accessory structures must comply with the FLOOD PLAIN management floodway encroachment provisions within Section 100.365, 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. The City of Portage Des Sioux 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 200.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any FLOOD PLAIN development permit for construction.

SECTION 100.380: 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 Development Ordinance , but which is not in conformity with the provisions of this Article of the 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 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 market value of the structure before the damage occurred, except that it is reconstructed in conformity with the provisions of this Article of the Development Ordinance. This limitation does not include the cost of any alteration to comply with existing State, or local health, sanitary, building, or safety codes or regulations, or the cost of any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historical Places.

SECTION 100.385: PENALTIES FOR VIOLATION

- A.** Violation of the provisions of this Article of the 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 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. Nothing herein contained shall prevent Portage Des Sioux or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 100.390: AMENDMENTS

The regulations, restrictions, and boundaries set forth in this 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 published in a newspaper of general circulation in St. Charles County. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this Article of the 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.

SECTION 100.400: FLOOD PLAIN VERIFICATION LETTERS (BLANK)

ARTICLE XI. WATERSHED PROTECTION (BLANK)

SECTION 100.402: (BLANK)

PART 3. SUPPLEMENTARY REGULATIONS

ARTICLE I. ADDITIONAL REQUIREMENTS

SECTION 100.405: 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.

SECTION 100.410: ADDITIONAL HEIGHT REQUIREMENTS

- A. The height limits established in Part 2, District Regulations, may be exceeded only by variance granted by the City of Portage Des Sioux Board of Zoning Adjustment; agricultural structures and stealth communication facilities/telecommunication devices added to existing structures, and

structures elevated a minimum to meet (FEMA) height requirements are exempted 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.

SECTION 100.415: 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. 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.
- D. 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 for single-family residences shall be devoted to landscaping, driveways, sidewalks, and exceptions further provided herein. Fences in the "A" or "R" Districts are permitted as follows:
 - 1. General Conditions.
 - a. A fence may be located on a lot line, but no such fence shall protrude in full or part on adjacent property or right-of-way.
 - 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.
 - 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.
 - d. Fences shall be maintained by the property owner according to all other codes of The City of Portage Des Sioux.
 - e. Fences on corner lots must observe the sight triangle requirement as defined in Section 100.415 (J).
 - 2. Fences in Residential Districts and subdivisions in the Agricultural District. A fence may be erected or constructed subsequent to compliance with all City ordinances as well as the following criteria.
 - a. Interior and Corner Lots:
 - (1) Front Yards - Fences in front yards shall be limited to a height of forty-two (42) inches in height above street grade. Fences on corner lots shall be permitted on the frontage to the side of the principal structure 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.

- (2) Side Yards - All fences shall not exceed six (6) feet in height. There is no openness requirement.
- (3) Rear Yards - All fences shall not exceed six (6) feet in height. There is no openness requirement.
- (4) Notwithstanding the above height restrictions, masonry pillars, including decorations and appurtenances thereon, in conjunction with ornamental iron fences, can not be more than twenty-five (25) percent higher than the attached fence and not be wider than twenty-four (24) inches.

- 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.

- G. Barbed wire and above ground electrical fences will not be allowed in yards in "R" Districts.
- H. The minimum width of side yards for public/private schools, libraries, and churches in residential districts shall be twenty-five (25) feet.
- I. Private swimming pools, including hot tubs, spas, and incidental installations such as pumps and filters, may not be located in the front yard in "R" Residential Districts and platted subdivisions. 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 and attached decking are permitted to the rear or side of the residence provided they are setback a distance of not less than ten (10) feet from the side and/or rear street right-of-way line. In Agricultural Districts (zoned A), a pool and attached decking shall be set back a distance of not less than twenty five (25) feet from the side and the rear property lines.
- J. 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. 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. 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
 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.
- K. 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.

- L. 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.
- M. 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.
- N. 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, Ordinances of The City of Portage Des Sioux, 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.

SECTION 100.417: ADDITIONAL INSTITUTIONAL, COMMERCIAL, AND INDUSTRIAL STRUCTURE REQUIREMENTS

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:

- A. The screening shall be attached to the building and shall be capable of withstanding all load requirements embodied in the adopted building code.
- 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.
- C. A parapet wall of sufficient height and as an integral part of the building shall be considered as approved screening.
- D. All roof-top screening shall be kept in repair or proper state of preservation.

SECTION 100.420: ADDITIONAL VEHICLE REQUIREMENTS

A. Recreational Equipment or Trailers

1. Not more than two (2) pieces of recreational equipment or trailers as defined in this Chapter shall be allowed on any residential lot. Such recreational equipment or trailers shall not exceed thirty-two (32) 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 100.420(B).
2. In residential districts and recorded subdivisions in agricultural districts recreational equipment or trailers shall 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.

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.
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.

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 "RF" and "A" zoning districts with the following restrictions:

1. The recreational vehicle may be placed on the parcel for not more than one hundred eighty (180) days. A temporary permit will be issued by the Department of Planning and Zoning specifying the one hundred eighty (180) day period.
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 City of Portage des Sioux 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 City of Portage des Sioux Division of Building Code Enforcement.

C. Commercial Vehicles. The following shall only apply in "R" and "A" Districts:

1. Any licensed commercial vehicle as defined in this Chapter shall be parked completely on the property of the operator. No vehicles, not operated by the property owner will be parked on the property. Vehicles temporarily parked while providing a service or delivery to a residential dwelling may be parked outside of the property.
2. No buses shall be parked on a lot occupied by a residential unit, except as permitted in Section 100.420© (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.

5. Commercial vehicles shall not be parked on a public street.

- D. Unlicensed Vehicles.** In all districts, any lot or parcel containing a residence may also contain a maximum of one (1) unlicensed vehicle, provided the vehicle is kept for personal use and parked only in the rear of the residence on a paved or gravel surface. Screened by privacy fencing or tarped (tarping must be sound, whole, clean and blend to surroundings) No unlicensed vehicles may be kept on lots or parcels that do not contain a residence.

SECTION 100.425: 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 100.470, et seq. (Signs Not Requiring Permits, Temporary, see Section 100.480).
- 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 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 100.427: 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 be permitted. 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.

1. 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 city clerk
2. 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:

- a. The organization conducting the fund-raising sale conducts no more than six (6) such events per calendar year, and
 - b. The fund-raising sale does not exceed a period of three (3) consecutive days.
3. Temporary outdoor sales by licensed businesses shall be:
- a. Limited to items customarily sold by such businesses at their permanent business sites, and conducted on the premises occupied by those sites, or
 - b. 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:
 - (1) "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.
 - (2) "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.
4. All temporary outdoor sales of goods or merchandise permitted in this Section shall comply with the following conditions:
- a. Shall not be located within any required buffer yards.
 - b. Shall not be located within the sight triangles for any intersections, public or private.
 - c. Shall not reduce the available parking spaces below what is required for a site as provided in Article II Parking and Loading Requirements.
 - d. Are subject to any applicable building codes, health regulations, fire district codes and any other applicable regulations.
 - e. 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.
 - f. May be subject to additional conditions as deemed necessary by the Commissioner of the Planning and Zoning Department to protect the public health, safety and welfare.

SECTION 100.430: 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** indicates the types of animals permitted in certain zoning districts, and the regulations which apply to those animals. (FOLLOWING PAGE)

SECTION 100.431: GRADING

Prior to grading an area of one (1) acre or more on any tract of land, a sediment and erosion control plan shall be approved by the Commissioner of the Department of Planning and Zoning. Said plan shall be in compliance with Chapter 200, Article VI of this Development Ordinance.

EXHIBIT 1. PERMITTED ANIMAL REGULATIONS

ZONING DISTRICT	PERMITTED USES	CONDITIONAL USES	SETBACK	REMARKS
A. DISTRICT	Exotic or Wild Animals		300 feet	minimum 10 acres CONFINEMENT PER MO CONSERVATION COMMISSION CODES 1 horse per acre
	Horses (Private Stables) Live Stock Raising (Except In Platted Subdivision)		150 feet 150 feet	
	Pets Pets (Subdivision)	Kennel	150 feet	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.
"R1A", "R1B" "R1C"	Exotic or Wild Animals			Minimum Confinement Requirements According to the State of MO Conservation Commission Wildlife Codes.
	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.
	Pets	Kennel	150 feet	Minimum 3 acres. Inclosed at night. Maximum twelve (12) domestic animals.

SECTION 100.435: LANDSCAPING REGULATIONS (BLANK)

ARTICLE II. PARKING AND LOADING REQUIREMENTS

SECTION 100.440: 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 with a minimum nine (9) feet width. 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.
- 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 City 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. Parallel parking spaces** shall have a depth of twenty-four (24) feet.
- E. Location And Access.** The location and design of entrances and exits shall be in accordance with the current applicable regulations of the City of Portage Des Sioux, and St Charles County Highway Department and/or Missouri Department of Transportation requirements.
- F. Paving.** In all zoning districts, all parking areas, including driveways and aisles, shall be paved and striped. Such paving shall consist of Portland concrete or an asphaltic overlay. An alternative dust-free surface may be approved by the Director of Planning and Zoning.
- 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. 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.
2. The dimensions of any planting area shall be sufficient to support the landscaping materials planted therein and to insure proper growth.
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.

I. 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 200, 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 Planning and Zoning.

SECTION 100.445: OFF-STREET PARKING REQUIREMENTS

Except as otherwise provided in this 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 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
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 theater	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
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	2 plus 1 per 2,000 square feet of gross land devoted to the sales, display or rental of said vehicles or equipment; or 2 per 1,000 square feet of interior showroom, whichever is greater; plus 3 per service bay in service area
Banking and financial facilities	1 per 300 square feet of gross floor area
Barber and beauty shops	3 per chair, except those 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 square feet)	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
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, micro brewery, 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 (5,000 square feet or less), or personal services establishment	1 per 300 square feet of gross floor area
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
Winery	1 per 200 square feet in the tasting room plus 1 per table for seating in both an indoor and outdoor arrangement

SECTION 100.450: 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 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 ($\frac{1}{2}$), the extra space can be disregarded. If the fractional space is one-half ($\frac{1}{2}$) 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 100.455: 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.

SECTION 100.460: 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

Total Parking in Lot	Required Number of Accessible Spaces
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 100.465: OFF-STREET LOADING REQUIREMENTS

Off-street loading spaces shall be provided in all districts.

ARTICLE III. SIGN REGULATIONS

SECTION 100.470: SIGN PERMIT APPLICATIONS

- A.** No sign shall be erected in The City of Portage Des Sioux without having obtained a sign permit from the City Division of Planning and Zoning, unless otherwise provided herein.
- B.** Applications for the alteration or erection of on-premise and off-premise signs are provided by the City of Portage Des Sioux Division of Building Code Enforcement. An application for a sign permit must be executed and approved by the City of Portage Des Sioux Division 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 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 on the same side of the street in either direction.
 - 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 100.475: SIGNS REQUIRING PERMITS

All pole and monument signs including their supports shall be set back from any property line, including a public or private right-of-way, at least ten (10) feet (as measured from the sign edge or trim). Additionally, no pole or monument sign shall be setback more than forty (40) feet from said property line. If a sign is located on the corner of the intersection, it must be located a minimum of fifty (50) feet from the edge of the pavement of the intersection, at least ten (10) feet from any public or private right-of-way and no more than sixty (60) feet from any public or private right-of-way.

- 1. On-premises signs are permitted as provided herein:
 - a. Agricultural and Residential Districts (A, "R1A", "R1B", "R1C", Districts).
 - (1) In all agricultural and residential districts, all signs shall not exceed the maximum height of thirty-five (35) 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.
 - (2) 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.
 - (3) 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.
 - (4) 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.
 - (5) 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.

- (6) 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.

b. Commercial ("CO", Districts).

- (1) In all commercial 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.
- (2) Any sign permitted in the "A" and "R" Districts is permitted under commercial and industrial districts.
- (3) 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 eighty (80) square feet. If a business has facades facing on two (2) or more streets, a sign will be allowed for each street facing. Emblems, logos, or trademarks which will not exceed six (6) square feet will not be used in calculating the total area.
- (4) 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 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.
- (5) 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.
- (6) 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.
- (7) Programmable electronic message boards are permitted on-

premise signs, but may display a steady message-type only. Within the steady message-type, the following modes of operation are permitted: down scroll, up scroll, melt, grow, write on, and reverse. Flashing, inverse flashing, and x-ray modes are prohibited. The use of the fonts and pictorials within the steady message-type is permitted, but animation is prohibited. Programmable electronic message boards are prohibited on off-premise signs, except for time and temperature readings.

- (8) Temporary signs are permitted. (The sign can either be an on-premise ground sign or attached to a structure.)
 - (a) 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.
- (9) 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 City Planning and Zoning Department. All inflatable aids are prohibited from being installed on the roof of a structure.

c. Entrance monuments are permitted as provided herein (all districts).

- (1) 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 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).
- (2) 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.
- (3) A maximum of two (2) monuments may be installed at every entrance to the subdivision.
- (4) Exterior lighting of the monuments shall be arranged to ensure that no light interferes with a motor vehicle

operator's view.

d. Planned Unit Development (PUD) Overlay Districts. All signs erected in a "PUD" Overlay District shall conform to the land use as depicted on the preliminary plat.

2. Off-premise signs are permitted as provided herein (Commercial Districts "CO" Districts).

a. Outdoor advertising sign structures, off-premise, information by direction signs, and signs advertising subdivisions are permitted and regulated as follows:

b. 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 The City of Portage Des Sioux, Missouri.

c. 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.

d. 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.

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) No such signs shall be erected within two thousand (2,000) feet of an existing off-premise sign. 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.

3. Temporary off-premises subdivision signs are permitted as provided herein:

a. 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.

- b. 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.
- c. 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 100.470, 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.
 - (1) 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 100.475, Subsection (2) (d) (5), subject to the following restrictions:
 - (a) Such signs must be within one (1) mile of the subdivision development advertised.
 - (b) Such signs must be located on vacant properties. 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 10 (Additional Yard Requirements (I)).
 - (c) 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.
 - (d) No such sign and its support shall be located within any public or private rights-of-way.
 - (e) 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.
 - (2) Quantity and duration.
 - (a) No more than two (2) temporary off-premises subdivision signs shall be allowed for any subdivision development.
 - (b) 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.
 - (3) Area.
 - (a) 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.
 - (b) 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.

(4) Height and illumination.

- (a) 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.
- (b) No temporary off-premises subdivision sign may be illuminated.

SECTION 100.480: SIGNS NOT REQUIRING PERMITS

A new permit is not required to change the advertising material or message on an existing sign, provided the sign structure is not enlarged or altered.

- 1. Permanent (the sign must be attached to a structure).
 - a. A nameplate not exceeding two (2) square feet in an area lighted with only non-intermittent light identifying a private residence.
 - b. Non-illuminated signs for home occupations indicating only the name of the person and their occupation, not to exceed two (2) square feet.
 - c. Signs indicating privacy, including "No Trespassing" signs, not exceeding four (4) square feet.
 - d. Official traffic and directional signs.
- 2. Temporary signs are permitted (the sign can be either an on-premise ground sign or attached to a structure).
 - a. Signs advertising the sale, rent, or lease of real estate. The maximum area shall not exceed twelve (12) square feet. Such signs shall be removed ten (10) days following the sale, rent, or lease of the entire property.
 - b. On-premise, new-project construction signs not exceeding sixty-four (64) square feet. Such signs shall be removed ten (10) days after completion of the project.
 - c. On-premise signs advertising general sales of personal property operated by private individuals:
 - (1) 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.
 - (2) 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.

- d. 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.
- e. 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.
- f. Political signs not to exceed thirty-two (32) square feet are permitted. A political sign may be erected no more than sixty (60) days prior to the election and removed not later than fourteen (14) days after the election.
- g. Public signs and notices posted by or at the direction of a unit of government.

SECTION 100.485: 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 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 100.490: 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. Off-premise programmable electronic message boards, except for time and temperature readings.
- 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 100.495: HOME OCCUPATION REGULATIONS

- A. Standards For The Operation Of A Home Occupation.
 - 1. Only one (1) occupation or profession shall be permitted per residential unit.
 - 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 or utilize an accessory structure.
 - 4. One (1) non-illuminated sign for home occupation indicating only the name of the person and their occupation, not to exceed two (2) square feet.
 - 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 from outside the principal building to the home occupation, except that which serves the residential portion.
 - 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.

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.
- 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, seamstress, 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.
- 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. SEWAGE DISPOSAL

SECTION 100.500: SEWAGE DISPOSAL REGULATIONS

- A. All residential structures, commercial and industrial buildings, public and semi-public facilities, and other uses of land having occupants in the incorporated areas of St. Charles County and the City of Portage Des Sioux, 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 200, disposal of sewage and liquid wastes shall be

permitted or required by one (1) of the following methods:

1. A sanitary sewer system approved by the Missouri Department of Natural Resources and approved and operated by the appropriate local wastewater regulatory authority.
2. A package wastewater treatment system regulated by the Missouri Department of Natural Resources and approved and operated as provided herein. No land use permit for the construction of a package wastewater treatment system shall be issued by the Division of Planning and Zoning until a copy of an approved permit by the Missouri Department of Natural Resources for the construction of the facility is received.
 - a. The continuing authority designated on the permit issued by the Missouri Department of Natural Resources must contract for the continued operation, maintenance and testing of the package wastewater treatment system in order to ensure that it complies with the effluent limits imposed by the Missouri Department of Natural Resources and, where applicable, with the effluent standards imposed by Section 100.500 (A) (2) (b) below. Except as provided otherwise in Section 100.500 (A) (2) (b) (2) below, such contracts shall be made either with the appropriate local wastewater regulatory authority or with another entity provided that it is approved by the City of Portage Des Sioux Director of the Division of Building Code Enforcement and licensed by the Missouri Department of Natural Resources to operate package wastewater treatment system.
 - b. Within Watershed Protection Overlay Districts, all package wastewater treatment systems must meet the following requirements.
 - (1) Such plants must meet not only the applicable effluent limitations imposed by the Missouri Department of Natural Resources, but also the following effluent limitations:
 - (a) Ten (10) milligrams per liter for biochemical oxygen demand ("BOD"); and
 - (b) Fifteen (15) milligrams per liter for suspended solids (non-filterable residue); and Removal of ammonia nitrogen to two and one-half (2.5) milligrams per liter or less; and
 - (c) Removal of ammonia nitrogen to two and one-half (2.5) milligrams per liter or less; and
 - (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 package wastewater treatment systems must be Membrane Bioreactor (MBR) Technology Treatment Systems or equivalent, cost-effective technology which had been proven by actual (not bench scale) plant data to meet performance standards, reliability, and fail-safe design as determined and approved by the Engineering and Operations Departments of Portage Des Sioux or their appointed Counsel. Sanitary District prior

to approval by the Board of Aldermen. Before a system other than Membrane Reactor Technology can be approved, it must certify that in the event of system failure or malfunction, the system will still perform such that untreated effluent will not be released into the adjacent watershed. Such systems must be owned, operated and maintained by a "Rung One" Local Continuing Wastewater Treatment Authority as designated and approved by the Missouri Department of Natural Resources.

- (3) MBR Treatment Systems shall operate at effluent emission levels without penalties unless the emissions exceed 10-15 levels.

c. Design accommodations for package wastewater treatment facilities shall include, but not be limited to, the following:

- (1) The package 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 Rung One Local Wastewater Regulatory Authority.

- (2) The package wastewater treatment facility shall be located at least one hundred fifty (150) feet from any dwelling.

3. Individual wastewater treatment systems regulated by the City of Portage Des Sioux 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. Parcels of property upon which an individual wastewater treatment 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 a smaller parcel size. Existing parcels less than three (3) acres will be determined on a case-by-case basis. The minimum area needed for an individual wastewater treatment 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 200 are met. 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.

B. All residentially zoned subdivisions, and all subdivisions of land having lots, tracts, or sites of an area less than three (3) acres in size, must be served by sanitary sewer collection systems unless they are served by package wastewater treatment plants meeting the requirements imposed by Section 100.500(A)(1) or (2) above, as applicable.

C. Subdivisions containing lots three (3) acres or larger, where no sewers are available, may be allowed to have individual wastewater treatment systems. A soil evaluation report must be approved by the City of Portage Des Sioux Division of Building Code Enforcement and a residential housing development must be approved by the Missouri Department of Natural Resources for individual wastewater treatment system installations in subdivisions prior to the approval of the final plat by the Planning and Zoning Commission. If the residential housing development is not approved by the Missouri Department of Natural Resources and the soil evaluation report by the City of Portage Des Sioux Division of Building Code Enforcement, a centralized on-site package wastewater treatment facility meeting the requirements imposed by Section 100.500(A) (2) above and serving all the lots in the

subdivision shall be required. If a centralized on-site package wastewater treatment facility is to be utilized, the subdivision must be designed to accommodate the facility. Such design accommodations shall include, but not be limited to, the following:

1. The dwelling units shall be located in the front one-half ($\frac{1}{2}$) acre of the lots.
 2. The dwelling units shall be located within five hundred (500) feet from each other.
 3. The package wastewater treatment facility shall be located in common ground or within an easement granted or reserved for the purpose of constructing and operating such a facility.
 4. The package wastewater treatment facility shall be located at least one hundred fifty (150) feet from any dwelling.
- D. All campground and travel trailer parks shall have one (1) of the following methods of sewage disposal:
1. Sanitary sewers.
 2. A package wastewater treatment system meeting the requirements imposed by Section 100.500(A) (2) above, and approved by the Missouri Department of Natural Resources and by the Portage Des Sioux Division of Building Code Enforcement.
 3. RVs equipped with self-contained waste disposal facilities.
- E. For FLOOD PLAIN areas, see Floodway, Floodway Fringe, and Density Floodway Overlay Districts.

ARTICLE VI. REGULATIONS FOR THE PROTECTION OF NATURAL WATERCOURSES (BLANK)

ARTICLE VII. REGULATIONS CONCERNING HIGH-PRESSURE PIPELINES

SECTION 100.503: REGULATIONS CONCERNING HIGH-PRESSURE PIPELINES

1. All setback distance shall be measured from the nearest edge of the pipeline.
2. In all zoning districts, buildings shall be set back a minimum of twenty-five (25) feet from any high pressure pipeline.
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.
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.

5. Easements shall be kept clear of all trees, bushes and structures.
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.
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 200.110.C.2.q and 200.210.M of this 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:
 - a. The lot size reductions shall not exceed the area encompassed within such common ground area;
 - 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 Development Ordinance; and
 - 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 Development Ordinance.
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 100.590.B of the 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.

ARTICLE VIII. REGULATIONS CONCERNING TELECOMMUNICATION DEVICES

SECTION 100.505: REGULATIONS CONCERNING TELECOMMUNICATION DEVICES

- A. Telecommunication facilities are regulated in the following zoning districts:
 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. Any conditional use permit will expire within one (1) year of the approval date of the Governing Body, if the telecommunication facility is not completed within that time frame. The height of the proposed telecommunication facility shall be stated in the conditional use permit. The minimum distance between telecommunication facilities shall be two and one-half (2 ½) miles with the issuance of the conditional use permit.
 2. CO, 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 facilities shall be one (1) mile.

3. Existing structures. Telecommunication devices may be added to specific existing structures in any zoning district provided the device does not extend greater than twenty-five (25) feet above the existing structure. Examples of these types of structures include water towers, broadcast towers, fire stations, church steeples, billboards, etc. Such telecommunication devices shall be painted and/or textured to match the existing structure on which it is installed. A telecommunication facility shall not be added or attached to a residence or a residential structure other than exemptions in this section.

B. General Regulations Relating To Telecommunication Facilities

1. Only one (1) telecommunication facility shall be allowed on an individual property.
2. All towers shall be secured with fencing or anti-climbing devices.
3. Stealth telecommunications facilities (concealed towers) shall 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.
4. No sign shall be allowed on the antennas, telecommunication facility, or equipment enclosures other than telecommunication company's identification sign or warning signs not to exceed two (2) square feet in area.
5. The Regulations Relating to Telecommunication Facilities shall prevail when there are conflicts between the height limits and the building setback standards of the respective zoning districts and these regulations.
6. Telecommunication facilities, guy wires, shelter structures, and other equipment on leased portions of a site, except for properties zoned A or I, shall provide a minimum setback of twenty-five (25) feet in all directions from such facilities or any accessory usage thereof. Those properties zoned I will also require a minimum front setback of thirty-five (35) feet. On non-leased property the minimum setbacks in all zoning districts except A are the same as a principal structure erected in such district. In A, Agricultural District, for both owned and leased sites the minimum front, side and rear setbacks shall be equal to the height of the telecommunication facility.
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.
8. No telecommunication facility 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.

9. All new telecommunication facilities equal to or greater than one hundred fifty (150) feet in height shall be constructed of sufficient design load to accommodate the co-use of at least three (3) providers, and telecommunication facilities of a height greater than one hundred (100) feet and less than one hundred fifty (150) feet shall be constructed of sufficient design load to accommodate the co-use of at least two (2) providers.
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 City ordinance. All abandoned or unused telecommunication facilities shall be removed from the property within one hundred eighty (180) days of the ceasing of operations.
11. An existing telecommunication facility may be replaced with a new facility including for co-use, provided the existing facility is removed from the property. The new telecommunication facility shall not exceed the height of the facility being replaced.
12. Exemptions: The following are considered exempt telecommunication facilities, and are not governed by this section when erected as an accessory structure:
 - a. A single telecommunication facility and telecommunication devices 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 telecommunication facilities shall conform to the height and setback requirements of the district they are located in.
 - b. A single telecommunication facility and telecommunication devices, which are 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.

C. Permitting Requirements

1. Applicants for telecommunication facilities shall provide the Planning and Zoning Division with a site plan for review and approval, except those facilities installed on existing structures or of stealth design. The maximum utilization of existing telecommunication facilities relating to possible co-locations shall be reviewed and considered before the final approval for new telecommunication facilities. Any applicant shall demonstrate why existing telecommunication facilities within the general area of the proposed site of the new facility are not conducive for co-location. This regulation applies to any site zoned C or I with a one (1) mile radius. Failure to do so will result in the denial of the request for a new facility.

ARTICLE IX: REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES

SECTION 100.506.1: 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 Development Ordinance. Presently there are no districts of these zoning qualifications.

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 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 City;
 - e. The property line of a lot devoted to a residential use as defined in the 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, measurements 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 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 100.5063 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 100.506.2: 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 100.506.3: 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 100.506.4: SIGNAGE

- A. Any person operating a sexually oriented business shall comply with the signage requirements set forth in the Development Ordinance at Sections 100.470 through 100.490, Ordinances of Portage Des Sioux, Missouri. However, the following requirements apply to signage for sexually oriented businesses and supersede any conflicting provisions in the 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 100.506.5: 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. The offence is considered as starting on the day of the "Violation Notice" being issued by the Department of Planning and Zoning and is considered no longer a violation when the cause has been remedied. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. (Ref; Sec:100.500.5.A)
- 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. (Ref; Sec: 100.500.5.A)
- C. Inspection/Notice.** The Director of Planning and Zoning or his/her duly authorized representative shall have the power to enter upon 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 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 City 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 100.506.6: ENFORCEMENT

Enforcement of this Article shall be the responsibility of the Division of Planning and Zoning or the Board of Aldermen. The office of the County Counselor and City Attorney 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 100.510: 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 hold a public hearing, as defined in Section 100.060 of this Chapter, and a report and recommendation shall be filed by the Planning and Zoning Commission with the Board of Aldermen 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 Board of Aldermen within ninety (90) days, the application shall be forwarded to the Board of Aldermen with a favorable recommendation. Following the report by the Planning and Zoning Commission, the Board of Aldermen shall review and decide upon the application. It shall require the affirmative vote of three (3) Board of Aldermen members to overturn a negative recommendation of the Planning and Zoning Commission on any conditional use permit application.
- B. Before authorizing the issuance of a conditional use permit, the Board of Aldermen may impose such conditions and will, in the Board of Aldermen'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 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.
- 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 development plan, either in narrative form or as a site plan, to indicate the intended use 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.

- D. 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 published in one (1) issue of a paper of general circulation within The City of Portage Des Sioux, such notice to be published not less than fifteen (15) days prior to date of said hearing before the Planning and Zoning Commission. Notice of such hearing shall also be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the city. 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.
- E. In order to amend the conditions of an existing Conditional Use Permit the procedure shall be as follows:
1. The property owner or authorized representative shall submit a written request to amend conditions to the Planning and Zoning Commission for review. The Commission shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
 2. 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.
 3. Upon receiving the report and recommendation, the Board of Aldermen shall review and decide upon the application. The Board of Aldermen may affirm a positive recommendation of the Planning and Zoning Commission by approving findings and conclusions upon the Board of Aldermen's Consent Agenda. The Board of Aldermen must override a negative recommendation of the Planning and Zoning Commission as provided in Subsection A of this Section.
- F. Any application for a conditional use permit that does not receive final approval of the City 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 100.515: FIREWORKS PERMITS

Conditional use permits are required for temporary fireworks stands in Portage Des Sioux, and incorporated 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 for public hearing. A public hearing, as defined in Section 100.060 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 three (3) members of the Board of Aldermen 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 the City of Portage Des Sioux, the Planning and Zoning Commission 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. 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. The sale of fireworks in the incorporated City of Portage Des Sioux shall be authorized from June twentieth (20th) to July sixth (6th). Unless otherwise indicated in the conditional use permit, the hours of operation on July second (2nd) through July Fourth (4th) shall be from 9 a.m. until 12 midnight. No conditional use permit may authorize a stand to operate later than 12 midnight.

SECTION 100.520: DEVELOPMENT STANDARDS FOR CERTAIN CONDITIONAL USES

A. Manufactured Home Subdivisions, and Manufactured Homes and Modular

Structures not meeting the provisions within Section 100.090.B.12. For all properties within the "A", "R1A", "R1B", "R1C" Zoning Districts, manufactured home subdivisions, manufactured homes and modular structures not meeting the provisions within Section 100.090.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:

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.
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.
3. The home shall be multi-sectional with a minimum width of 20 feet.
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.
5. The home shall have a predominant shape, bulk and form that are compatible with the surrounding neighborhood.
6. The home shall have wheels, axles, and hitch mechanisms removed.
7. The home shall meet appropriate utility connection standards, in accordance with city codes.
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.
9. The home shall be placed on a lot so that its longest axis is oriented consistent with homes in the review area.
10. The home shall have a comparable square footage to housing within the review area.
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.

B. Centralized Yard Waste Composting Facilities. In the "A", "R1A", and "R1B" 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 City 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 "A" Zoning District, 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 "A" Zoning District, 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 "A" Zoning District, 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. Indoor recycling facilities for reusable wooden pallets. In the "A" Zoning Districts, indoor recycling facilities for reusable wooden pallets require a conditional use permit and must adhere to the following conditions. This provision and any uses authorized under it shall terminate on June 1, 2010.

1. The applicant for a conditional use permit for any facility permitted under Section 100.080.C17 and this provision must demonstrate that (a) the facility was in existence on January 1, 1988, and (b) the facility has operated without interruption since that date.
2. All recycling and repair operations must be conducted within an enclosed building.
3. No pallets or material from or for the repair of pallets may be stored on any part of the exterior premises that is visible from a site's frontage on a public or private road, except under conditions imposed to reduce their visibility from the site's frontage.
4. No commercial vehicles (including tractor trailers and trailers) may be parked on any part of the exterior premises except under conditions imposed to reduce their visibility from the site's frontage on a public or private road.
5. No use permitted under Section 100.080.C.19 and this provision shall continue after June 1, 2010.

SECTION 100.525: 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 City Division of Planning and Zoning for review and approval and when publicly maintained streets or storm sewers are involved, the City Engineer. A site plan will also be required when a structure is converted in use to an institutional, commercial, or industrial use. 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 Planning and Zoning.
- C. Filing A Site Plan. When a site plan is first submitted, the Division of Planning and Zoning requires three (3) copies. A total of nine (9) copies of the site plan are required for the final approval process.
- 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 The City of Portage Des Sioux public non-residential or arterial standards). Dedicated rights-of-way may be required for proposed sites that abut City, 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 100.440 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 FLOOD PLAIN, the requirements of Part 2, Article XI, Section 100.245 et seq. must be adhered to.
11. Indicate a benchmark on U.S.G.S. Datum in areas where sanitary sewers are available.
12. Depict existing and proposed storm water 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 Planning and Zoning. Lender's or escrow agreements, ensuring or guaranteeing the installation of any detention facilities required for the site, must be posted with the City of Portage Des Sioux and County Highway Department before site plan approval will be granted. The detention facilities' improvement costs may be included as part of the sediment and erosion control performance guarantee or they may be posted in a separate lender's or escrow agreement for site improvements.
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 City 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 type of zoning district for the site(s).
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 the 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. Indicate any sediment and erosion control measures needed for the site. If more than one (1) acre of area is to be graded or disturbed, a sediment and erosion control plan designed to adopted standards in Chapter 200, Article VI of this Title must be submitted for review and approval. The plan must bear the seal of a registered professional engineer.
20. A parcel identification number should be noted on the site plan.
21. A date must be provided on the site plan by the consultant designing the plan for the total completion of the project. A period of eighteen (18) months from the date of the Division of Planning and Zoning's approval of the site plan is permitted. Any completion date longer than the eighteen (18) month period, or an extension of the time thereof, must be requested in writing by the design consultant and approved by the Director of Planning and Zoning
22. All applicable development shall meet the landscaping requirements embodied in Section 100.435 of the 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.
23. 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.
24. 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 100.526 of the Development Ordinance of The City of Portage Des Sioux."
25. 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 100.503, Regulations Concerning High-Pressure Pipelines.
26. Submit a letter addressed to City of Portage Des Sioux 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.

27. Provide any additional information on the site plan as deemed necessary by the Director of Planning and Zoning, and/or the County Engineer (i.e., traffic study).

E. Site Plan Review Of Large Developments By The Planning And Zoning Commission And Notification Requirements Of Adjacent Property Owners. All site plans depicting five (5) acres or more to be developed shall be referred to the Planning and Zoning Commission at their monthly meeting for their review and vote.

1. Fifteen (15) folded prints of the site plan shall be submitted to the Division of Planning and Zoning at least twenty-seven (27) days before the meeting at which approval is requested.

2. After receiving a site plan depicting five (5) acres or more to be developed, the Planning Department will give notice by U.S. mail to adjacent property owners. Notice will be given to the adjacent property owners at least fifteen (15) days prior to the Planning and Zoning Commission meeting that the site plan will be presented.

3. The Division of Planning and Zoning shall refer all site plans depicting five (5) acres or more to be developed to a public hearing, as defined in Section 100.060 of this Chapter shall be held. No site plan depicting five (5) acres or more to be developed in Portage Des Sioux shall be deemed approved unless and until it is voted on by the Planning and Zoning Commission. If, however, such site plan be amended or rejected by the Planning and Zoning Commission, or if the Council or Board of Aldermen of any municipality files with the City of Portage Des Sioux Clerk a certified copy of a resolution of such Council or Board protesting against the action of the Planning and Zoning Commission approving any such site plan of any land lying within one-half ($\frac{1}{2}$) mile 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 site plan must then be approved by consent agenda for site plans with approval of three (3) members of the Board of Aldermen, and the reasons for the approval or failure to approve such site plan shall be spread upon the records of the Governing Body and certified to the Planning and Zoning Commission.

F. A site plan review fee as set by ordinance shall accompany a site plan submitted for review pursuant to this Section.

SECTION 100.530: 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 a property 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-FLOOD PLAIN electrical and non-FLOOD PLAIN septic repair.

- B. Land use permits shall be required for all structures.** In addition to complying with other 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 the City of Portage Des Sioux, Missouri. Instances in which the City of Portage Des Sioux Division of Planning and Zoning does not require a land use permit:
1. Non-FLOOD PLAIN electrical permits.
 2. Non-FLOOD PLAIN 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.
- 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 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 100.531: 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 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 Development Ordinance.
- E. **Revocation.** The Director 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 100.535: PROCEDURES FOR REZONING AND AMENDMENTS

- A. The Board of Aldermen or Planning and Zoning Commission may, from time to time, on its own motion or on petition, amend, revise, or change the Development Ordinance or the zoning district boundaries herein or subsequently established. The procedure is as set out in Subsection (B) hereof.
- B. Procedures For Rezonings.**
 - 1. Change by petition. Applications for amendment, revision, or change of the Zoning District Map of The City of Portage Des Sioux 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.
 - a. Accompanying said application shall be presented. A legal description of the property to be rezoned. A current recorded deed to the property showing ownership. An application fee as set by ordinance.
 - b. Immediately upon receipt of such applications, the Division of Planning and Zoning shall note thereon the date of filing and make a permanent record thereof.
 - 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 published in one (1) issue of a paper of general circulation within St. Charles County, such notice to be published not less than fifteen (15) days prior to date of said hearing before the Planning and Zoning Commission. Notice of such hearing shall also be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the city. 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.
 - 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. The Planning and Zoning Commission shall submit written recommendations to the Board of Aldermen within forty-five (45) days of the conclusion of the public hearing.

2. Change by the Board of Aldermen or the Planning and Zoning Commission. Recommendations for revision, amendment, or change of this Chapter or Chapter 200 including the Zoning District Map, may also be made by the Planning and Zoning Commission upon its own motion, for final determination by the Board of Aldermen; likewise, the Board of Aldermen may revise, amend, or change this Chapter or Chapter 200, 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 100.535.1.d, above. In the case of a recommendation for revision by the Board of Aldermen, final action thereon shall be taken by ordinance.
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 Board of Aldermen or Board of Trustees thereof, and filed with the County Registrar, such change, revision, or amendment may not be passed except by three (3) of the four (4) members of the Board of Aldermen.
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 City 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 100.540: NON-CONFORMING USE OF LAND

In all districts where open land is being used as a non-conforming use, and such use is the principal use and not accessory to the main use conducted in a building, such use may be continued as long as it remains otherwise lawful subject to the following provisions:

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 200.
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 200 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 100.545: 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 100.550: 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 100.555: 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 200, 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 100.560: 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 100.565: 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 100.570: 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 Planning and Zoning may be appealed to the Board of Adjustment, which shall hear and decide such an appeal in accordance with Part 7, Section 100.590 et seq.

SECTION 100.575: 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 100.580: NON-CONFORMING USE DUE TO CHANGE IN ZONING

When the use of a building becomes non-conforming through an amendment to the 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 100.585: 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 Adjustment after public hearing.

PART 7. CITY Board of Adjustment

SECTION 100.590: GENERAL POWERS, DUTIES AND PROCEDURES

- A. Appeals to the Board of Adjustment 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 Planning and Zoning. Such appeals shall be made within a period of not more than thirty (30) 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.
- B. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give public notice thereof by publication at least one (1) time in a local newspaper of general circulation not less than five (5) nor more than fifteen (15) days prior to said hearing. The Board shall also give notice 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 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 thirty (30) days of such hearing. The appellant and the officer appealed from shall be notified in writing of the decision of the Board.

- C. The Board of Adjustment shall render decisions only on appeals from an action of the Director 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 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 zone plan as embodied in the 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 Adjustment issue a variance permitting a use to be placed in a district in which it is not permitted in this Chapter or Chapter 200. In no case shall the Board decide an appeal from a legislative action of the Board of Aldermen.
- 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 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 Adjustment was not unanimous, may appeal the decision of the Board of Adjustment to the Board of Aldermen within fourteen (14) working days of mailing of the decision of the Board of Adjustment as provided in Section 100.639.

SECTION 100.595: ESTABLISHMENT

A City Board of Adjustment is hereby established consisting of five (5) members, and not more than one (1) may be a member of the Planning and Zoning Commission. Members of the Board shall be registered voters and residents of The City of Portage Des Sioux for at least one (1) year prior to the appointment.

SECTION 100.600: ALTERNATES

There shall be three (3) alternate members appointed to the Board of 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 The City of Portage Des Sioux for at least one (1) year prior to the appointment.

SECTION 100.605: TERMS

The membership of the first board shall serve respectively, one for one year, one for two years, one for three years one for four years. Thereafter members shall be appointed for terms of five years.

SECTION 100.610: APPOINTMENTS

Each member of the Board of Adjustment shall be appointed by the MAYOR with approval of the Board of Aldermen.

SECTION 100.615: OATH

Each member shall take an oath, to be administered by the City Clerk, to ensure that the spirit and intent of the Development Ordinance shall be observed, the welfare of the public upheld, and substantial justice is done.

SECTION 100.620: VACANCIES

Vacancies or absences on the Board of Adjustment caused by death, incapacity to perform duties, failure to attend three (3) consecutive meetings, or resignation shall be filled forthwith by appointment, of the Board of Aldermen and the Mayor.

SECTION 100.625: MEETINGS

The City Board of Adjustment shall meet at least quarterly for the purpose of hearing and deciding appeals by any owner, lessee, or tenant and review Planning and Zoning ordinance changes, Map changes and present suggestions to the Board of Aldermen.

1. Place. The Board may meet at any public place within The City of Portage Des Sioux, but will normally meet in the facilities used by the City for town meetings.
2. Time. The Board shall hold meetings at such times as it deems necessary in order to exercise its powers and duties.

SECTION 100.630: DUTIES/POWERS

The following shall be the duties and powers of the Board of 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 Development Ordinance.
2. The Board shall hear and decide all matters referred to it on which

it is required to determine under the 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 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 100.540 et seq.
5. The Board may not hear appeals regarding Chapter 200 of this Title.
6. The Board may adopt rules of procedure consistent with the provisions of the Constitution of Missouri and the City of Portage Des Sioux ordinances.
 - a. A copy of the rules adopted by the Board shall be filed with the City Clerk. The rules shall provide for fair and adequate notice to individual landowners of actions and hearings of the Board of Adjustment affecting their interests and appropriate notice of the public meetings of the Board of 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 City Clerk a record of its proceedings.
9. The Board shall have all powers given to City Boards of Zoning Adjustment under Missouri Law.

SECTION 100.635: 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 100.639: APPEALS TO THE Board of Aldermen

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in section 32.105 RSMo, representing such person or persons or any officer, department, board or bureau of the city, may apply to the circuit court for a writ of certiorari under section 89.110 RSMo. Within thirty days after the filing of the decision in the office of the board of adjustment.

PART 8. VIOLATION AND PENALTY

SECTION 100.640: 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 200. The Director of Planning and Zoning shall enforce all provisions of this Chapter and Chapter 200 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 Planning and Zoning shall, when requested by the Governing Body, or when the interests of the City so require, make investigations in connection with matters referred to in this Chapter or Chapter 200. The Director of Planning and Zoning or his/her duly authorized representative shall keep comprehensive records of complaints investigated, inspections made, and Board of 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 City and County Officials, including, but not limited to, the following: Sheriff, County Engineer, Mayor, Board Of Aldermen and City Counselor.

SECTION 100.645: VIOLATIONS - MISDEMEANOR

The Director 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 200. If the Director 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 200, the Director 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 200, the written order shall direct that such use(s) be stopped within ten (10) days, or, in the case of any violation of Section 100.415(N) 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 200, 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 200. Any person who violates an order 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.

SECTION 100.650: VIOLATIONS -- ACTIONS TO ABATE

Any lessee, owner, or tenant of land located within any area of Portage Des Sioux who shall construct, reconstruct, alter, relocate, or maintain any building or other structure, or use land in violation of the provisions of this Chapter,

shall be guilty of a misdemeanor. In the case of such a violation, the Board of Aldermen, Planning and Zoning Commission, Prosecuting Attorney, City 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. The Circuit Court, in issuing any final order, shall award costs of litigation, including reasonable attorney's fees, to the prevailing party.

SECTION 100.655: VIOLATIONS--PERSONS LIABLE

The owner or general agent of any such land, building, structure, or premise where a violation of this Chapter or Chapter 200 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 of not less than ten (10) dollars and not more than one hundred (100) dollars for each and every day that the violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred (100) dollars or more than two hundred and fifty (250) for each and every day that such violation shall continue or by both fine and imprisonment in the discretion of the court.

Any such person who having been served with an order to remove any such violation and shall fail to comply with such order within ten days after such service or shall continue to violate any provision of the regulations in the respect named in such order shall also be subject to a civil penalty of two hundred and fifty (250) dollars.

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.

SECTION 200.040: INTERPRETATION

- A. This Chapter is intended as Minimum Requirements to provide for efficient, coordinated, and economic development of the City, 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 200.050: DEFINITIONS

The definitions set out in Section 100.060 of this Title of the Ordinances of Portage Des Sioux, Missouri, shall apply to this Chapter.

ARTICLE II. GENERAL REQUIREMENTS

SECTION 200.060: APPROVAL BY THE PLANNING AND ZONING COMMISSION AND Board of Aldermen

- A. No plat for subdivision of land in the incorporated areas of The City of Portage Des Sioux shall be deemed approved unless and until it has been submitted to, and a report and recommendation has been made by the Zoning Commission to the Board of Aldermen and approved by the Board of Aldermen. The reasons for the approval or failure to approve such plat shall be spread upon the records of the Board of Aldermen 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 in to 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 Board of Aldermen 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 Board of Aldermen or Director of Planning and Zoning. If the Planning and Zoning Commission does not act on the plat within sixty (60) 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 Board of Aldermen. In the case of disapproval, the Commission shall inform the applicant of the reasons for its actions in writing within five (5) business days of decision. If the

location or construction of a street located on the plat is not approved by the Planning and Zoning Commission, then the Board of Aldermen may approve it by the affirmative vote of not less than 2/3 of the entire membership of the Board of Aldermen. In the case of an approval, the Director of Planning and Zoning shall endorse thereon the plat as approved by the Planning and Zoning Commission.

SECTION 200.070: 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 of three (3) acres or more in size. Also, a division of property where all parcels or tracts will be equal to or greater than ten (10) acres, provided no illegal zoning lot is created. All parcels or tracts must abut a public or private street or a new recorded easement serving no more than two (2) parcels.
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.
6. The sale or exchange of parcels or tracts of less than three (3) acres into no more than two (2) parts of a particular parcel or tract of land existing on the date of the enactment of this regulation and not involving any new public or private streets, provided that no illegal zoning lot is created and the original lot is not within a recorded subdivision plat.

SECTION 200.080: 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 200.090: REVIEW OF PLATS BY OTHER AGENCIES

At the option of the Director 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 200.100: REVIEW FEES

The preliminary plat and final plat will not be reviewed until review fees as set by ordinance are paid.

SECTION 200.110: PRELIMINARY PLAT REQUIREMENTS

- A. Fifteen (15) folded prints of the preliminary plat and 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 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 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 Planning and Zoning. Prior to submittal of a preliminary plat, the applicant may submit to the planning staff a concept plan for initial review.
- 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 plats shall include, at minimum, the following:
 - 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 zoned "A", as provided by Part 3, Article VI of Chapter 100 of this 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 100.5026 of the Development Ordinance of The City of Portage Des Sioux, Missouri".

- 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 200.210.C, below.
- h. Indicate the street dedication public or private. Note that all public streets will be constructed to The City of Portage Des Sioux Public Standards. Private streets will be constructed either to Public Standards, if applicable, or to the standards of Section 200.370(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 storm water runoff in common ground, with permanent feasible access provided for maintenance of same. The plat shall also dedicate to The City of Portage Des Sioux 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.
- 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. Depict zoning on adjacent tracts.
- t. Provide proposed development storm water runoff factor.
- u. 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.
- v. Depict the location of water lines for subdivisions with individual water treatment systems.
- w. Note on plat that all stub streets will likely be extended in the future development.

SECTION 200.120: WRITTEN STATEMENTS TO BE INCLUDED WITH SUBMITTALS OF PRELIMINARY PLATS FOR REVIEW

- 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 200.110.
 - 1. A Department of Natural Resources approved engineering geologic report must be submitted to the Planning and Zoning Commission prior to a review of the soil evaluation report.
 - 2. A soil evaluation report utilizing a five (5) foot deep test pit and one (1) permeability evaluation for every lot must have Building Code Enforcement approval prior to the Planning and Zoning Commission vote on the final plat. Additional permeability evaluations may be required by the Board of Aldermen 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 Board of Aldermen.
- 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 200.110.C.2.b must supply as many additional copies of the preliminary plat as may be required for The City of Portage Des Sioux 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).

SECTION 200.130: PRELIMINARY PLAT REJECTION FOR REVIEW BY STAFF

The Director 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 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 200.140: 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 Board of Aldermen or Director 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. Any part of a subdivision which is being developed in stages shall contain a tract of land at least one (1) block in length.
2. The general terms and conditions under which the preliminary plat approval was granted will not be changed.
3. The applicant may proceed with detailed grading, sediment and erosion control plans, and improvement plans required for all facilities and utilities intended to be provided.

SECTION 200.150: DISPLAY HOUSE PLAT

- A. The purpose of this Section is to provide a procedure whereby the construction of a display house or multi-family display unit can begin prior to the recording of the final subdivision plat.
- B. The developer may, after receiving approval of a preliminary plat of a proposed subdivision from the Planning and Zoning Commission, the sediment and erosion control plan approval from the Director of Development Review, and a discharge permit from the Missouri Department of Natural Resources, submit a display house plat to the Division of Planning and Zoning for review and approval. There may be one (1) display house or unit for every ten (10) houses or units proposed. The display house plat shall include a complete boundary survey of the proposed subdivision and the location of each display house in relation to proposed lots. The script of said display house plat shall contain terms and conditions as required by the Division of Planning and Zoning, including, but not limited to, the following:
 1. The display house plat shall be filed in the office of the City of Portage Des Sioux Division of Planning and Zoning prior to issuance of a building permit for any display house/unit.
 2. The display house plat shall become null and void upon the recording of a final plat which establishes that each display house/unit is on an approved lot.
 3. No part of the proposed subdivision may be conveyed for any structure therein until the display house(s) or unit(s) have been located on an approved and recorded lot.
 4. If initial construction of a display house/unit has not commenced within ninety (90) days, the Division of Planning and Zoning's approval shall lapse and the display house plat shall be null and void.
 5. Houses or units should be on an approved lot of record within one (1) year of the display plat's approval, or such longer period as may be permitted by the Director of Planning and Zoning. If the record plat is not filed, the then-owner shall remove or cause to be removed all

display houses or units from the property. Failure of the owner to remove the display houses or units from the property within one (1) year plus thirty (30) days of date of approval shall constitute the granting of authority to Portage Des Sioux to remove or cause the display houses or units to be removed, the cost of which shall be borne by the owner and shall become a lien against the property.

6. The display house plat shall be executed by a registered land surveyor, the owner of the property, and, if applicable, the lien holder.
7. There shall be a filing fee as set by ordinance, plus a per house/unit fee as set by ordinance, accompanying the submission of a display house plat.

SECTION 200.160: 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 Planning and Zoning for review and approval by the Director and the City Engineer. If any changes are made to the streets, storm or sanitary sewers, detention/retention 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 Planning and Zoning for reapproval by the Director and the City Engineer.
- B. Improvement plans shall be prepared in accordance with The City of Portage Des Sioux's "Design Criteria for the Preparation of Improvement Plans" as issued by the City of Portage Des Sioux.
- C. Installation of pavement and related paving improvements shall conform to the requirements set forth in Portage Des Sioux's and 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 Planning and Zoning and the City Engineer, provided that such facilities and improvements will be inspected throughout their construction. Final plat approval will be contingent, in part, upon acceptable compliance to City improvement and facility standards.
- E. Improvement plans for subdivisions which contain three (3) acres or larger lots with private 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:
 1. Title page, which shall include 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. A north arrow and graphic scale. A title block showing the name and address of the developer and the engineering firm, as well as the engineer's signed seal and one (1) or more benchmarks on United States Geological Survey (U.S.G.S.) Datum or a Missouri Department of Transportation (MoDOT) benchmark on U.S.G.S. Datum in or near the subdivision to which the subdivision is referenced shall be included. No assumed elevations will be accepted.
 2. Plan sheets showing horizontal layouts of streets, storm sewers, open

channels, and detention/retention facilities on a graphic scale no less than one (1) inch equals one hundred (100) feet (1" = 100').

3. Plans for interim grading and sediment and erosion control, in accordance with the "The City of Portage Des Sioux Sediment and Erosion Control Regulations for Land Development", (refer to Article VI of Chapter 200, Sections 200.510 et seq.). An escrow or lender's agreement or a certified check, for amounts of five thousand dollars (\$5,000.00) or less, to cover the cost of approved sediment and erosion control measures, will be required.
 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 Planning and Zoning.
 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 storm water runoff affecting the site.
 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 storm water drainage will be adequate.
 8. Hydraulic or any other required engineering calculations sealed and signed by a Missouri registered professional engineer.
- 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 200.110.C.2.b must meet the following requirements, in addition to those set out above.
1. The applicant must depict all such easements of record upon the improvement plans.
 2. The applicant must certify to The City of Portage Des Sioux 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 Planning and Zoning. The certificate shall also state the date and address of delivery. No improvement plans may be approved without the consents to those plans from the holders of such easements.

SECTION 200.170: REVIEW AND INSPECTION FEES

Improvement plans will not be reviewed pursuant to Section 200.160 of this

Development Ordinance until review fees as set by ordinance are paid. An hourly fee for inspection of improvements in construction pursuant to Section 200.160 shall be charged as set by ordinance.

SECTION 200.180: PERFORMANCE GUARANTEE

- A. After the improvement plans have been approved, but before recording the record subdivision plat, the subdivider must:
 - 1. Complete the improvements, under the inspection of the appropriate inspecting agency and in accordance with the approved improvement plans;
 - 2. Post a surety bond in the amount and with surety and other reasonable conditions, provided for and securing the actual construction and installation of the improvements and utilities within a period specified by the Board of Aldermen and expressed in the bond.
 - 3. Post a lender's or escrow agreement ensuring or guaranteeing the installation of all said improvements. The lender's or escrow agreement shall:
 - a. Be prepared on forms approved by the City Counselor and be signed by the City Engineer and City Clerk.
 - b. 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 Planning and Zoning.
 - c. Be held in a special account by the escrow holder, and the funds shall be subject to the audit of The City of Portage Des Sioux.
- B. The estimated sum shall be held by the escrow holder, bonding company, or the lender as in the agreement provided, until such time as the City Engineer or the Board of Aldermen authorizes release of funds as provided herein. Authorization shall be written and addressed to the escrow holder, bonding company or the lender authorizing release. The City Engineer may authorize release for disbursement by the escrow holder, bonding company 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 five percent (95%) 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 City Engineer. The remaining five percent (5%) shall be released upon acceptance or final approval of said improvements per item by the Board of Aldermen. The estimated sum shall be held by the surety as in the agreement provided, until such time as the Board of Aldermen shall, by written authorization addressed to the surety, release the total sum.
- C. This amount shall only be authorized to be released in its entirety after the City 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 Board of Aldermen.
- D. The City shall inspect each category of improvement or utility work within twenty business days after a request for such inspection. The Board of Aldermen 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.

- E. In the event that the improvements are not satisfactorily installed within two (2) years after approval of the improvement plans, the Board of Aldermen has the right to remove said monies to complete the guaranteed improvements, unless an extension in time is granted by the Board of Aldermen.
- F. In the event a developer who has posted an escrow or letter of credit, or bond in accordance with this section transfers title of the subdivision property to full release of the escrow, letter of credit, or bond, the City shall accept a replacement escrow, letter of credit, or bond from the successor developer in the form allowed in this section, and in the amount of the escrow, letter of credit or bond held by the City at the time of the property transfer, and upon receipt of the replacement escrow, letter of credit, or bond the City shall release the original escrow, letter of credit, or bond in full and release the prior developer from all further obligations with respect to the subdivision improvements if the successor developer assumes all of the outstanding obligations of the previous developer.

SECTION 200.190: FINAL PLAT

- A. After the preliminary plat has been approved by the Director of Planning and Zoning or Board of Aldermen, a final plat shall be prepared and submitted to the Director of Planning and Zoning. The final plat may be approved by the Board of Aldermen. The approval shall be shown on the plat with the date of such approval and over the signature of the City Clerk. Fifteen (15) folded prints of the final plat shall be filed in the Office of the City Clerk 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.
- B. The final plat shall be recorded within ninety (90) days after approval by the Board of Aldermen, except that the Board of Aldermen may grant one (1) extension of thirty (30) days. If the final plat is not recorded in that time, the approval shall expire.
- 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 200.200: IDENTIFICATION

The final plat shall contain the following identification information:

- 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 the plat.
- D. Location map and key map on the first (1st) page if there is more than one (1) sheet.

SECTION 200.210: PLAT INFORMATION

The final plat shall contain the following additional 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. 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. However, easements that encompass all cul-de-sac islands and raised medians but that are subordinated to the right-of-way dedicated to the public by plat shall be granted by plat to the subdivision homeowners association for the purposes of maintaining any vegetation, landscaping, or subdivision monuments. Plats containing such easements for cul-de-sac islands or raised medians shall include a note stating:
"Maintenance of any vegetation, landscaping, and/or subdivision monuments on cul-de-sac islands and raised medians shall be the responsibility of the subdivision homeowners association. Landscaping and subdivision monuments proposed for cul-de-sac islands and raised medians shall meet the requirements set forth in 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 be approved by the County Engineer and shall require the issuance of a special-use permit from the City of Portage Des Sioux. A special-use permit shall not be required for routine maintenance to vegetation, landscaping, and subdivision monuments; however, a special-use permit shall be required for any renovations or alterations proposed for monuments, medians or landscaping."
- D. Acreage and ownership of all common ground.
- E. Location of detention areas for storm water runoff in common ground with feasible vehicular access, fifteen (15) foot width minimum. The plat shall also dedicate to Portage Des Sioux 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.
- 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 zoned "A", as provided by Part 3, Article VI of Chapter 100 of this 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 100.5026 of the Development Ordinance of Portage Des Sioux, Missouri".

- 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 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 100.503, Regulations Concerning High-Pressure Pipelines.
- 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 (63) 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. Depict any existing easements on adjacent properties within one hundred (100) feet of the site that are utilized for the development of the site.
- O. Depict all monuments on plat.

SECTION 200.220: WRITTEN STATEMENTS

The final plat shall contain the following 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.
- 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.
- F. A letter addressed to The City of Portage Des Sioux by the holder of any easement for pipelines, or for overhead electric lines that must be shown on the preliminary plat pursuant to Section 200.110.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.
- 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.
- 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 200.230: RECORDING

- A. No subdivision plat shall be filed for record or recorded in the office of the Recorder of Deeds for The City of Portage Des Sioux, (St. Charles County) Missouri, unless and until the approval of the Board of Aldermen and the Director of Planning and Zoning are endorsed thereon, and until an escrow has been posted or the public improvements have been constructed to City, County, and State standards.
- 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 completed, unless money is in escrow for the completion of said improvements and the final plat is recorded.

SECTION 200.240: 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 Board of Aldermen. Accompanying said petition shall be presented:
1. A distinct legal description of the property to be vacated.
 2. A current recorded deed to the property showing ownership.
 3. A filing fee in the sum of two hundred dollars (\$200.00). 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 Board of Aldermen not later than the second (2nd) regular meeting of the Board of Aldermen from the date of filing the same. Notice of such hearing shall be published in one (1) issue of a paper of general circulation within St. Charles County, such notice to be published not less than twenty (20) days prior to date of said hearing before the Board of Aldermen. 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 City. Notice shall also be given, at least twenty (20) days before the Board of Aldermen 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. The petition shall be placed on the Board of Aldermen's Consent Agenda for consideration. If no opposition be made to said petition, the Board of Aldermen 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 City Clerk, no later than seven (7) days prior to the Board of Aldermen meeting. Said petition shall then be set down for public hearing before the Board of Aldermen. 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.
- B. This provision for the vacation of subdivisions or parts thereof shall not apply to requests for the release of platted easement rights. The Board of Aldermen 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.

SECTION 200.250: 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 Planning and Zoning.

SECTION 200.260: 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 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 lien holder'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 The City of Portage Des Sioux, Missouri, unless and until the approval of the Director of Planning and Zoning is endorsed thereon.

ARTICLE IV. DESIGN STANDARD/IMPROVEMENTS

SECTION 200.270: 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 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 ($\frac{1}{2}$) 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.
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 200.280: 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 200.290: 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 100. 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 100.

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 City of Portage Des Sioux and 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 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 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 200.300: 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 200.310: 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 center lines. 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 center lines.
- 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 The City of Portage Des Sioux 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 City of Portage Des Sioux, 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 200.320: STREET RIGHT-OF-WAY AND UTILITY EASEMENT REQUIREMENTS

- A. Arterial Streets. Arterial streets, as approved by the Board of Aldermen, and the City of Portage Des Sioux, or modifications or updates thereto, shall have widths as specified but not less than sixty (60) feet.
- 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) cu l-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 City 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.

- D. Utility Easements. Utility easements where required shall be at least ten (10) feet wide (five (5) feet on each side of the lot line) along rear, front and side lot lines. Where storm sewers are located along side lot lines, utility easements shall be at least fourteen (14) feet wide (seven (7) feet on each side of the lot line) along side lot lines. Easements of adequate width shall be provided for open channels, where required. Easements five (5) feet in width may be allowed for underground cable installations. Telephone and electric power lines the developer will have the option of underground or overhead utility lines. Underground is suggested.

SECTION 200.330: 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 City 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 Planning and Zoning and the Board of Aldermen 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 200.340: STREET STANDARDS

Streets shall be designed in accordance with articles of the Development Ordinance of Portage Des Sioux and Section 20.10-20.50 of the 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. St. Charles County Will Maintain Streets after installation.

SECTION 200.350: 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 and accepted by Portage Des Sioux. Street Maintenance provided by St. Charles, County.
- B. Private Minor Streets Within Subdivision Zoned "A", 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 the City of Portage Des Sioux's and 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 200.360: STREET NAME AND TRAFFIC REGULATION SIGNS, STREET NAMES, AND SUBDIVISION NAMES

- 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.
- 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 City 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 City 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.

- 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 the subdivision and all streets shall be approved by the Division of Planning and Zoning prior to both preliminary plat approval and such names being assigned.

SECTION 200.370: 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 "Design Criteria for the Preparation of Improvement Plans" as issued by the Department in February, 2002, or as amended thereafter and accepted by Portage Des Sioux.
 - 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 The City of Portage Des Sioux's "Standard Specifications for Highway Construction". Provided By St. Charles County.

SECTION 200.380: 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 200.390: DESIGNATION OF PRIVATE STREET

For any subdivision in which private streets are proposed, the subdivision would need to meet or exceed public standards if the lot owners/developer wished to dedicate the streets at a later date to public standards. If the owner wished to have the City accept the private streets as public streets, they shall not be petitioned until the streets are improved to the public standards in existence at the time acceptance 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, within fifty (50) feet of the center line of the road, 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.

SECTION 200.400: 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 200.100: MINIMUM PUBLIC STANDARDS FOR EXISTING SUBDIVISIONS UPGRADING THEIR PRIVATE STREET AND STORM SEWER IMPROVEMENTS FOR DEDICATION TO AND MAINTENANCE BY THE PUBLIC

- 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.
- B. **Right-of-Way Width.** Forty-two (42) feet.
- C. **Pavement Width.**
 1. Minimum of twenty (20) feet in subdivisions with lot sizes of three (3) acres or larger.

2. Minimum of twenty-four (24) feet in subdivisions with lot sizes of one (1) to three (3) acres.

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.

E. Pavement Requirements.

Minimum standards are as follows:

1. 5.5 inches of asphalt on 6" of rock on prepared earth subgrade.
2. 6.5 inches of asphalt on 3" of rock on prepared earth subgrade.
3. 7.5 inches of asphalt on prepared earth subgrade.
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.
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.
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.

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.

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. Pipes twelve (12) inches to thirty (30) inches in diameter must be 14 gauge.
2. Pipes with diameters from greater than thirty (30) inches to forty-eight (48) inches must be 12 gauge.
3. Pipes with diameters greater than forty-eight (48) inches must be 10 gauge.

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 The City of Portage Des Sioux. 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.

SECTION 200.200: 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 the Metropolitan St. Louis Sewer

District's "Standard Construction Specifications for Sewers and Drainage Facilities", dated 2000, and adopted by Portage Des Sioux in signing of this Ordinance. The storm water drainage system shall be separate and independent of the sanitary sewer system. The plans and specifications for the disposing of storm water shall be approved by the City Engineer and the Director of Planning and Zoning.

- B. Detention/retention basins are required in accordance with the Development Ordinance. When required, storm water 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/retention basins must be located in common ground that is not located in the floodway area. The minimum maintenance access to a detention/retention facility shall be a fifteen (15) foot strip of common ground on which feasible vehicular access shall be constructed by the developer. Detention/retention 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.
- 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 City Engineer and the Director of Planning and Zoning.

SECTION 200.420: SANITARY SEWERS

- A. All buildings, structures, and uses of land in the City shall hereafter be constructed 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 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 City 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 systems shall be constructed and maintained in accordance with the regulations and requirements of the City 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 200.430: 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 200.440: INSPECTIONS

- 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 City Engineer, to assure compliance with the plans and specifications as approved.
- B. The City 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, and all detention/retention facilities.
- C. A minimum of twenty-four (24) hours' notice shall be given to the City Engineer's office prior to the commencement of construction.

SECTION 200.450: 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 Board of Aldermen upon recommendation by the City Engineer or Director of Planning and Zoning.

SECTION 200.460: 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 200.470: 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 200.480: 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 would impose practical difficulties or particular hardship, the Board of Aldermen 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.
- B. In granting variances, the Board of Aldermen may require such conditions as will, in its judgment, secure the objectives of this Chapter.
- C. The Commission (Planning and Zoning) shall report to the Board of Aldermen, 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 Board of Aldermen 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) Board of Aldermen 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 Board of Aldermen shall be sufficient to affirm any determination of the Commission.

SECTION 200.490: FEE

There shall be a review fee as set by ordinance accompanying any request for a variance. Chapter 300.

ARTICLE V. ADMINISTRATION

SECTION 200.500: ENFORCEMENT

The Board of Aldermen 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.

EXHIBIT A. REQUIRED SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

Improvement	3 Acre Lot Minimum	1 to 3 Acre Lot Size	Less than 1 Acre Lot Size	Multiples/Duplex Mobile Home Parks	Commercial/Industrial
Right-of-way (feet)					
Arterial	60-90 (3-5 lanes)	60-90 (3-5 lanes)	60-90 (3-5 lanes)	60-90 (3-5 lanes)	60-90 (3-5 lanes)
Major Collector	54	54	54	54	54
Minor Collector	48	48	48	48	48
Minor Street	42	42	42	42	42
Easement, utility-total width	10 *8	10 *8	10 *8	10 *8	10 *8
Block length- Maximum	2,640	2,640	1,320	1,320	600
Block length- minimum	500	500	500	500	N/A
Cul-de-sac minimum right-of way radius	48 *3	48 *3	48 *3	48 *3	48 *3
Cul-de-sac minimum pavement radius	40 *3	40 *3	40 *3	4083	40 *3
Pavement Width					
Arterial	38 (If needed to handle volume of traffic. Consult with City Engineer)				
Major Collectors	Same as above				
Minor Collectors	32 Same as Above requirements				
Minor Street	24	24 *9	26 *9	26 *9	26 *9
Minor Streets	24 (public)	24 *9 (priv)	26 *9	26 *9	26
Curb and gutter required	No	NO	Yes	Yes	Yes
Public water required	NO	Yes	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	50	35	25	25	25-35
Lot width-minimum	150	150	70-100	35-70	N/A
1. If needed		4. Except for PUD Overlay		7. Private with adjacent parking 24 ft. minimum pavement Width with right-of-way equal to street width	
2. If public water supply is 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 turnarounds		6. Coring to be included for all type Pavements with penalties for Deficiencies.		9. Not including the width of any curb & gutter.	

ARTICLE VI. SEDIMENT AND EROSION CONTROL REGULATIONS

SECTION 200.510: GENERAL PROVISIONS

- A. Purpose.** The purpose of this Article 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 incorporated portion of Portage Des Sioux. Soil erosion scars the land and creates sediment that clogs storm sewers and road ditches, chokes streams, and creates silt lakes, all of which pose a threat to public health and safety. The provisions in this regulation are intended to provide a natural community environment, and to prevent soil erosion and reduce costly repairs to gullies, washed-out fills, water conveyance systems, roads, and embankments. Application of the regulations in this document will effectively control soil erosion and sedimentation.
- B. Scope Of Authority.** Any person, firm, corporation, or business proposing to disturb land areas for non-agricultural purposes within the City of Portage Des Sioux shall apply to the Director of Planning and Zoning for approval of required erosion control and interim grading plans as specified in this regulation.
- C. Performance Guarantee.** In order to obtain approval of the required erosion control plan, the City Engineer or Director of Planning and Zoning shall require the developer to post an escrow agreement, lender's agreement, or certified check, for the amount of five thousand dollars (\$5,000.00) or less, covering the amount of all work to be completed under the erosion control plan. Ninety five percent (95%) of the funds will be released after all erosion control measures are in place and vegetation has been established as verified and approved by the City Engineer or Director of Planning and Zoning. Five percent (5%) will be held until the public improvements are accepted by the City and all disturbed areas have been properly stabilized to ensure that the erosion control measures are maintained.

SECTION 200.520: REGULATIONS

- A. Sediment And Erosion Control Plan Content.** Sediment and erosion control and interim grading plans for grading land areas of one (1) acre or more shall include the following information. Sediment and erosion control may be required for grading land areas of less than one (1) acre; however, a separate erosion control plan and performance guarantee will not be required.
1. Sediment and erosion control plans submitted to the Director of Development Review shall include three (3) sets of maps and plans with specifications showing proposed excavation, grading, or filling, and will include the following:
 - a. Full name and address of property owner.
 - b. Designation of property address and a location map.
 - c. Portion of the property that is to be excavated, graded, or filled with excavated material.
 - d. Location of any sewage disposal system or underground utility line, any part of which is within fifty (50) feet of the proposed excavation, grading or filling area, and the location of any pipeline operated at a maximum service pressure in excess of two hundred (200) p.s.i.g., any part of which is within one hundred (100) feet of the proposed excavation, grading, or filling area.

- e. Existing grade and topography of the premises and the proposed finished grade and final contour elevation at a contour interval of not more than two (2) feet on United States Geological Survey Datum.
 - f. Location and present status of any previous permitted grading operations on the property.
 - g. Details of any temporary drainage system proposed to be installed and maintained by the applicant, and a comprehensive interim drainage plan designed to safely handle surface water, streams, or other natural drains following heavy rains during grading operations.
 - h. 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 grading.
 - i. Details of soil preparation and re-vegetation of the finished grade and of other methods of soil erosion control.
 - j. Proposed truck and equipment access ways to the work site.
 - k. Delineation of the 100-year FLOOD PLAIN and floodway.
 - l. A statement from the property owner or his agent assuming full responsibility for the performance of the operation as stated in the application. This statement shall also contain assurance that all City, County and private property or roads will be adequately protected.
 - m. Where any natural watercourses exist that will be left in their natural state, a vegetated buffer plan meeting the requirements of Chapter 100, Article VI of the Development Ordinance of The City of Portage Des Sioux will be required to be submitted in conjunction with or as a part of the interim grading plans.
2. A construction schedule for the proposed phasing of development of the site, including clearing, rough grading, improvement construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary sediment control measures, installation of storm drainage and underground utilities, paving streets and parking areas, and establishment of temporary and permanent vegetative cover. The Director of Planning and Zoning may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of these regulations.

B. Sediment And Erosion Control Plan Approval.

- 1. The sediment and erosion control plan must define the measures to be taken to meet erosion control principles and standards, as defined in Subsection (C) of this Section. The plan must assure that sediment is not transported from the site by a storm event of 15-year (frequency), 20 minute (inlet time) or less.
- 2. Conservation District Comments. When a plat or plan is submitted by the Director of Planning and Zoning to the Soil and Water Conservation District, the district may make comments and recommendations. All such comments and recommendations shall be made within fifteen (15) days of receipt by the district. Such comments may pertain, but need not be

limited, to:

- a. Sedimentation and erosion control.
- b. Soil use limitations.
- c. Environmental considerations.

C. Principles And Standards.

1. All excavations, grading, or filling shall have a finished grade not to exceed a three to one (3:1) slope thirty-three percent (33%). Steeper grades may be approved by the Director of Planning and Zoning if the excavation is through rock or the excavation or the fill is adequately protected (a designed head wall or toe wall may be required). Retaining walls that exceed a height of four (4) feet or a length of twenty-four (24) feet shall require the construction of safety guards as identified in the appropriate Section(s) of the adopted building codes and must be approved by the City Building Department. Permanent safety guards will be constructed in accordance with the appropriate Section(s) of the adopted building codes.
2. Sediment and erosion control plans for sites that exceed one (1) acre of grading shall provide for sediment or debris basins, silt traps or filters, staked straw bales, or other approved measures to remove sediment from runoff waters. The design is to be approved by the Director of Planning and Zoning. Temporary siltation control measures (structural) shall be maintained until vegetative cover is established at a sufficient density to provide erosion control on the site. (Refer to Appendix A.)
3. Where natural vegetation is removed during grading, vegetation shall be reestablished in such a density as to prevent erosion. Permanent-type grasses shall be established as soon as possible, or during the next seeding period after grading has been completed. (Refer to Appendix A.)
4. Mechanized land clearing activities which cause a disturbance to the existing soil layer shall not commence until an interim grading/sediment and erosion control plan has been approved by the Director of Planning and Zoning. When mechanized land clearing activities are completed or suspended for more than thirty (30) days, either temporary vegetation must be established or temporary siltation control measures must be put in place, with the review and approval of the Director of Planning and Zoning.
5. When grading operations are completed or suspended for more than thirty (30) days, permanent grass must be established at sufficient density to provide erosion control on the site. Between permanent grass seeding periods, temporary cover shall be provided according to the Director of Planning and Zoning Review recommendation. (Refer to Appendix A.) All finished grades (areas not to be disturbed by future improvement) in excess of twenty percent (20%) slopes (5:1) shall be mulched and tacked at the rate of one hundred (100) pounds per one thousand (1,000) square feet when seeded.
6. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after grading. Non-vegetation open channels shall be designed so that gradients result in velocities of two (2) f.p.s. (feet per second) or less. Open channels with velocities more than two (2) f.p.s. and less than (5) f.p.s. shall be established in permanent vegetation by use of commercial erosion control blankets, sod, or lined with rock riprap or concrete, or other suitable materials, as approved by the Director of Planning and Zoning. Detention

basins, diversions, or other appropriate structures shall be constructed to prevent velocities above five (5) f.p.s. (Refer to Appendices B, C, D, E, and F.)

7. The adjoining ground to development sites (lots) shall be provided with protection from accelerated and increased surface water, silt from erosion, and any other consequences of erosion. Runoff water from developed areas (parking lots, paved sites, and buildings) above the area to be developed shall be directed to diversions, detention basins, concrete gutters, and/or underground outlet systems. Sufficiently anchored straw bales may be temporarily substituted with the approval of the Director of Planning and Zoning (Refer to Appendices B, C, D, E, and F.)
8. All lots shall be seeded and mulched at the rates defined in Appendix A or sodded before an occupancy permit shall be issued, except that a temporary occupancy permit may be issued by the Director of Planning and Zoning in cases of undue hardship because of unfavorable ground conditions.

SECTION 200.530: INSPECTION AND VIOLATION

- A. Inspections.** By submitting a sediment and erosion control and interim grading plan for approval, the applicant consents to the City and County inspecting the proposed development site and all work in progress, and to payment of an hourly inspection fee as set by ordinance.
- B. Corrections.** All violations shall be corrected within the time limit set forth by the City Engineer or Director of Planning and Zoning specified in the issuance of a written notice to correct. All persons failing to comply with such notice shall be deemed in violation of this regulation. The City Engineer or Director of Planning and Zoning shall also have the right to stop all or any part of the construction activities and development until all violations have been satisfactorily corrected. To that end, the City Engineer or Director of Planning and Zoning shall issue 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.
- C. Violations.** In the event of a violation the performance guarantee proceeds shall be used by the City to complete the planned sediment and erosion control practices.
- D. Appeals.** Any person denied approval of a sediment and erosion control and interim grading plan as herein stated shall have the right to appeal such denial to the Planning and Zoning Commission according to the variance procedure as described in this Chapter 200 of the Development Ordinance within thirty (30) days of the date of such denial.

SECTION 200.540: REMEDY TO VIOLATIONS

- A.** Any lessee, owner, or tenant of land located within any area of Portage Des Sioux who shall construct, reconstruct, alter, relocate, or maintain any building or other structure, or use land in violation of the provisions of this Chapter shall be guilty of a misdemeanor. In the case of such violation, the Board of Aldermen, Planning and Zoning Commission, Prosecuting Attorney, City Counselor or any officer or official appointed or designated by the Board of Aldermen, 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 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. The Circuit Court, in issuing and final order, shall award costs of litigation, including reasonable attorney's fees, to the prevailing party.

SECTION 200.550: VIOLATION AND PENALTY

- A.** Any person violating the provisions of Chapter 200, upon conviction thereof shall be fined not less than one hundred (100) dollar nor more than five hundred (500) dollars, or by confinement in jail for not more than one year, or by both such fine and confinement.

APPENDIX A. VEGETATIVE ESTABLISHMENT

For Urban Development Sites

Seeding rates:

Permanent:

Tall Fescue - 30 lbs./ac.
Smooth Brome - 20 lbs./ac.
combined - Fescue @ 15 lbs./ac. and Brome @ 10 lbs./ac.

Temporary:

Wheat or Rye - 150 lbs./ac. (3.5 lbs./1,000 sq. ft.)
Oats - 120 lbs./ac. (2.75 lbs./1,000 sq. ft.)

Seeding periods:

Fescue or Brome March 1 to June 1
August 1 to October 1

Wheat or Rye March 15 to November 1
Oats March 15 to September 15

Mulch rates: 100 lbs./1,000 sq. ft. (4,356 lbs./ac.)

Fertilizer rates:

Nitrogen 30 lbs./ac.
Phosphate 30 lbs./ac.
Potassium 30 lbs./ac.
Lime 600 lbs./ac. ENM*

*ENM = Effective Neutralizing Material
per State evaluation of quarried rock.

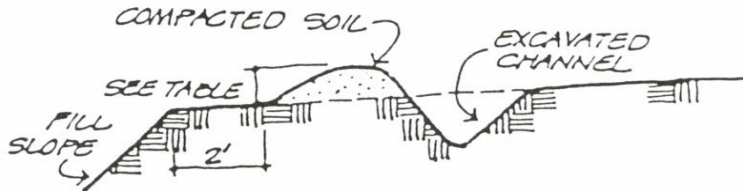
APPENDIX B. DIVERSIONS

For Urban Development Sites

**Outlets for diversions must be stable. Stable outlets consist of grass waterways, earthen channels with capacity adequate to prevent gully erosion, grade stabilization structures or other practices as approved by the designated official.

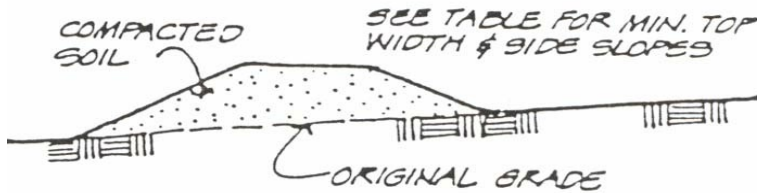
Combination Diversion

Used at the top of a fill slope



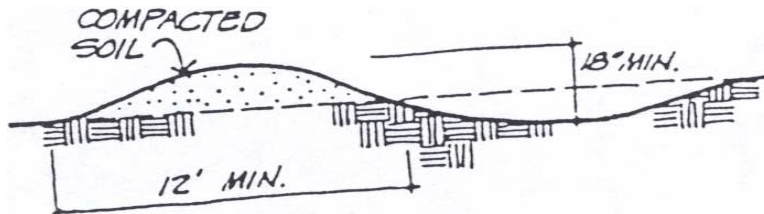
Earth Ridge Diversion

Used around the perimeter of a construction site.



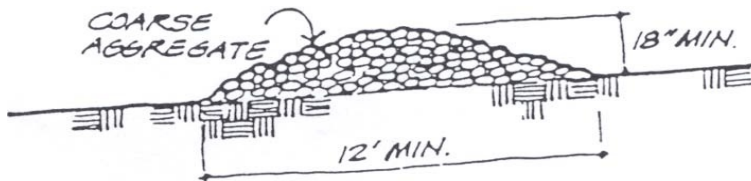
Combination Diversion

General use.



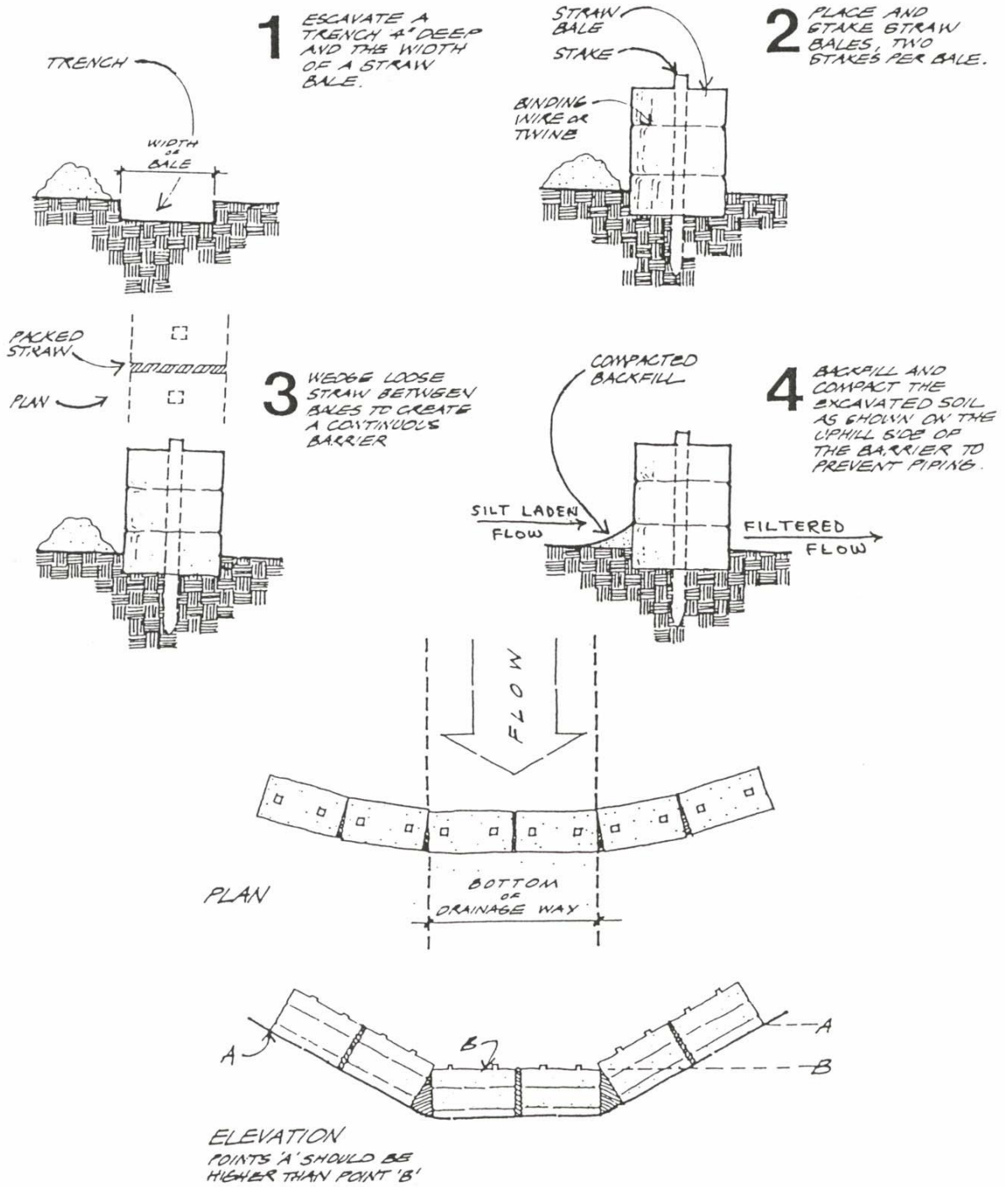
Gravel Ridge Diversion

General use.



APPENDIX C. STRAW BALE BARRIERS

For Urban Development Sites



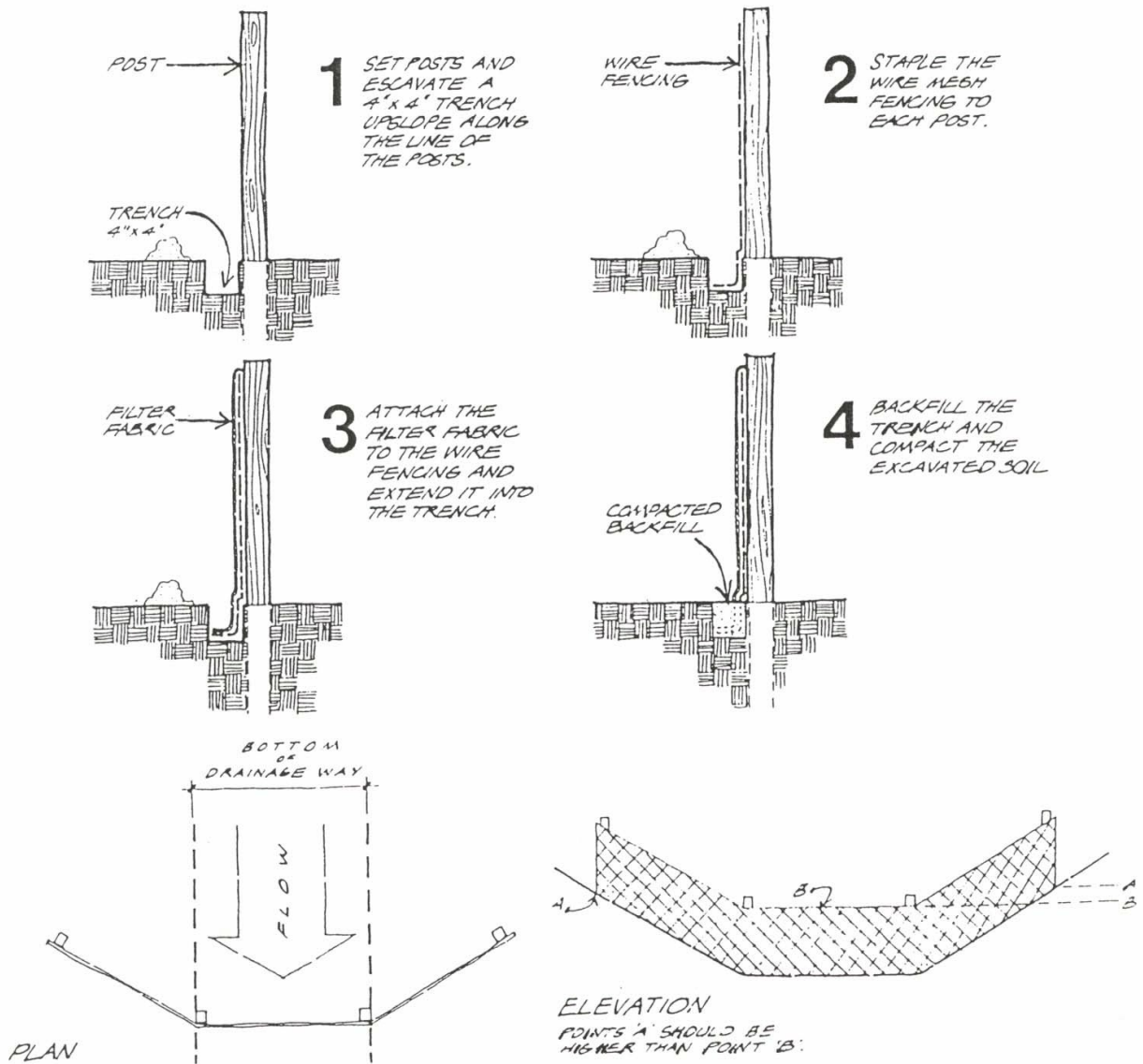
Placement and Construction of a Straw Bale Barrier

APPENDIX D. SYNTHETIC FILTER BARRIER

For Urban Development Sites

MAINTENANCE

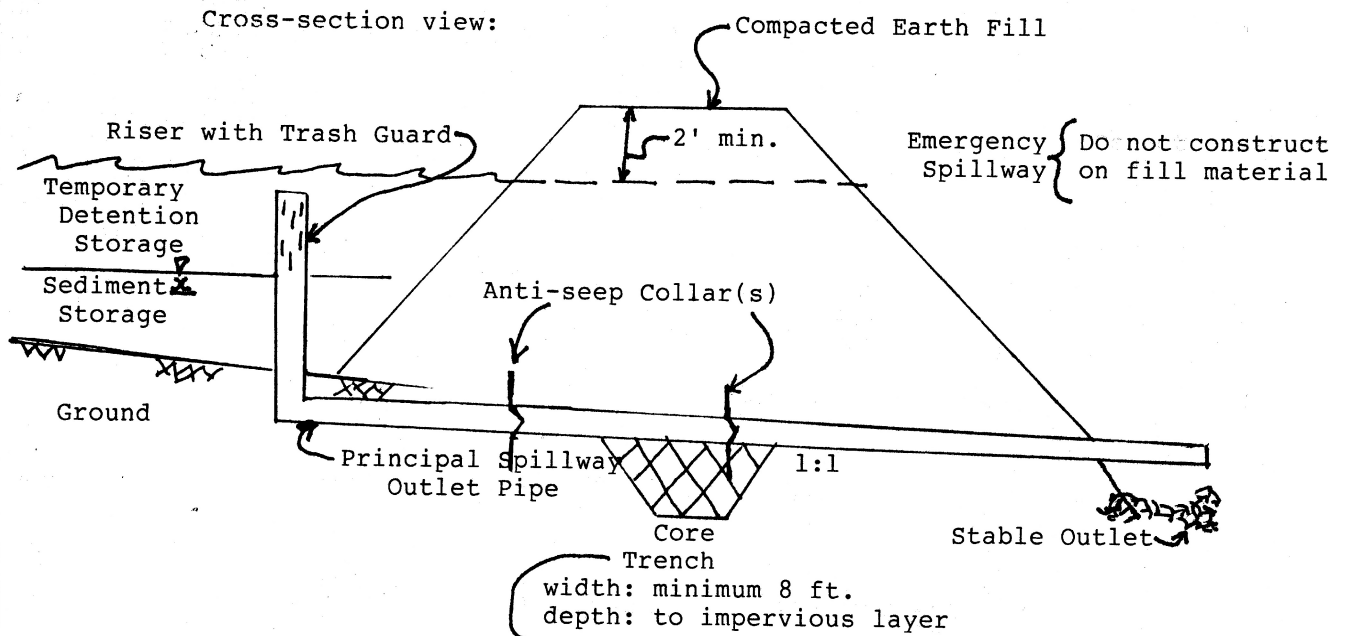
1. Filter barriers shall be inspected immediately after each rainfall and at least daily during prolonged rainfall. Any required repairs shall be made immediately.
2. Should the fabric decompose or become ineffective prior to the end of the expected usable life and the barrier still is necessary, the fabric shall be promptly replaced.
3. Sediment deposits should be removed after Each storm event. They must be removed When deposits reach approximately half the height of the barrier.
4. Any sediment deposits remaining in place After the silt fence or filter barrier is No longer required shall be dressed to Conform with the existing grade.



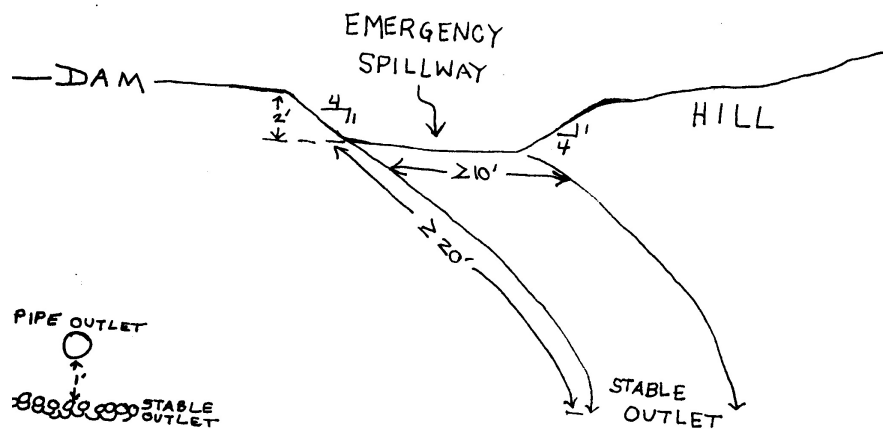
Placement and Construction of a Synthetic Filter Barrier

APPENDIX E. SEDIMENT BASIN

For Urban Development Sites



**Retention basin construction is identical with principal spillway pipe installed at elevation that allows additional water storage.



CHAPTER 300: FEES

**SECTION 300.010: FEES FOR SPECIAL USE PERMITS AND INSPECTIONS
REQUIRED BY THE HIGHWAY DEPARTMENT**

Following is an informational list of Fees charged by the City of Portage des Sioux:

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 300.020: FEES FOR SERVICES AND PERMITS AS REQUIRED BY THE
DEVELOPMENT ORDINANCE**

A. REZONE PROPERTY

The Department of Planning and Zoning shall charge the following fees for processing applications to rezone property pursuant to Section 100.535 of the 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. CONDITIONAL USE

The Department of Planning and Zoning shall charge the following fees for processing applications for conditional use permits pursuant to Section 100.510 of the Development Ordinance:

1. Three hundred dollars (\$300.00) for applications filed without rezoning applications affecting the same property.
2. One hundred fifty dollars (\$150.00) for applications filed with rezoning applications affecting the same property.

C. VARIANCES

The Department of Planning and Zoning shall charge the following fee for processing applications for variances pursuant to Sections 100.590 and

200.490 of the Development Ordinance:

1. One hundred fifty dollars (\$150.00).

D. FLOOD PLAIN DEVELOPMENT PERMIT

The Department of Planning and Zoning shall charge the following fee for Processing applications for FLOOD PLAIN development permits pursuant to Section 100.330 of the Development Ordinance:

1. Fifty dollars (\$50.00).

E. FLOOD PLAIN VERIFICATION

The Department of Planning and Zoning will not issue FLOOD PLAIN Verification Letters.

F. ZONING CONFIRMATION

The Department of Planning and Zoning shall charge the following fees for issuing Zoning Confirmations pursuant to Section 100.531 of the Development Ordinance:

1. Ten dollars (\$10.00).

G. SITE PLAN REVIEW

The Department of Planning and Zoning shall charge the following fees for reviewing site plans pursuant to Section 100.525 of the Development Ordinance:

1. Fifty dollars (\$50.00) plus five dollars (\$5.00) per acre for each acre or fraction thereof of the property subject to the site plan under review.

H. PLAT REVIEWING

The Department of Planning and Zoning shall charge the following fees for reviewing preliminary plats pursuant to Section 200.100 of the Development Ordinance:

1. Five dollars (\$5.00) for each lot, for single-family residential plats.
2. Four dollars (\$4.00) for each dwelling unit, for attached single-family residential plats.
3. Three dollars (\$3.00) for each dwelling unit, for multi-family residential plats.
4. Two hundred dollars (\$200.00) plus five dollars (\$5.00) per acre for each acre or reaction thereof, for commercial or industrial subdivision plats.

I. DISPLAY HOUSE PLATS

The Department of Planning and Zoning shall charge the following fees for reviewing display house plats pursuant to Section 200.150 of the Development Ordinance:

1. Fifty dollars (\$50.00) plus two dollars (\$2.00) for each display house.

J. IMPROVEMENT PLANS

The Department of Planning and Zoning shall charge the following fees for reviewing improvement plans pursuant to Sections 200.160 and 200.170 of the Development Ordinance:

1. Ten dollars (\$10.00) per lot, for single-family residential subdivisions.
2. Ten dollars (\$10.00) per dwelling unit, for attached single-family and for multi-family residential subdivisions.
3. Twenty-five dollars (\$25.00) per acre or fraction thereof, for commercial and industrial subdivisions.

K. The Department of Planning and Zoning shall charge the following fees for inspecting subdivision improvements pursuant to Sections 200.160 and 200.170 of the Development Ordinance:

1. Fifteen dollars (\$15.00) per hour.

L. The Department of Planning and Zoning shall charge the following fees for inspecting work in progress for sediment and erosion control and interim grading pursuant to Section 200.530 of the Development Ordinance:

1. Fifteen dollars (\$15.00) per hour.

M. SIGN PERMITS

The Department of Planning and Zoning shall charge the following fees for applications for sign permits from the Department of Planning and Zoning pursuant to Section 100.470 of the Development Ordinance:

1. Two hundred fifty dollars (\$250.00) for off-premise signs.
2. Fifty dollars (\$50.00) for temporary introductory off-premise signs.
3. Fifty dollars (\$50.00) for temporary on-premise signs.
4. Fifty dollars (\$50.00) for entrance signs (i.e. subdivision monuments) without electricity.
5. Seventy-five dollars (\$75.00) for entrance signs (i.e. subdivision monuments) with electricity.
6. One hundred dollars (\$100.00) for ground signs (i.e. pole signs).
7. Fifty dollars (\$50.00) for all or projecting signs without electricity.
8. Seventy-five dollars (\$75.00) for all or projecting signs with electricity.

N. BUILDING PERMIT FEES

The Department of Planning and Zoning shall charge the following fees for building permits and fees associated etc. Single family "R1A", "R1B", "R1C" "A" Site plan reviews, FLOOD PLAIN permit and additional requirements may exist;

1.	New Residence	Cost x .005	
		Minimum \$50.00	
	Additions - Room/Garage	Cost x .005	
		Minimum \$50.00	
2.	Elect. Residential		
	Addition/Rework	\$40.00	
	Meter Set	\$25.00	
	Elect. Commercial		
	Addition/Rework	Cost x .005	
	Meter Set	Minimum \$50.00	
3.	Plumbing Residential		
	Additions/Rework	\$40.00	
	Plumbing Commercial		
	Addition/Rework	Cost x .005/Minimum \$50.00	
4.	Pools		
	Above Ground	\$40.00	
	Below Ground	\$50.00	
5.	Fence	\$25.00	
6.	Deck (More than 50 sq ft.)	\$25.00	
7.	Shed, (Accessory Structure)		
	(Less than 120 Sq Ft.)	\$25.00	
	Shed, Accessory Structure, Garage		
	(More than 120 to 750 Sq Ft)	Cost x .005	
		Minimum \$35.00	
8.	Demolition:		
	Structure less than 740 Sq Ft	\$25.00	
	Structure more than 750 Sq Ft	\$50.00	
9.	Utility Connections		
	Sewer Service	\$520.00	
	(New tap fee and inspection)		
	Water Service	\$375.00	
	(New tap fee and inspection)		

- O. The Department of Planning and Zoning, is not authorized to receive payment by credit card for fees imposed by this Section.