

FREMONT HILLS ZONING CODE

(Adopted February 21, 2000)

ARTICLE I GENERAL PROVISIONS

Section 1: Short Title:

This ordinance shall be known and may be cited as the Zoning Code of the City of Fremont Hills, Missouri.

Section 2: Authority and Purpose:

2.1: **Authority.** This ordinance is adopted pursuant to the authority contained in Chapter 89, Sections 89.01 0 to 89.250 of the Revised Statutes of Missouri.

2.2: **Purpose.** The Zoning Regulations contained in this ordinance are in accordance with the City of Fremont Hills Comprehensive Plan and adopted for the following purposes and are designed to:

- 2.2a. Lessen congestion in the streets.
- 2.2b. Secure safety from fire, panic and other dangers.
- 2.2c. Promote health and the general welfare.
- 2.2d. Provide adequate light and air.
- 2.2e. Prevent overcrowding of land.
- 2.2f. Avoid undue concentration of population.
- 2.2g. Preserve features of historical significance.
- 2.2h. Facilitate the adequate provision of transportation, water, sewerage, parks, and other public requirements.

2.3: **Relationship to the Comprehensive Plan.** The provisions of this ordinance shall be administered to ensure orderly growth and development, preserve the character of the City, conserve the values of property and encourage the most appropriate use of land throughout the City. It shall

supplement and implement the policies of the City of Fremont Hills' Comprehensive Plan and other planning documents and related land development considerations.

Section 3: Jurisdiction:

This ordinance shall be effective throughout the City of Fremont Hills which comprises the area within the corporate boundaries of the City of Fremont Hills.

Effective Date:

This ordinance shall be in full force and effect from and after passage. Any preliminary plats, master plats, master plans and final plats submitted to and approved by the City of Fremont Hills or recorded with the Recorder of Deeds of Christian County prior to the date of adoption of this ordinance which remain currently in force and maintained in force, including anything built to date in accordance with said plats, shall be grandfathered from the requirements of this ordinance and considered permitted uses. The intent of this provision is to acknowledge the validity and the superiority of all prior approvals that would have been required at the time of such action and duly recorded with the City of Fremont Hills, Missouri, or Christian County, Missouri, according to the regulations and requirements in force at the time of such recording.

Section 4: Burden of Proof:

The burden of proof shall be upon the applicant in all proceedings pursuant to this ordinance. It is presumed that the applicant has knowledge of the requirements of this ordinance. The applicant is obligated to meet the requirements unless a variance is granted. Failure to meet the requirements is one reason for denial of an application.

Section 5: Interpretation, Conflict and Severability:

5.1: **Interpretation and Application.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements necessary to promote public health, safety and general welfare.

5.2: **Conflict.** These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship, provided however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern, except as provided for in Article I, Section 4.

5.3: **Severability.** The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, the decision shall not affect the remaining portions of this ordinance.

Section 6: Major Street Plan Map:

6.1: **Applicability.** No structure or any portion thereof, on either side of any street which is included in the exhibit designated Major Street Plan in the Comprehensive Plan, shall hereafter be erected or structurally altered without observing the minimum setback as defined for each zoning district identified in these provisions.

6.2: **Reference.** The Major Street Plan, and all the notations and information thereon, is hereby **adopted** by reference and made a part of this Title, the same as if it were herein described in detail.

6.3: **Requirements.** This regulation shall not act to reduce any of the yard requirements in any district, but is the minimum requirement for yards along such streets.

Section 7: Official Zoning Map:

7.1: **Preparation.** The Planning and Zoning Commission shall cause to be prepared a map of all lots, tracts and parcels of lands located within the City of Fremont Hills, which map shall describe by legend the zoning classification or district of each such lot, tract and parcel of land as the same has been heretofore approved and established by the Planning and Zoning Commission and the Board of Aldermen according to law.

7.2: **Official Title.** A map, identified by the particular section, township and range of the lands embraced therein, shall be marked "Official Zoning Map of the City of Fremont Hills, Missouri," and shall be signed by the Chairman of the Board of Aldermen and marked with the effective date of this Title.

7.3: **Maintenance.** The Official Zoning Map shall be kept in the City administrative offices and maintained by the Planning and Zoning Commission of the City and shall be available for inspection and examination by members of the public at all reasonable times, the same as any other public record. It shall be the responsibility of the Planning and Zoning Commission of the City to keep the information presented in the Official Zoning Map current. Any changes or amendments to the map resulting from actions of an officially constituted body (Board of Aldermen or Circuit Court) shall be included and reflected on the Official Zoning Map within 45 days of such action. Such changes or amendments shall be noted on the Official Zoning Map along with an effective date of the revision and signature by the Chair of Planning and Zoning Commission.

Section 8: Future Development Guide:

8.1: **Preparation.** The Planning and Zoning Commission shall also cause to be prepared a map of all lots, tracts and parcels of land located within the City of Fremont Hills, which map shall illustrate the proposed acceptable future land uses as determined by the Master Plan goals and objectives or approved individual development master plans.

8.2: **Use.** The Future Development Guide shall be used in the review and evaluation of rezoning requests to determine whether such request is in conformance with the overall master plan for the City. Rezoning requests that are in conformance shall be recommended for approval if all other provisions of this ordinance are met. Rezoning requests that are not in conformance shall be not be recommended for approval or shall be recommended for approval subject to amendment of the Future Development Guide.

8.3: **Official Title.** A map, identified by the particular section, township and range of the lands embraced therein, shall be marked "Future Development Guide of the City of Fremont Hills, Missouri," and shall be signed by the Chairman of the Planning and Zoning Commission and marked with the effective date of this Title.

8.4: **Maintenance.** The Future Development Guide shall be kept in the City administrative offices and maintained by the Planning and Zoning Commission of the City and shall be available for inspection and examination by members of the public at all reasonable times, the same as any other public record. It shall be the responsibility of the Planning and Zoning Commission of the City to keep the information presented in the Future Development Guide current. Any changes or amendments to the map resulting from actions of an officially constituted body (Board of Aldermen or Circuit Court) shall be included and reflected on the Future Development Guide within 45 days of such action. Such changes or amendments shall be noted on the Future Development Guide along with an effective date of the revision and signature by the Chair of Planning and Zoning Commission.

ARTICLE II DEFINITIONS

Section 1: General Interpretations:

Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the meaning herein indicated. Where words have not been defined, the standard dictionary definition shall prevail. In interpreting the meaning of these Regulations, the following general rules shall apply:

- 1.1: **Tense.** Words used in the present tense shall also include the future tense.
- 1.2: **Number.** Words used in the singular number shall also include the plural and words in the plural number shall include the singular, except where the natural construction of the writing indicates otherwise. ,
- 1.3: **Shall.** The word "shall" is mandatory and not discretionary.
- 1.4: **May.** The word "may" is permissive.
- 1.5: **Use.** The words "used" or "occupied" shall be construed to include "intended, designed or arranged to be used or occupied."
- 1.6: **Regulations.** Where reference is made to the Regulations, it shall be construed to mean the regulations as originally passed in this ordinance and all subsequent amendments, supplements and revisions.

Section 2: Basic Definitions:

- 2.1: **Accessory Building or Use:** A subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the main building or land. An accessory use is one which is subordinate and/or smaller in floor area, size or significance to the main use of the premises.
- 2.2: **Accommodations:** Any apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, house, or any other private or commercial structure which is situated on real property and designed for occupancy by one (1) or more individuals. -
- 2.3: **Alley:** A way which affords only a secondary means of access to property abutting thereon, used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

- 2.4: **Apartment:** A room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three (3) or more such rooms or suites.
- 2.5: **Bed and Breakfast:** A dwelling designed to accommodate lodging for individuals pursuant to previous arrangement for periods of less than thirty days pursuant to criteria set forth in Article VIII, Section 7- Additional Conditions for Particular Special Uses.
- 2.6: **Building:** Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.
- 2.7: **Building, Height of:** The vertical dimension measured from the highest elevation where the finished grade meets the building foundation.
- 2.8: **Building Line:** The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of the proposed structure may be built, but shall not include the face of one-story unoccupied gable-roofed areas over porches, entrance or line appendages.
- 2.9: **Camp Ground:** A grouping of rentable land sites used for camping, whether in a recreational vehicle whose intended use is for dwelling purposes or in a temporary shelter such as. a tent or sleeping bag pursuant to criteria set forth in Article VIII, Section 7: Additional Conditions for Particular Special Uses.
- 2.10: **Camp Site:** A portion of the rentable space of a camp ground for an individual tenant of minimum required dimension as set forth in Article VIII, Section 7.
- 2.11: **Commercial:** To be engaged in commerce or business with intent to gain profit whether in currency or trade.
- 2.12: **Commission:** Shall mean the City of Fremont Hills, Missouri Planning and Zoning Commission.
- 2.13: **Comprehensive Plan:** The City of Fremont Hills Comprehensive Plan, which is a comprehensive long range plan intended to guide the growth and development of the City.
- 2.14: **Condominium:** A building containing one or more dwellings, commercial or office units, in which multiple units are separated by party walls and which units are designed and intended to be separately owned in fee under the condominium statutes of the State of Missouri.
- 2.145 **Deck:** Any wood, brick, stone or concrete structure that is not under the dwelling roof line and is elevated greater than two feet above the surrounding grade. If the elevated structure is under the dwelling roof line, it shall be considered a part of the dwelling and is subject to the setback requirements of the dwelling. (Amended 7/21/2011—Ordinance #219-2011)

2.15: **Density:** The permitted number of dwelling units per gross acre of land to be developed.

2.16: **District:** A section or sections of the City of Fremont Hills in which the Zoning Regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are similar.

2.17: **Dwelling:** Any building or portion thereof, which is designed and used exclusively for residential and commercial purposes. (Amended—7/21/2011—Ordinance #219-2011)

2.18: **Dwelling, Single-Family:** A detached building used exclusively for residential purposes having suitable accommodations for only one family.

2.19: **Dwelling, Two-Family:** A building used exclusively for residential purposes and having accommodations for and occupied exclusively by two families living independently of each other.

2.20: **Dwelling, Multi-Family:** A building used exclusively for residential purposes and having accommodations for and occupied exclusively by three or more families living independently of each other.

2.21: **Exchange Program:** Any opportunity or procedure for the assignment or exchange of time-share periods among purchasers or owners in the same or other time-share plans.

2.22: **Family:** One or two parents and one or more of their children related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than three persons related by blood, marriage or adoption or three unrelated persons living together as a single housekeeping unit in which one person is the provider and the others are dependent upon him/her for their daily needs. These definitions are disjunctive, meaning that it must be one of these categories; and a combination of these categories may not live together in the same house and meet this definition. Usual domestic employees may reside in the house. A family shall under no circumstances be construed as a boarding house, club, sorority or fraternity house, lodging house, hotel, motel or commune. (Amended 2/21/2008—Ordinance #179)

2.23: **Frontage:** The length of the property abutting on one side of a street or place measured along the dividing line between the property and the street or place.

2.24: **Future Development Guide:** An exhibit depicting desired future development patterns and land uses upon which rezoning decisions are evaluated pursuant to Article I, Section 9.

2.25: **Garage, Private:** An accessory building designed or used for the storage of vehicles owned and used by the occupants of the building to which it is accessory.

2.26: **Garage, Public:** A building that is not an accessory building or portion thereof designed and used exclusively for housing motor vehicles, generally for a fee.

2.27: **Governing Body:** The Board of Aldermen of the City of Fremont Hills, MO.

2.28: **Grade:** The elevation measured in vertical dimension at a point approximately parallel to and not more than five feet from a street line shall be considered **the grade** adjoining the street. Where no sidewalk has been constructed, the grade shall be established by the City Engineer.

2.28a. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk or ground level at the center of the wall adjoining the street.

2.28b. For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalks or ground level at the centers of all walls adjoining the streets.

2.28c. For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

2.29: **Group Home:** A dwelling occupied by not more than ten persons, including eight or fewer persons with a mental or physical disability, who need not be related by blood or marriage.

2.30: **Home Occupation:** An activity carried on by the occupant of a dwelling as a secondary use, including professional or semi-professional offices, when conducted entirely within the dwelling, in connection with which there is no public display or storage of stock-in-trade upon the premises or no identification which is visible from the exterior of the home occupation or variation from the residential character of the main building or accessory building and in connection with which no person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat or glare. A home occupation shall not include the conducting of a beauty or barber shop, tea room or restaurant, rest home, medical or dental clinic, or cabinet, metal or auto repair shop, or antique shops or dealerships and shall not cause parking or traffic congestion in the immediate neighborhood.

2.31: **Hotel:** A building which provides a common entrance, lobby, halls and stairways, and in which lodging is provided to transient guests .

2.32: **Institution:** A building occupied by a not-for-profit corporation or a non-profit establishment for public use.

2.33: **Laundromat:** A business that provides home-type washing, drying or ironing machines for hire to be used by customers on the premises.

2.34: **Lease:** A contract or agreement by which a property owner lets property or accommodations for a specific period of time which is a month or longer.

2.35: **Lodge, Lodging:** A structure wherein accommodations are let to guests for sleeping which may or may not include meals.

2.36: **Lodging House:** A structure wherein lodging is provided for individuals pursuant to previous arrangement and not open to transients.

2.37: **Lot, or Plot:** A building site or parcel of land occupied or intended to be occupied, including the land area necessary for one (1) main building together with any accessory buildings, open spaces and parking spaces required by this Chapter, and having its principal frontage upon a street or upon an officially approved place.

2.38: **Lot, Corner:** A lot abutting upon two (2) or more streets at their intersection, or upon one (1) street that curves around two (2) or more sides of the lot.

2.39: **Lot, Double Frontage:** A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

2.40: **Lot of Record:** A lot or portions of one or more lots which are part of a subdivision, the map of which has been recorded in the Office of the Recorder of Deeds of Stone County, or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Recorder of Deed. (Please note this definition was not added in the last revision or 11/26/96 revision.)

2.41: **Manufactured Home:** A home designed for year-round residential use which is: 1) composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the building site on a conveyance other than its own chassis, and 2) built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 6, 1976, and 3) located on a permanent foundation.

2.42: **Mobile Home:** A single family dwelling unit that has the following characteristics:

2.42a. Designed for long-term occupancy containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

2.42b. Designed to be transported after fabrication on its own wheels, flat bed, other trailers or detachable wheels.

2.42c. Arrives at site where it is to be occupied as a dwelling unit ready for occupancy except for minor and incidental assembly operations,

location on foundation supports, connection to utilities , etc.

2.42d. Does not meet the Council of American Building Officials (CABO) One and Two Family Dwelling Code or similar building code standards.

2.43: **Modular Housing:** A factory-fabricated, transportable dwelling unit made of one (1) or more modules to be incorporated at the building site into a modular structure on a permanent foundation that is built according to the Council of American Building Officials (CABO) One and Two Family Dwelling Code or similar building code standards. The term is intended to apply to major assemblies and does not include prefabricated sub-elements such as panels, roof trusses, and plumbing trees, for instance.

2.44: **Motel:** A group of attached or detached permanent, non-mobile buildings containing individual sleeping or separate living facilities; designed and used for the accommodation of non-permanent residents. The term "Motel" shall include motor court, auto court, cabin or tourist court.

2.45: **Non-Conformance:** A lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include but is not limited to failure to conform to use, height, area, coverage or off-street parking requirements.

2.46: **Non-Conforming Use:** A structure or premises legally occupied by a use that does not conform to the regulations of the district in which it is situated as established in this document.

2.47: **Official Zoning Map:** The instrument adopted by the Board of Aldermen designating the boundaries of approved zoning districts throughout the City pursuant to Article I, Section 8.

2.48: **Parking Lot:** An open, unoccupied, surfaced area used or required for use for parking of vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted.

2.49: **Parking Space:** A surfaced area on privately owned property, either within or outside of a building, and sufficient in size to store one automobile.

2.50: **Planned Development District:** A tract of land under single ownership or control which is to be developed in accordance with a plan adopted by ordinance and the boundaries of which are established on the Official Zoning Map of the City.

2.51: **Planning Commission:** The official planning and zoning body of the City of Fremont Hills, Missouri.

2.52: **Recreational Vehicle:** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or

drawn by another vehicle. Examples are travel trailers, camping trailers, truck campers, and motor homes. Manufactured homes and modular homes shall not be considered trailers or recreational vehicles.

2.53: **Rent:** A stated payment at fixed time of a month or less in duration for the use of property or accommodations. State and local sales tax applies to such stated payments.

2.54: **Rental Property:** A resort, motel, hotel, or camp site as defined herein, where accommodations are granted in exchange for stated payments at fixed time intervals less than a month in duration.

2.55: **Resort:** A vacation destination which provides lodging and/or accommodations for time intervals generally less than one month for fees that are subject to sales tax.

2.56: **Setback:** A distance between lot line and the building line as specified for each Zoning District.

2.57: **Sight Triangle:** An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and 8 feet above the grades of the outside edge of the street surface of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points ten (10) feet from their point of intersection or at equivalent points on private streets, except that the site triangle shall be increased to twenty-five (25) feet for commercial uses, when deemed necessary for traffic safety by the Governing Body.

2.58: **Special Use:** The use of a structure or plot of land other than that permitted in a particular zoning district. Special use requires a permit from the Planning and Zoning Commission.

2.59: **Street Private (Private Drive):** A strip of land in private common or individual ownership, including the entire right-of-way, if any, intended primarily as a means of vehicular and pedestrian travel which may include space for sewers, public utilities, trees and sidewalks, such private street not being required to meet the standards of the subdivision ordinance of the City.

2.60: **Street Public:** A strip of land in public ownership, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel which may include space for sewers, public utilities, trees and sidewalks.

2.61: **Street Line:** A right-of-way line between a lot, tract or parcel of land and a street.

2.62: **Structure:** A composition of two or more component parts or building material joined together in some definite manner, so fabricated or assembled that each adds to the strength and rigidity of the other in final assembly. For the purposes of this Chapter, it shall include buildings,

towers, cages for transformer substations, pergolas, billboards, trash receptacle screen, trash burners, BBQ pits, but not excluding other assemblies of similar type which are permanently located on a lot.

2.63: **Structural Alterations:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, floor joists, roof joists or girders, or any substantial change in the roof or exterior walls. For the purposes of this regulation, the following shall not be considered a structural alternation: a) Attachment of a new front where structural supports are not changed., b) Addition of fire escapes where structural supports are not changed., c) New windows

where lintens and supporting walls are not materially changed., d) Repair or replacement of non-structural members.

2.64: **Terrace:** An artificial or natural embankment in the area between a building and a lot line.

2.65: **Time Share:** A dwelling unit under single or multiple ownership whereby the interests of those individuals under the multiple ownership are defined by time intervals and such transaction or tenancy is considered a commercial venture with rental revenues subject to sales tax.

2.66: **Tract:** An area of ground under single or group ownership that is either a single parcel as recorded by the County or a collection of lots under the same single or group ownership.

2.67: **Trailer:** A vehicle other than a motor vehicle, whether or not such vehicle is attached to or resting on the ground or something having a location on the ground. (See recreational vehicle hereof.)

2.68: **Yard:** An open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

2.69: **Yard, Front:** That portion of the yard extending across the front of a lot between the street line and the front building line. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

2.70: **Zoning Inspector:** A person or persons designated by the Board of Aldermen of the City of Fremont Hills, Missouri.

2.71: **Zoning Map:** The Official Zoning Map of the City of Fremont Hills, Missouri, located in the City administrative offices.

2.72: **Solar Energy Panels (Collectors):** Solar energy panels (collectors) are defined as a device or combination of devices, structures, or parts thereof, that collect, transfer or transform

direct or solar radiant energy into thermal, chemical, or electrical energy and that contribute to a home's (structure's) energy supply. (Amended 5/17/2012—Ordinance #232-2012)

2.73 Wind Energy Systems: Wind energy systems are defined as wind energy conversion systems consisting of a wind turbine, a tower, and associated control or conversion electronics. (Amended 4/18/2013—Ordinance #243-2013).

ARTICLE III INTERPRETATION

Section 1: Interpretation of District Boundaries:

1. 1: **Illustration of Boundaries on Official Zoning Map.** The boundaries of the zoning districts shall be shown upon the Official Zoning Map which is a part of this Chapter. The Zoning Map shall be located in the Administration Offices of the City of Fremont Hills, Missouri. The Zoning Map and all notations, references, and other information shown thereon are all set forth or described herein or contained in the Zoning Technical File located in the Administration Offices of the City of Fremont Hills, Missouri and maintained by the Planning and Zoning Commission.

1.2: **Interpretation of Boundaries.** Where uncertainty exists with respect to the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- 1.2a. The zoning district boundaries shall be streets, alleys, or platted property boundaries. Where the districts designated on the map accompanying and made a part of this Chapter are bounded by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of the district.
- 1.2b. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the zoning district boundaries shall be construed to be the lot lines. Where the districts designated on the Zoning Map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of the zoning districts unless the boundaries are otherwise indicated on the Zoning Map.

Section 2: Classification of Newly Annexed Territory.

All undeveloped territory which may hereafter be annexed to the City of Fremont Hills, Missouri, shall be classified as "Agriculture" until, within a period not to exceed ninety (90) days following the date of annexation, the Planning Commission shall appropriately reclassify such territory in accordance with Article V of this Chapter.

Section 3: General Regulations:

Except as hereinafter specifically provided:

3.1: **Use of Land.** Land shall not be used except for a purpose permitted in the zoning district in which it is located.

3.2: **Building.** No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the zoning district in which such building is located.

3.3: **Conformance to Regulations.** No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the use regulations of the zoning district in which such building is located.

3.4: **Parking and Loading Requirements.** No building shall be erected, or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the zoning district in which such building is located.

3.5: **Dimensional and Area Requirements.** The minimum yards, parking spaces, and open spaces, including lot area per family, required by this Chapter for each and every building existing on the effective date of this Chapter, or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this Chapter for the zoning district in which such lot is located.

3.6: **Compliance Required.** Every building hereafter erected or structurally altered shall comply with the zoning code of the City of Fremont Hills, Missouri and authorized by a **zoning compliance** permit issued through the City Office.

Section 4: Required Permits:

4.1: **Site Clearance Development Permit.** For development on a parcel of land for any purpose as defined in Article V of these regulations, an applicant intending to remove vegetation and disturb more than 30% of the site area shall submit to the Planning Commission a site plan per Article IX, Section 4 and a letter outlining existing vegetation to be removed, estimated grading costs and landscape replacement and erosion control plantings and measures that would be necessary to provide for restoration of the land in the event the development does not commence within sixty (60) days of such disturbance. Failure to act or comply shall be subject to Article XII, Section 8: Violation and Penalties. A Site Clearance Development Permit shall not be required for mowing or clearing of underbrush ("brush-hogging").

4.2: **Zoning Compliance Permit.** It is intended that the provisions of this ordinance shall be followed and enforced to the greatest extent allowed by State law. Accordingly, the City shall utilize an instrument to be called a "Zoning Compliance Permit" that shall have the following affect and conditions:

4.2a. No structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered without the issuance of a Zoning

Compliance Permit being issued by the Zoning Administrator.

- 4.2b. The permit shall state the conditions under which construction activities are allowed based on approved zoning, citing specific articles, setback dimensions, allowable uses, and/or special exceptions authorized by the Planning and Zoning Commission that had been granted as part of the zoning approval process.
 - 4.2c. The permit shall be either issued or refused within ten calendar days following the time a rezoning petition has been approved by the Board of Aldermen or it shall be issued or refused within ten calendar days upon request by an applicant when no zoning action is needed to allow for the intended construction activity.
 - 4.2d. The Permit shall be signed by both the Zoning Administrator and the Applicant indicating acceptance of, and agreement with, the provisions of the permit.
 - 4.2e. Violation of the provisions of the permit shall be grounds for the revocation of any zoning approvals granted by the Board of Aldermen.
 - 4.2f. A zoning compliance permit shall become null and void six months after the date on which it is issued unless within such six month period construction, structure, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.
- 4.3: **Design Committee Permit.** There shall be a Design Committee comprised of three members of the Planning and Zoning Commission who shall be nominated by the Commission and approved by a majority of the Board of Aldermen. The Design Committee shall review the plans for all proposed construction prior to issuance of a zoning compliance permit by the Planning and Zoning Commission or Board of Aldermen. Approval from the Design Committee shall be required in order for a zoning compliance permit to be issued.
- 4.3a. The Design Committee shall review the exterior design and appearance of the proposed construction and approve or reject the design based on the following criteria:
 - (a) Compliance with the applicable requirements of this zoning code.
 - (b) Compatibility of the proposed structure(s) with surrounding development, including size, height, design, style, location on the lot, location with respect

to topography of the lot, exterior and roof materials, and general appearance.

- (c) Appearance of the structure with respect to the surrounding topography and street grade and elevation.
- (d) Landscaping plans and the compatibility of landscaping plans with surrounding properties.

ARTICLE IV ESTABLISHMENT OF ZONING DISTRICTS

Section 1: Districts Established:

For the purposes of this Chapter, the City of Fremont Hills, Missouri, is divided into the following districts:

1.1: **"R-1A" Single-family District:** Low density residential district permitting larger singular residential dwellings (2300 square foot on the main level, 2700 square foot minimum total).

1.2: **"R-1B" Single-family District:** Low density residential district permitting moderate-sized singular residential dwellings (2000 square foot minimum on the main level).

1.3: **"R-1C" Single-family District:** Low density residential district permitting smaller singular residential dwellings (1800 square foot minimum on the main level).

1.4: **"R-2" One- to Two-family District:** Low density residential district permitting residential dwellings of no more than two dwellings per building (1350 square foot minimum per unit).

1.5: **"R-3" One- to Four-family District:** Moderate density residential district permitting residential dwellings of no more than four dwellings per building served by common facilities and open space (1200 square foot minimum per unit).

1.6: **"C-1" Low Intensity Commercial District:** A district established for office, retail, and light commercial uses.

1.7: **"PDD" Planned Development District:** A specifically enumerated specialized district where upon an approved site plan, regulations permit greater flexibility and consequently more creative and imaginative design than generally is possible under conventional zoning regulations.

1.8: **"A-1" Agricultural:** Tracts of land which have not been platted or subdivided.

ARTICLE V USE REGULATIONS BY ZONING DISTRICT

Section 1: General Regulations:

1.1: **Newly Annexed Land.** Any territory hereafter annexed to the City shall be zoned "A-1" until changed as provided in Article III, Section 2: Classification of Newly Annexed Territory of this Chapter, unless otherwise indicated in an Annexation Plan of Intent.

1.2: **Vacated Land.** Whenever any street, alley or public way is vacated by official action of the Board of Aldermen, the zoning for said land shall be automatically designated "A-1 ". Adjoining property owners may petition the Board at such time of vacation, or at any point in the future, that consideration be given to allow the zoning districts adjoining each side of such street, alley or public way to be extended to the center of such vacation and all areas included in this vacation shall then be subject to all regulations of the extended district.

1.3: **Utility Connections Required.** All structures **requiring utility connections** within zoning districts established by this Chapter **shall** be connected to public utilities, including: water, sewer, electricity, gas, and telephone where these facilities are available at the time of construction. If not available at the time of construction, easements for future connections to such utilities shall be provided in accordance with provisions set forth in the Subdivision Regulations. The intent of the Board of Aldermen is to require the use of public utilities when and where available.

1.4: **Access to Public Streets Required.** All uses within zoning districts are required to be connected to public streets. If additional roads or streets are required, it shall be the responsibility of the builder or developer to construct them to the standards of the Design Specifications of the City of Fremont Hills in accordance with Appendix A.

1.5: **Setback Yards Required.** Setback yards shall be established, specified and required in all zoning districts from all lots lines as set forth herein.

Section 2: Zoning District "R-1A". SINGLE-FAMILY:

2.1: **Use Regulations.** All buildings and land within an "R-1A" Zoning District shall be limited to the following uses:

2.1a. Single-family dwellings.

2.1b. Planned Development Districts for single family dwellings as approved by the Planning and Zoning Commission

2.1c. Special Uses such as golf courses and country clubs, public parks and playgrounds, public buildings, facilities and utilities as permitted in Article VIII of this Chapter and approved by the Planning and Zoning Commission.

2.2: **Coverage.** The building shall not cover more than forty percent (40%) of the lot area. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) building on one (1) lot except as specifically provided hereinafter. (Amended 4/18/2013—Ordinance #244-2013)

2.3: **Parking Regulations.** A minimum of three (3) off-street parking spaces shall be provided per single-family dwelling. On street parking is regulated by other city ordinances.

2.4: **Dimensional Requirements:**

2.4a. **Minimum Dwelling Area.** A single-family dwelling shall have a minimum of 2300 square feet of living area on the main level and a minimum of 2700 square feet total.

2.4b. **Minimum Garage Size.** A dwelling shall have an attached three-car garage with a minimum size of 750 square feet. The garage shall not be used for living quarters.

2.4c. **Minimum Lot Area.** The minimum lot area per dwelling shall be no less than 12,500 square feet.

2.4d. **Minimum Front Yard.** The minimum front yard setback shall be as provided in the applicable subdivision covenants and restrictions. If there is no setback stated in the subdivision covenants and restrictions, it shall be 25 feet from the platted property line. (Amended 11/20/2000—Ordinance #117)

2.4e. **Minimum Side Yard.** The minimum side yard on each side of a single-family dwelling shall be seven and one-half (7 1/2) feet in width from a platted property line except as provided in Article V, Section 1. In the case of corner lots, the setback from the side yard next to a street shall be fifteen (15) feet.

2.4f. **Minimum Back Yard.** The minimum back yard distance from the structure to the rear lot line shall be no less than twenty (20) feet except as provided in Article V, Section 1. The minimum back yard distance from a fence enclosing a pool to the rear lot line for homes that back up to the golf course shall be no less than five (5) feet except as provided in Article V, Section 1. (Amended 5/19/2005—Ordinance #152)

2.4g. **Deck.** No deck shall extend past the front or side setback lines, and must set back a minimum of ten feet from the back yard lot line. (Amended 7/21/2011—Ordinance #220-2011)

2.5: **Time-Share Exclusion.** No building or lot within a district zoned "R-1A" single-family, shall be used as time-share property or as a time-share unit as defined in Article II, Section 2.

2.6: **Rental Property Exclusion.** No building or lot within any district zoned "R-1A Single-family, shall be used as rental or leased property as defined in Article II, Section 2.

2.7: **Special Uses.** An approved permit must be obtained from the Planning and Zoning Commission for special uses. See Article VIII of this Chapter for procedures.

2.8: **Temporary Living Quarters Prohibition.** No property within any district zoned "R-1A" Single family, shall be used exclusively to provide temporary living quarters in a boat, trailer or recreational vehicle.

2.9: **Good Working Order Requirement.** The storage of any abandoned or junked vehicles shall be prohibited. Any vehicle located on a lot in the R-1A District shall be maintained in operable order and shall have a valid registration for operation and use.

2.10: **Design Committee.** No building shall be erected on any lot until the building plans, specifications, and plot plan showing the location thereof have been approved.

2.11: **Driveways.** All driveways must be concrete or brick. Asphalt, gravel and dirt driveways are prohibited.

2.12: **Fences.** Fences shall be permitted on lots that have backyards that border the external City limit boundary for the City of Fremont Hills subject to the approval of the fence application made to the Design Review Committee. The new fence must be black in color; have a height of 54 inches; be made of steel or aluminum; the fence shall extend from the back corner of the house to the side property line and then along the property line back to the rear property line and across the rear property line (i.e. the City of Fremont Hills' boundary); and the fence design shall match (as close as possible) the design of the City fence along CC Highway. Fencing shall be prohibited on lots that do not border the external City limit boundary for the City of Fremont Hills except fences around swimming pools or as permitted by other provisions of City ordinances. (Amended 3/15/2012—Ordinance #229-2012)

2.13: **Roofing and Painting.** The roof of the dwelling erected on any lot shall be wood shingle, cement tile, clay tile, slate or an architecturally-designed composite shingle with a 50-year warranty and a 100 MPH wind rating. (Amended 2/21/2008—Ordinance #180) The use of any composite or comparable roofing material must be approved by the Design Review Committee. Minimum roof pitch allowable is 8.5 for wood shingles. Tile roofs, or roofs of other materials, can be a lower pitch. Exterior paint colors must be approved by the Design Committee. (Amended 3/29/2004—Ordinance #139)

2.14: **Exterior Building Material.** All exterior building material shall be brick, stucco, or rock.

All requests to use other materials shall require the approval of the Design Committee and the Planning and Zoning Commission.

2.15: **Use of Exterior Trim Materials.** Wood, cooper, or other high-quality exterior materials may be used for exterior trim provided: (1) Such trim materials are used on 10 percent or less of the exterior surface area of the building (to be computed by excluding roof, window, and door surface areas); and (2) The use of such trim, and the trim materials, are approved in advance by the Design Committee.

2.16: **Out Buildings.** All out buildings are prohibited. The term “out buildings” includes detached garages, carports, greenhouses, cabanas, servant’s quarters, and any other structure detached from the main building.

2.17: **Manufactured Houses, Mobile Homes and Modular Housing.** Manufactured houses, mobile homes, and modular housing are prohibited.

2.18: **Miscellaneous.** All clotheslines shall be prohibited.

2.18: **Solar Energy Panels (Collectors).** Solar energy panels are only permitted to be roof mounted in a location not visual from the front street level (mounted on the rear roof of home or structure). The panel cannot change the roof line and must be positioned to prevent glare on other structures in the area. Panels must be flush with the roof and cannot extend more than 8 inches above the surface area of 256 square feet. (Amended 5/17/2012—Ordinance #232-2012)

2.19: **Wind Energy Systems.** The installation, erection, or use of a wind energy system, wind turbine or associated towers for wind energy conversion is prohibited. (Amended 4/18/2013—Ordinance #243-2013)

Section 3: Zoning District “R-1B”, SINGLE-FAMILY:

3.1: **Use Regulations.** All buildings and land within an "R-1B" Zoning District shall be limited to the following uses:

3.1a. Single-family dwellings.

3.1 b. Planned Development Districts for single family dwellings as approved by the Planning and Zoning Commission

3.1 c. Special Uses such as public parks and playgrounds, public buildings, facilities and utilities as permitted in Article VIII of this Chapter and

approved by the Planning and Zoning Commission.

3.2: **Coverage.** The building shall not cover more than forty percent (40%) of the lot area. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) building on one (1) lot except as specifically provided hereinafter. (Amended 4/18/2013—Ordinance #244-2013)

3.3: **Parking Regulations.** A minimum of two (2) off-street parking spaces shall be provided per single-family dwelling. On street parking is regulated by other city ordinances.

3.4: **Dimensional Requirements:**

3.4a. **Minimum Dwelling Area.** A single-family dwelling shall have a minimum of 2000 square feet of living area on the main level.

3.4b. **Minimum Garage Size.** A dwelling shall have an attached two-car garage with a minimum size of 400 square feet. The garage shall not be used for living quarters.

3.4c. **Minimum Lot Area.** The Minimum lot area per dwelling shall be no less than 10,000 square feet.

3.4d. **Minimum Front Yard.** The minimum front yard setback shall be as provided in the applicable subdivision covenants and restrictions. If there is no setback stated in the subdivision covenants and restrictions, it shall be 25 feet from the platted property line. (Amended 11/20/2000—Ordinance #117)

3.4e. **Minimum Side Yard.** The minimum side yard on each side of a single-family dwelling shall be 7 1/2 feet in width from a platted property line except as provided in Article V, Section 1. In the case of corner lots, the setback from the side yard next to a street shall be 15 feet.

3.4f. **Minimum Back Yard.** The minimum back yard distance from the structure to the rear lot line shall be no less than twenty (20) feet except as provided in Article V, Section 1. The minimum back yard distance from a fence enclosing a pool to the rear lot line for homes that back up to the golf course shall be no less than five (5) feet except as provided in Article V, Section 1. (Amended 5/19/2005—Ordinance #152)

3.4g. **Deck.** No deck shall extend past the front or side setback lines, and must set back a minimum of ten feet from the back yard lot line. (Amended 7/21/2011—Ordinance #220-2011)

3.5: **Time-Share Exclusion.** No building or lot within a district zoned "R-1B" single-family, shall be used as time-share property or as a time-share unit as defined in Article II, Section 2.

3.6: **Rental Property Exclusion.** No building or lot within any district zoned "R-1B" Single-family, shall be used as rental or leased property as defined in Article II, Section 2.

3.7: **Special Uses.** An approved permit must be obtained from the Planning and Zoning Commission for special uses. See Article VIII of this Chapter for procedures.

3.8: **Temporary Living Quarters Prohibition.** No property within any district zoned "R-1B" Single family, shall be used exclusively to provide temporary living quarters in a boat, trailer or recreational vehicle.

3.9: **Good Working Order Requirement.** The storage of any abandoned or junked vehicles shall be prohibited. Any vehicle located on a lot in the R-1B District shall be maintained in operable order and shall have a valid registration for operation and use.

3.10: **Design Committee.** No building shall be erected on any lot until the building plans, specifications, and plot plan showing the location thereof have been approved.

3.11: **Driveways.** All driveways must be concrete or brick. Asphalt, gravel and dirt driveways are prohibited.

3.12: **Fences.** Fences shall be permitted on lots that have backyards that border the external City limit boundary for the City of Fremont Hills subject to the approval of the fence application made to the Design Review Committee. The new fence must be black in color; have a height of 54 inches; be made of steel or aluminum; the fence shall extend from the back corner of the house to the side property line and then along the property line back to the rear property line and across the rear property line (i.e. the City of Fremont Hills' boundary); and the fence design shall match (as close as possible) the design of the City fence along CC Highway. Fencing shall be prohibited on lots that do not border the external City limit boundary for the City of Fremont Hills except fences around swimming pools or as permitted by other provisions of City ordinances. (Amended 3/15/2012—Ordinance 229-2012)

3.13: **Roofing and Painting.** The roof of the dwelling erected on any lot shall be wood shingle, cement tile, clay tile, slate or an architecturally-designed composite shingle with a 50-year warranty and a 100 MPH wind rating. (Amended 2/21/2008—Ordinance #180) The use of any composite or comparable roofing material must be approved by the Design Review Committee. Minimum roof pitch allowable is 8.5 for wood shingles. Tile roofs, or roofs of other materials, can be a lower pitch. Exterior paint colors must be approved by the Design Committee. (Amended 3/29/2004—Ordinance #139)

3.14: **Exterior Building Material.** All exterior building material shall be brick, stucco, or rock. All requests to use other materials shall require the approval of the Design Committee and the Planning and Zoning Commission.

3.15: **Use of Exterior Trim Materials.** Wood, cooper, or other high-quality exterior materials may be used for exterior trim provided: (1) Such trim materials are used on 10 percent or less of the exterior surface area of the building (to be computed by excluding roof, window, and door surface areas); and (2) The use of such trim, and the trim materials, are approved in advance by the Design Committee.

3.16: **Out Buildings.** All out buildings are prohibited. The term “out buildings” includes detached garages, carports, greenhouses, cabanas, servant’s quarters, and any other structure detached from the main building.

3.17: **Manufactured Homes, Mobile Homes and Modular Housing.** Manufactured Homes, mobile homes and modular housing are prohibited.

3.18: **Miscellaneous.** All clotheslines shall be prohibited.

3.18: **Solar Energy Panels (Collectors).** Solar energy panels are only permitted to be roof mounted in a location not visual from the front street level (mounted on the rear roof of home or structure). The panel cannot change the roof line and must be positioned to prevent glare on other structures in the area. Panels must be flush with the roof and cannot extend more than 8 inches above the surface area of 256 square feet. (Amended 5/17/2012—Ordinance #232-2012)

3.19: **Wind Energy Systems.** The installation, erection, or use of a wind energy system, wind turbine or associated towers for wind energy conversion is prohibited. (Amended 4/18/2013—Ordinance #243-2013)

Section 4: Zoning District “R-1C,” SINGLE FAMILY:

4.1: **Use Regulations.** All buildings and land within an "R-1C" Zoning District shall be limited to the following uses:

4.1a. Single-family dwellings.

4.1b. Planned Development Districts for single family dwellings as approved by the Planning and Zoning Commission

4.1c. Special Uses such as public parks and playgrounds, public buildings, facilities and utilities as permitted in Article VIII of this Chapter and

approved by the Planning and Zoning Commission.

4.2: **Coverage.** The building shall not cover more than forty percent (40%) of the lot area. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) building on one (1) lot except as specifically provided hereinafter. (Amended 4/18/2013—Ordinance #244-2013)

4.3: **Parking Regulations.** A minimum of two (2) off-street parking spaces shall be provided per single-family dwelling. On street parking is regulated by other city ordinances.

4.4: **Dimensional Requirements:**

4.4a. **Minimum Dwelling Area.** A single-family dwelling shall have a minimum of 1800 square feet of living area on the main level.

4.4b. **Minimum Garage Size.** A dwelling shall have an attached two-car garage with a minimum size of 400 square feet. The garage shall not be used for living quarters.

4.4c. **Minimum Lot Area.** The Minimum lot area per dwelling shall be no less than 10,000 square feet.

4.4d. **Minimum Front Yard.** The minimum front yard setback shall be as provided in the applicable subdivision covenants and restrictions. If there is no setback stated in the subdivision covenants and restrictions, it shall be 25 feet from the platted property line. (Amended 11/20/2000—Ordinance #117)

4.4e. **Minimum Side Yard.** The minimum side yard on each side of a single-family dwelling shall be 7 1/2 feet in width from a platted property line except as provided in Article V, Section 1. In the case of corner lots, the setback from the side yard next to a street shall be 15 feet.

4.4f. **Minimum Back Yard.** The minimum back yard distance from the structure to the rear lot line shall be no less than twenty (20) feet except as provided in Article V, Section 1. The minimum back yard distance from a fence enclosing a pool to the rear lot line for homes that back up to the golf course shall be no less than five (5) feet except as provided in Article V, Section 1. (Amended 5/19/2005—Ordinance #152)

4.4g. **Deck.** No deck shall extend past the front or side setback lines, and must set back a minimum of ten feet from the back yard lot line. (Amended 7/21/2011—Ordinance #220-2011)

- 4.5: **Time-Share Exclusion.** No building or lot within a district zoned "R-1C" single-family, shall be used as time-share property or as a time-share unit as defined in Article II, Section 2.
- 4.6: **Rental Property Exclusion.** No building or lot within any district zoned "R-1C" Single-family, shall be used as rental or leased property as defined in Article II, Section 2.
- 4.7: **Special Uses.** An approved permit must be obtained from the Planning and Zoning Commission for special uses. See Article VIII of this Chapter for procedures.
- 4.8: **Temporary Living Quarters Prohibition.** No property within any district zoned "R-1C" Single family, shall be used exclusively to provide temporary living quarters in a boat, trailer or recreational vehicle.
- 4.9: **Good Working Order Requirement.** The storage of any abandoned or junked vehicles shall be prohibited. Any vehicle located on a lot in the R-1C District shall be maintained in operable order and shall have a valid registration for operation and use.
- 4.10: **Design Committee.** No building shall be erected on any lot until the building plans, specifications, and plot plan showing the location thereof have been approved in writing.
- 4.11: **Driveways.** All driveways must be concrete or brick. Asphalt, gravel and dirt driveways are prohibited.
- 4.12: **Fences.** Fences shall be permitted on lots that have backyards that border the external City limit boundary for the City of Fremont Hills subject to the approval of the fence application made to the Design Review Committee. The new fence must be black in color; have a height of 54 inches; be made of steel or aluminum; the fence shall extend from the back corner of the house to the side property line and then along the property line back to the rear property line and across the rear property line (i.e. the City of Fremont Hills' boundary); and the fence design shall match (as close as possible) the design of the City fence along CC Highway. Fencing shall be prohibited on lots that do not border the external City limit boundary for the City of Fremont Hills except fences around swimming pools or as permitted by other provisions of City ordinances. (Amended 3/15/2012—Ordinance #229-2012)
- 4.13: **Roofing and Painting.** The roof of the dwelling erected on any lot shall be wood shingle, cement tile, clay tile, slate or an architecturally-designed composite shingle with a 50-year warranty and a 100 MPH wind rating. (Amended 2/21/2008—Ordinance #180) The use of any composite or comparable roofing material must be approved by the Design Review Committee. Minimum roof pitch allowable is 8.5 for wood shingles. Tile roofs, or roofs of other materials, can be a lower pitch. Exterior paint colors must be approved by the Design Committee. (Amended 3/29/2004—Ordinance #139)

4.14: **Exterior Building Material.** All exterior building material shall be brick, stucco, or rock. All requests to use other materials shall require the approval of the Design Committee and the Planning and Zoning Commission.

4.15: **Use of Exterior Trim Materials.** Wood, cooper, or other high-quality exterior materials may be used for exterior trim provided: (1) Such trim materials are used on 10 percent or less of the exterior surface area of the building (to be computed by excluding roof, window, and door surface areas); and (2) The use of such trim, and the trim materials, are approved in advance by the Design Committee.

4.16: **Out Buildings.** All out buildings are prohibited. The term “out buildings” includes detached garages, carports, greenhouses, cabanas, servant’s quarters, and any other structure detached from the main building.

4.17: **Manufactured Houses, Mobile Homes and Modular Housing.** Manufactured houses, mobile homes and modular housing are prohibited.

4.18: **Miscellaneous.** All clotheslines shall be prohibited.

4.18: **Solar Energy Panels (Collectors).** Solar energy panels are only permitted to be roof mounted in a location not visual from the front street level (mounted on the rear roof of home or structure). The panel cannot change the roof line and must be positioned to prevent glare on other structures in the area. Panels must be flush with the roof and cannot extend more than 8 inches above the surface area of 256 square feet. (Amended 5/17/2012—Ordinance #232-2012)

4.19: **Wind Energy Systems.** The installation, erection, or use of a wind energy system, wind turbine or associated towers for wind energy conversion is prohibited. (Amended 4/18/2013—Ordinance #243-2013)

Section 5: Zoning District "R-2" TWO-FAMILY:

5.1: **Use Regulations.** All buildings and land within a "R-2" Zoning District shall be limited to the following uses:

5.1a. Single-family Dwellings

5.1b. Two-family Dwellings

5.1c. Planned Development Districts providing Single-family and two-family dwellings as approved by the Commission.

5.2: **Coverage.** Buildings shall not cover more than forty percent (40%) of the lot area.

5.3: **Parking Regulations.** A minimum of two (2) off street parking spaces shall be provided per family dwelling.

5.4: **Dimensional Requirements:**

5.4a. **Minimum Dwelling Area.** Two family dwellings shall have a minimum of 1350 square feet of living area per dwelling unit excluding garages, porches and/or other appurtenances.

5.4b. **Minimum Garage Size.** Each dwelling shall have an attached two-car garage with a minimum size of 400 square feet. The garage shall not be used for living quarters.

5.4c. **Minimum Lot Area.** The minimum lot area for a two-family dwelling shall be no less than 9,000 square feet.

5.4d. **Minimum Front Yard.** The minimum front yard setback shall be as provided in the applicable subdivision covenants and restrictions. If there is no setback stated in the subdivision covenants and restrictions, it shall be 25 feet from the platted property line. (Amended 11/20/2000—Ordinance #117).

5.4e. **Minimum Side Yard.** The minimum side yard shall be 7 1/2 feet in width from a platted property line except as provided in Article V, Section 1. In the case of corner lots, the setback from the side yard next to a street shall be 15 feet.

5.4f. **Minimum Back Yard.** The minimum back yard distance from the structure to the rear lot line shall be no less than twenty (20) feet except as provided in Article V, Section 1. The minimum back yard distance from a fence enclosing a pool to the rear lot line for homes that back up to the golf course shall be no less than five (5) feet except as provided in Article V, Section 1. (Amended 5/19/2005—Ordinance #152)

5.4g. **Deck.** No deck shall extend past the front or side setback lines, and must set back a minimum of ten feet from the back yard lot line. (Amended 7/21/2011—Ordinance #220-2011)

5.5: **Time-Share Exclusion.** No building or lot within a district zoned "R-2" shall be used as time-share property or as a time-share unit as defined in Article II, Section 2.

5.6: **Rental Property Exclusion.** No building or lot within any district zoned "R-2" shall be used as rental or leased property as defined in Article II, Section 2.

5.7: **Special Uses.** An approved permit must be obtained from the Planning and Zoning Commission for special uses. See Article VIII of this Chapter for procedures.

5.8: **Temporary Living Quarters Prohibition.** No property within any district zoned "R-2" shall be used exclusively to provide temporary living quarters in a boat, trailer or recreational vehicle.

5.9: **Good Working Order Requirement.** The storage of any abandoned or junked vehicles shall be prohibited. Any vehicle located on a lot in the R-2 District shall be maintained in operable order and shall have a valid registration for operation and use.

5.10: **Design Committee.** No building shall be erected on any lot until the building plans, specifications, and plot plan showing the location thereof have been approved in writing.

5.11: **Driveways.** All driveways must be concrete or brick. Asphalt , gravel and dirt driveways are prohibited.

5.12: **Fences.** All fences shall be prohibited except fences around swimming pools as required by other provisions of city ordinances.

5.13: **Roofing and Painting.** The roof of the dwelling erected on any lot shall be wood shingle, cement tile, clay tile, slate or an architecturally-designed composite shingle with a 50-year warranty and a 100 MPH wind rating. (Amended 2/21/2008—Ordinance #180) The use of any composite or comparable roofing material must be approved by the Design Review Committee. Minimum roof pitch allowable is 8.5 for wood shingles. Tile roofs, or roofs of other materials, can be a lower pitch. Exterior paint colors must be approved by the Design Committee. (Amended 3/29/2004—Ordinance #139)

5.14: **Exterior Building Material.** All exterior building material shall be brick, stucco, or rock. All requests to use other materials shall require the approval of the Design Committee and the Planning and Zoning Commission.

5.15: **Use of Exterior Trim Materials.** Wood, cooper, or other high-quality exterior materials may be used for exterior trim provided: (1) Such trim materials are used on 10 percent or less of the exterior surface area of the building (to be computed by excluding roof, window, and door surface areas); and (2) The use of such trim, and the trim materials, are approved in advance by the Design Committee.

5.16: **Out Buildings.** All out buildings are prohibited. The term "out buildings" includes detached garages, carports, greenhouses, cabanas, servant's quarters, and any other structure detached from the main building.

5.17: **Manufactured Houses, Mobile Homes, and Modular Housing.** Manufactured houses, mobile homes, and modular housing are prohibited.

5.18: **Miscellaneous.** All clotheslines shall be prohibited. All outdoor basketball goals are prohibited, unless permitted by the Design Committee.

5.18: **Solar Energy Panels (Collectors).** Solar energy panels are only permitted to be roof mounted in a location not visual from the front street level (mounted on the rear roof of home or structure). The panel cannot change the roof line and must be positioned to prevent glare on other structures in the area. Panels must be flush with the roof and cannot extend more than 8 inches above the surface area of 256 square feet. (Amended 5/17/2012—Ordinance #232-2012)

5.19: **Wind Energy Systems.** The installation, erection, or use of a wind energy system, wind turbine or associated towers for wind energy conversion is prohibited. (Amended 4/18/2013—Ordinance #243-2013)

Section 6: Zoning District "R-3", FOUR-FAMILY:

6.1: **Use Regulations.** All buildings and land within a "R-3" Zoning District shall be limited to the following uses:

6.1a. Single-family Dwellings.

6.1b. Two-family Dwellings, including patio homes.

6.1c. Three-family Dwellings, including patio homes.

6.1d. Four-family Dwellings, including patio homes.

6.1e. Planned Development Districts providing single-family and up to four-family dwellings as approved by the Commission.

6.2: **Coverage.** Buildings shall not cover more than forty percent (40%) of the lot area.

6.3: **Parking Regulations.** A minimum of two (2) off street parking spaces shall be provided per family dwelling.

6.4: **Dimensional Requirements:**

6.4a. **Minimum Dwelling Area.** All dwellings shall have a minimum of 1,200 square feet of living area per dwelling unit, with a minimum of 800 square

feet of living area on the main level, excluding garages, porches and/or other appurtenances. No outside stairways will be permitted. No dwelling unit shall be located directly above another dwelling unit (i.e., the floor above the main living area of the dwelling unit shall be a part of the same dwelling unit.)

- 6.4b. **Minimum Garage Size.** Each dwelling shall have an attached two-car garage with a minimum size of 400 square feet. The garage shall not be used for living quarters.
 - 6.4c. **Minimum Lot Area.** The minimum lot area for a two-family dwelling shall be no less than 9,000 square feet. Larger lots will be required for multiple dwellings on a single lot in order to comply with the lot coverage restriction in Section 6.2.
 - 6.4d. **Minimum Front Yard.** The minimum front yard setback shall be as provided in the applicable subdivision covenants and restrictions. If there is no setback stated in the subdivision covenants and restrictions, it shall be 25 feet from the platted property line. (Amended 11/20/2000—Ordinance #117)
 - 6.4e. **Minimum Side Yard.** The minimum side yard shall be seven and one-half (7 1/2) feet in width from a platted property line except as provided in Article V, Section 1. In the case of corner lots, the setback from the side yard next to a street shall be fifteen (15) feet.
 - 6.4f. **Minimum Back Yard.** The minimum back yard distance from the structure to the rear lot line shall be no less than twenty (20) feet except as provided in Article V, Section 1. The minimum back yard distance from a fence enclosing a pool to the rear lot line for homes that back up to the golf course shall be no less than five (5) feet except as provided in Article V, Section 1. (Amended 5/19/2005—Ordinance #152)
 - 6.4g. **Deck.** No deck shall extend past the front or side setback lines, and must set back a minimum of ten feet from the back yard lot line. (Amended 7/21/2011—Ordinance #220-2011)
- 6.5: **Time-Share Exclusion.** No building or lot within a district zoned "R-3" shall be used as time-share property or as a time-share unit as defined in Article II, Section 2.
- 6.6: **Rental Property Exclusion.** No building or lot within any district zoned "R-3" shall be used as rental property or leased as defined in Article II, Section 2.
- 6.7: **Special Uses.** An approved permit must be obtained from the Planning and Zoning

Commission for special uses. See Article VIII of this Chapter for procedures.

6.8: **Temporary Living Quarters Prohibition.** No property within any district zoned "R-3" shall be used exclusively to provide temporary living quarters in a boat, trailer or recreational vehicle.

6.9: **Good Working Order Requirement.** The storage of any abandoned or junked vehicles shall be prohibited. Any vehicle located on a lot in the R-3 District shall be maintained in operable order and shall have a valid registration for operation and use.

6.10: **Design Committee.** No building shall be erected on any lot until the building plans, specifications, and plot plan showing the location thereof have been approved in writing.

6.11: **Driveways.** All driveways must be concrete or brick. Asphalt, gravel and dirt driveways are prohibited.

6.12: **Fences.** All fences shall be prohibited except fences around swimming pools as required by other provisions of city ordinances.

6.13: **Roofing and Painting.** The roof of the dwelling erected on any lot shall be wood shingle, cement tile, clay tile, slate or an architecturally-designed composite shingle with a 50-year warranty and a 100 MPH wind rating. (Amended 2/21/2008—Ordinance #180) The use of any composite or comparable roofing material must be approved by the Design Review Committee. Minimum roof pitch allowable is 8.5 for wood shingles. Tile roofs, or roofs of other materials, can be a lower pitch. Exterior paint colors must be approved by the Design Committee. (Amended 3/29/2004—Ordinance #139)

6.14: **Exterior Building Material.** All exterior building material shall be brick, stucco, or rock. All requests to use other materials shall require the approval of the Design Committee and the Planning and Zoning Commission.

6.15: **Use of Exterior Trim Materials.** Wood, cooper, or other high-quality exterior materials may be used for exterior trim provided: (1) Such trim materials are used on 10 percent or less of the exterior surface area of the building (to be computed by excluding roof, window, and door surface areas); and (2) The use of such trim, and the trim materials, are approved in advance by the Design Committee.

6.16: **Out Buildings.** All out buildings are prohibited. The term "out buildings" includes detached garages, carports, greenhouses, cabanas, servant's quarters, and any other structure detached from the main building.

6.17: **Manufactured Houses, Mobile Homes and Modular Housing.** Manufactured houses, mobile homes and modular housing are prohibited.

6.18: **Miscellaneous.** All clotheslines shall be prohibited. All outdoor basketball goals are prohibited, unless permitted by the Design Committee.

6.18: **Solar Energy Panels (Collectors).** Solar energy panels are only permitted to be roof mounted in a location not visual from the front street level (mounted on the rear roof of home or structure). The panel cannot change the roof line and must be positioned to prevent glare on other structures in the area. Panels must be flush with the roof and cannot extend more than 8 inches above the surface area of 256 square feet. (Amended 5/17/2012—Ordinance #232-2012)

6.19: **Wind Energy Systems.** The installation, erection, or use of a wind energy system, wind turbine or associated towers for wind energy conversion is prohibited. (Amended 4/18/2013—Ordinance #243-2013)

Section 8: Zoning District "C-1", LOW INTENSITY COMMERCIAL:

8.1: **Permitted Uses.** All buildings and land within a "C-1" Zoning District shall be directly related to or incidental to the following primary uses:

- 8.1a. Barber and beauty shops.
- 8.1b. Child day care center.
- 8.1c. Laundromat and cleaning establishments.
- 8.1d. Miniature golf.
- 8.1e. Offices.
- 8.1f. Postal station
- 8.1g. Restaurants.
- 8.1h. Commercial and retail shops.
- 8.1i. Studios; art, music, drama, reducing, photographic and dance.

8.2: **Prohibited Uses.** Industrial and manufacturing uses are prohibited.

8.3: **Coverage.** Main and accessory buildings shall not cover more than forty percent (40%) of the site.

8.4: **Building Height.** Building height shall be limited to two (2) stories, unless otherwise permitted by the Planning and Zoning Commission.

8.5: **Parking Regulations.** Off-street parking space shall be provided as follows: Restaurants - one parking space for each 2.5 seats based on maximum seating capacity. Other - one parking space for each 200 square feet of Gross Leasable Area (GLA). All parking lots, regardless of size, shall comply with current state and federal laws governing the number of handicap parking spaces and signage required. All parking spaces required herein shall be located on the same lot with the building. All commercial delivery vehicles are only allowed to park on commercial lots they are delivering to and are not allowed to park on City streets. (Amended 6/21/2012—Ordinance #233-2012)

8.6: **Dimensional Requirements: Setbacks.** Commercial lot setbacks are to be thirty (30) feet on all sides from the platted property line. The setback shall be forty (40) feet if there is to be parking on that side. (Amended 6/21/2012—Ordinance #233-2012)

8.6a. **Front Yard.** Parking shall be provided within the front yard setback area, and the minimum setback shall be thirty five (35) feet from a platted property line or the edge of the road surface of a public roadway. A special permit from the Planning and Zoning Commission is required for front yard parking with less than 35 feet setback.

8.6b. **Rear Yard.** The minimum rear yard setback for commercial structures in the "C-1 Zoning District shall be no less than five (5) feet except as provided for in Article V, Section 1

8.7: **Service Areas.** All service areas including loading docks, trash, storage areas, service entrances, mechanical and electrical equipment, maintenance and other equipment, and other areas used to serve the business shall be concealed from view to the maximum extent possible. Refuse storage areas shall be visually screened by a solid fence or wall on all sides, not less than the height of the storage containers. U-shaped buildings are preferred with the service areas on the interior of the "U." If a U-shaped configuration cannot be provided, then landscaping and fencing buffers shall be provided to conceal service areas. (Amended 6/21/2012—Ordinance #233-2012)

8.8: **Special Uses.** An approved permit must be obtained from the Planning and Zoning Commission for special uses. See Article VIII of this Chapter for procedures.

8.9: **Temporary Living Quarters Prohibition.** No property within any district zoned "C-1" shall be used exclusively to provide temporary living quarters in a boat, trailer or recreational vehicle.

8.10: **Good Working Order Requirement.** The storage of any abandoned or junked vehicles shall be prohibited. Any vehicle located on a lot in the C-1 District shall be maintained in operable order and shall have a valid registration for operation and use.

8.11: **Design Committee.** No building shall be erected on any lot until the building plans, specifications, and plot plan showing the location thereof have been approved in writing.

8.12: **Driveways and Parking Areas.** All driveways and parking areas must be asphalt, concrete or brick. Gravel and dirt driveways are prohibited.

8.13: **Fences.** All fences shall be prohibited except fences around swimming pools as required by other provisions of city ordinances and buffers as required by Section 8.7.

8.14: **Roofing and Painting.** The roof of the dwelling erected on any lot shall be cement tile, clay tile, slate or an architecturally-designed composite shingle with a lifetime warranty and a 100 mph wind rating. Minimum roof pitch allowable is 8.5 for composite shingles. Tile roofs, or roofs of other materials, can be a lower pitch but must be approved by the Design Review Committee. Exterior paint colors must be approved by the Design Committee. (Amended 6/21/2012—Ordinance #233-2012)

8.15: **Exterior Building Material.** All exterior building material shall be brick, stucco, or rock on all sides of the building. Buildings used exclusively for professional office space (no warehouse storage or retail sales) to conduct business relating to administration, consulting, medical, legal, and other client office based services shall be permitted to have glass covering up to 25% of the square footage of each wall on four walls of the building. Restaurants shall be permitted to have glass covering up to 25% of the square footage of each wall on three walls of the building. All other buildings shall be permitted to have glass on one wall covering up to 25% of the square footage of that wall of the building. (Amended 6/21/2012—Ordinance #233-2012)

8.16: **Out Buildings.** All out buildings are prohibited. The term “out buildings” includes detached garages, carports, greenhouses, cabanas, servant’s quarters, and any other structure detached from the main building.

8.17: **Miscellaneous.** All clotheslines shall be prohibited. All outdoor basketball goals are prohibited, unless permitted by the Design Committee.

8.18: **Exterior Lighting Standards.** (Amended 6/21/2012—Ordinance #233-2012—entire section added)

8.18a. To reduce the spillover of light and glare on operators of motor vehicles, pedestrians, and residential areas, the light source for all exterior lighting shall have a cutoff so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer at ground level ten (10) feet off the commercial lot.

8.18b. No flickering or flashing lights shall be permitted.

8.18c. Light sources shall not be located within buffer areas.

8.18d. All lighted signage must face State Highway CC.

8.18e. All parking lot light sources must be shaded and directed toward the parking lot surface.

8.19: Provisions for Signs in Business Areas. These provisions shall apply to all permanent signs on commercial lots. (Amended 6/21/2012—Ordinance #233-2012—entire section added)

8.19a. **Attached Signs.** Attached signs are allowed on commercial lots (C-1 zoning) in accordance with the following provisions:

1. Each business shall be allowed one attached lighted sign facing State Highway CC and a second attached unlighted sign facing Sawgrass street. The attached signs shall not extend any further than any part of the structure. The total effective area of all attached wall signs allowed for a business shall be calculated based upon the lineal footage of the wall having frontage on Sawgrass street or State Highway CC. If the business has wall frontage on State Highway CC, the effective area shall not exceed one (1) square feet per lineal foot of the wall length. For wall frontage facing Sawgrass street, the effective area shall not exceed one-quarter (1/4) square feet per lineal foot of the wall length.

2. Premises may not have roof signs or menu board signs.

3. Sign regulations enforced by the Missouri Highway and Transportation Commission along the primary highway system in the City shall take precedence over any less restrictive requirements defined in this Section.

4. No flickering or flashing signs are to be permitted in the City.

8.19b. **Detached Signs.** No detached signs, portable signs, or banners are allowed with the exception of a “Grand Opening” banner restricted to three (3) feet by fifteen (15) feet displayed for a period of two weeks only. The banner must be kept taut at all times and placed only on the building.

8.20 Landscape Buffering. Refer to the Infrastructure Code, Chapter XIII, Section A for landscape buffer requirements. (Amended 6/21/2012—Ordinance #233-2012—entire section added)

8.21 Handicap Accessibility and Bathrooms. All buildings constructed shall comply with all applicable state and federal laws addressing the requirements for handicap accessibility and bathrooms. (Amended 6/21/2012—Ordinance #233-2012—entire section added)

Section 9: Zoning District "PDD" PLANNED DEVELOPMENT DISTRICT:

9.1: **Purpose and Intent.** The intent of the Planned Development District ("PDD") regulations is to permit greater flexibility and consequently more creative and imaginative design in lot sizes, setbacks and site development standards than generally is possible under conventional zoning regulations in recognition of the opportunity to preserve unique topographic, vegetation or other site features. The purpose of the "PPD" is also to ensure that development possible in the "C-2" District is compatible with the general low intensity scale and sensitive natural environment of City of Fremont Hills.

9.2: **Creation of a PDD District.** It is hereby intended to permit, upon application and upon approval of site and use plans, the creation of a Planned Development District. Such a designation shall be determined by and shall be designed to lessen traffic congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to preserve features of historical significance, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and with a reasonable consideration being given, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the land throughout the City. In "PDD" Districts, the regulations which are adopted are intended to accomplish the same purposes as do zoning and other applicable regulations in districts which are developed on a lot by lot rather than a unified basis.

9.3: **Application of Planned Development District Provisions.** A PDD may be proposed for any location in the City. A ten (10) acre minimum size is required for a PDD in the "R-1", "R-2", "R-3" and "C-1" Districts.

9.4: **Effect of Planned Development District Approval.** Approval of a Planned Development District shall constitute an authorized alternative to specific site development requirements for a specific zoning district as stated in the Zoning Ordinance. Designation of a property as a Planned Development District in accordance with an approved development plan shall overlay and supplement all existing zoning classifications. Such property shall, for zoning purposes, be identified by the letters "PDD" followed by an identifying number with the underlying zoning indicated. Provisions of such PDD approval shall be in full force and affect unless otherwise amended by action of the Planning and Zoning Commission. Development of the property shall only be permitted in accordance with the approved PDD plans unless amendments to such PDD plans have been approved by the Planning and Zoning Commission.

9.5: **Development Intensity.** The intensity of the Planned Development District as a whole or by sub-area shall not exceed that allowed in the comparable zoning district of the allowed uses on an aggregate lot basis.

9.6: **Public Facilities.** All uses within the planned unit development are required to be connected

to public utilities including: water, sewer, electricity, gas, and telephone where these facilities are available at the time of construction. If not available at the time of construction, easements for future connections to such utilities shall be provided in accordance with provisions set forth in the Subdivision Regulations. The intent of the Board of Aldermen is to require the use of public utilities when and where available.

9.7: **Parking.** Unless specifically modified by the planned development district, parking requirements specified in each applicable land use district shall apply. Reductions in parking requirements shall be approved only if it can be demonstrated that parking demand will be less due to the design and character of the planned development.

9.8: **Perimeter Treatment.** The planned development district shall specify any special treatment of perimeter areas designed to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. The Board of Aldermen may impose those standards and requirements for perimeter treatment it deems necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.

9.9: **Zoning District PDD Application Process.** Applications for Planned Development District shall be processed pursuant to a three-step review process. This procedure shall include: (1) a pre-application conference, (2) a preliminary development proposal, and (3) a final development proposal outlined in the following sections.

9.10: **Pre-Application Conference:**

9.10a. Not less than forty-five working (45) days before preparing and submitting the preliminary plat to the Commission, the developer and/or his/her engineer shall consult with the Zoning Administrator, while the plat is in sketch form, to ascertain the location of proposed arterial, collector streets, minor streets, parks, playgrounds, and other community facilities or planned developments and to acquaint himself/herself with the Commission's requirements. During the pre-application proceedings the general features of the planned development district, its layout, facilities, and required improvements shall be determined to the extent necessary for the preparation of the preliminary planned unit development proposal. Pre-application proceedings shall be properly documented by minutes of conferences and memoranda, as may be necessary, and copies of such documentation shall be furnished to the developer.

9.10b. The City shall have the right to schedule any other meetings within the 45-day reviewing period necessary to ensure that the planned development district is compatible with the principles of the Comprehensive Plan. It shall be the responsibility of the City to schedule such meetings to include the developer and/or his/her engineer.

9.11: Preliminary Proposal:

- 9.11a. The developer shall submit to the Commission a preliminary proposal of the proposed planned development district which shall conform with the requirements set forth in Article V, Section 7 of this Chapter at least thirty working (30) days prior to the meeting of the Commission at which action is desired.

- 9.11b. The preliminary proposal shall also include a graphic concept plan at 1"-100' scale. A written descriptive summary shall also be submitted that shall include but not be limited to any supporting material describing the overall concept of the proposed development, the uses included and any limitations upon uses; building types; provisions for maintenance of common use areas where applicable; any proposed agreement, dedications or easements; any proposed private covenants and restrictions; and any other information pertinent to a determination of compliance with this Article. Additionally, the written concept plan must include a section detailing the beneficial aspects to the community of the Planned Development District proposal. A Circulation Plan must be included in the preliminary proposal. This plan would indicate any roads adjoining the property; the location of access from public roads into the project; and vehicular and pedestrian circulation systems within the project. A

traffic flow and projected volumes would be a part of the Circulation Plan. The Circulation Plan may be included as part of the Master Conceptual Plan.

- 9.11c. An Improvement Plan that indicates water supply and distribution facilities as well as the source of the water supply- sewage collection and disposal including the method and location of sewage discharge; methods and facilities for the management of storm water runoff, improvements to streets and roads; and any other physical improvements required to support the project.

9.12: Final Proposal:

- 9.12a. Upon approval of the preliminary proposal by the Commission, the developer shall submit the final proposal of the planned development district in accordance with the requirements of the City of Fremont Hills Subdivision Regulations, Section 33, titled Final Plat, at least thirty (30) working days prior to the Commission meeting at which action is desired.

- 9.12b. Approval of the final proposal for a planned development district includes the approval of the subdivision final plat and amendment to the Official Zoning Map and Future Development Guide. Approval of the amendment to the Official Zoning Map and Future Development Guide requires public hearing before the Commission and the Board of Aldermen in accordance with the requirements set forth in these codes.

Section 10: Zoning District "A-1" AGRICULTURAL:

10.1: **Use Regulations.** All buildings and land within an "A-1" Zoning District shall be limited to the following uses:

- 10.1a. Single-family dwellings.
- 10.1b. Accessory buildings customary, incidental, and subordinate to the main building.
- 10.1c. Agriculture, including customary agricultural structures, provided that all structures and animals are kept a minimum of two hundred (200) feet from property lines.
- 10.1d. No use which constitutes a public nuisance such as air, water, noise, or ground pollution is permitted.
- 10.1e. Special uses such as churches, golf courses and country clubs, home occupations, public parks and playgrounds, public buildings, facilities and utilities as permitted by the Planning and Zoning Commission. See Article VII of this Chapter for procedures.

10.2: **Parking Regulations.** A minimum of two (2) off street parking spaces shall be provided per family unit. Parking within the road right-of-way is prohibited.

10.3: **Dimensional Requirements:**

- 10.3a. **Front Yard.** The minimum front yard setback shall be twenty five (25) feet from platted property lines except that in no case shall a building line be closer than twenty-five (25) feet from road surface of a public or private roadway.
- 10.3b. **Side Yard.** The minimum side yard shall be not less than ten (10) feet from the plated property lines except as provided for in Article V,

Section 1, except that in no case shall a building line be closer than ten (10) feet from road surface of a public or private roadway.

10.3c. **Back Yard.** The minimum back yard distance from the structure to the rear lot line shall be no less than fifteen (15) feet except as provided for in Article V, Section 1.

10.4: **Time-Share Exclusion.** No property within any district zoned "A-1" Agricultural shall be used as time-share property or as a time-share unit.

10.5: **Rental Property Exclusion.** No building or lot within any district zoned "A-1 agricultural, shall be used as rental property as defined in Article II, Section 2. Such restriction shall not include the lease of buildings or lots as defined in Article II, Section 2.

10.6: **Zone Change Requests.** The property owner or agent of the owner shall seek a zoning change from the Planning and Zoning Commission to authorize development of all or a specific part of the Agricultural zoned property. Request for change of zoning shall follow the guidelines identified in Article IX, Site Plan Review.

ARTICLE VI NON-CONFORMITIES

Section 1: General Provisions Affecting Non-Conformities:

1.1: Within the districts established by this Chapter or by amendments that may later be adopted, there exist lots, premises, structures, and uses of land which were lawful before this Chapter was effective or amended, but which would be prohibited, regulated, or restricted under the provisions of this Chapter or future amendment. These are designated as non-conformities.

1.2: It is the intent of this Chapter to permit these non-conformities to continue until they are removed (except as otherwise herein provided). Such non-conformities are declared by this Chapter to be incompatible with the permitted uses of land and structures in the districts involved. It is further the intent of this Chapter that such non-conformities shall not be enlarged upon, expanded, or extended so as to increase the particular non-conformity, except as provided for herein, nor shall these be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

1.3: A non-conforming use of land, premises, or structure shall not be enlarged upon, expanded, or extended after the effective date of the passage of this Chapter enacting these Zoning Regulations.

1.4: If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

1.5: A non-conforming use or a non-conforming building or structure which is non-conforming only because of failure to provide required off-street parking spaces or loading berths shall have all the rights of a conforming use or structure.

Section 2: Non-Conforming Uses of Land:

Where, on the effective date of adoption or amendment of this Chapter, a lawful use of land exists that is no longer permissible under the regulations and standards of this Chapter, as adopted, or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

2.1: No such non-conforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Chapter.

2.2: No such non-conforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this Chapter.

2.3: If any such nonconforming use of land ceases for any reason, other than normal annual interruptions for seasonal uses, for a period of more than thirty (30) consecutive days, any subsequent use of such land shall conform to the resolutions and standards set by this Chapter for the district in which such land is located.

Section 3: Non-Conforming Structures:

Where, on the effective date of adoption or amendment of this Chapter, a lawful structure exists that could not be built under the regulations and standards of this Chapter as adopted or amended, by reasons of restrictions on lot area, lot coverage, floor area ratio, heights, yards, spacing between buildings, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains lawful subject to the following provisions:

3.1: No such structure may be enlarged or altered except as noted in Article VI, Section 1. On a non-conforming structure, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing, provided that the area of such building or the size of such structure as it existed at the effective date of adoption or amendment of this Chapter shall not be increased.

3.2: Should any such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and standards for the district in which it is located after it is moved.

3.3: Should any structure be destroyed, it shall be permissible to replace said structure in the same location to the same lot area, lot coverage, floor area ratios, heights, setback yards, or 'spacing between buildings that existed prior except that offenses to the zoning district requirements shall not be increased beyond what existed prior to the destruction of the building.

Section 4: Non-Conforming Uses of Structures:

Where, on the effective date of adoption or amendment of this Chapter, a lawful use of a structure, or a premises, exists that is no longer permissible under the regulations and standards of this Chapter as adopted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

4.1: No existing building or structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or altered except in changing the use of such building or structure to a use permitted in the district in which it is located. On a structure devoted to a non-conforming use, work may be done on ordinary repairs, or

replacement of walls, fixtures, wiring, or plumbing, provided that the area of such building or the size of such structure as it existed at the effective date of adoption or amendment of this Chapter shall not be increased.

4.2: Any non-conforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this Chapter, but no such use shall be extended to occupy land outside of such building or structure.

4.3: If no structural alterations are made, any non-conforming use of a building or structure, or of any premises, may be changed to another non-conforming use provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such changes, the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of this Chapter.

4.4: Any building or structure, or any premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations and standards of the district in which such building, structure, or premises is located, and the non-conforming use shall not be resumed.

4.5: When a non-conforming use of a building or structure, or of a premises, is discontinued or abandoned for more than six (6) consecutive months or for more than eighteen (18) months during any three (3) year period, the building or structure, or the premises, shall not thereafter be used except in conformance with the regulations and standards of the district in which it is located. For those uses considered to be "Seasonal Businesses" as defined in Article II, Section 11, such non-conforming use shall not be permitted to continue if the building, structure or premises is discontinued or abandoned for more than nine (9) consecutive months or for more than any twenty-seven (27) months during any three (3) year period.

4.6: Where non-conforming use status applies to the use of a building, removal or destruction of the building or structure shall eliminate the non-conforming use status, and any use of a new building or structure must be a use permitted in the district in which it is located.

ARTICLE VII PARKING REGULATIONS

Section 1: Applicability:

The requirements for parking are set forth in other provisions of this Zoning Code, in the Subdivision Regulations and the Fremont Hills City Code. These requirements shall apply to all buildings constructed, or altered, after the effective date of each code or regulation.

Section 2: Loading and Unloading Regulations:

Loading and unloading space shall be provided off-street and on the same premises with every structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, laundry, office uses or warehouses or other uses, involving the receipt or distribution of materials or merchandise by motor vehicle. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys, and walkway.

ARTICLE VIII SPECIAL USE PERMITS

Section 1: General Considerations:

1.1: **Delegation of Power.** The Planning and Zoning Commission is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in these regulations- to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with these regulations; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interest of these regulations and the health, safety, and welfare of the community. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of these regulations, or where the standards of this Article are not found to exist.

1.2: **Conditions and Guarantees.** Prior to the granting of any special use permit, the Planning and Zoning Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use permit as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Planning and Zoning Commission may require such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will be, fully complied with.

A special use permit is required for the following business types or uses, for the commercial district: daycare and daycare centers, bars serving beer, wine and/or mixed drinks, self-storage buildings, auto repair, dry cleaners, payday loan/title loan or similar quick loan businesses, pawn shops, tobacco/smoke shops, convenience stores, liquor stores, and gas stations. (Amended 2/21/2008—Ordinance #181)

1.3: **Conceptual (or Preliminary) Special Use Permit.** No zoning compliance permit shall be issued for a land use change based on a conceptual (or preliminary) special use permit.

Section 2: Procedures:

2.1: **Application.** A written application for a special use permit shall be filed with the Planning and Zoning Administrator and shall include a statement indicating the section of the ordinance under which the permit is sought, the grounds upon which it is requested, and sufficient evidence to show that the use will conform to the standards set forth.

2.2: **Fees.** Every application for a special use permit shall be subject to a filing fee as established by the Governing Body.

2.3: **Ownership List.** The application for an amendment of zoning by special use permit shall be accompanied by an ownership list listing the legal description of the property to be zoned, certificate of ownership, and the name and address of the owners of any real property located within one thousand (1 000) feet of the boundaries of the property for which the zoning amendment is requested.

2.4: **Site Plan.** All applicants for a special use permit shall Submit with their application the materials required by Site Plan Review in these regulations, including the following:

- 2.4a. A site plan.
- 2.4b. Location map showing development and zoning designation, if any, of adjacent property within 1,000 feet.
- 2.4c. The full legal description of the boundaries of said development area.
- 2.4d. A description of the general character of all structures.
- 2.4e. All other submittals required by Site Plan Review in these regulations.

2.5: **Hearing.** Upon receipt of the formal application and all accompanying material, the Planning and Zoning Administrator shall call a public hearing for the next scheduled meeting of the Planning and Zoning Commission; provided, however, that notice must be published one time in a newspaper of general circulation at least 15 days prior to the date set for the hearing. The Planning and Zoning Commission shall act within 30 days after the close of the public hearing.

- 2.5a. In addition to the publication of the notice described above, such notice shall be given by certified mail by the Planning and Zoning Administrator to all owners of any real property within one thousand (1 000) feet of the proposed rezoning. If the record title owners of any lots included in such proposed change be non-residents of the City, then a written notice of such hearing shall be mailed by certified mail to them, addressed to their last known addresses at least ten (10) days prior to such hearing. Notice mailed to owners of real property who share ownership of a dwelling unit with another owner or owners in a condominium development, approved by the County under RSMO 448, shall be given to the members of the Board of Managers of the condominium on file with County Recorder of Deeds.
- 2.5b. The Planning and Zoning Commission shall also require notices be sent to other persons as it may from time to time provide by its rules.

2.6: **Findings.** In taking action, the Planning and Zoning Commission shall specify within 30 days of the close of the public hearing the particular grounds relied upon when denying a proposed use, and when approving a proposed use, shall make affirmative findings that the proposed use conforms with the general standards set forth in this Article. In no case shall an exception be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community at large.

2.7: **Zoning Compliance Permits.** On final approval the owner shall provide five (5) copies of the approved Final Site Plan to the City Clerk. The Planning and Zoning Administrator shall issue building permits only in accordance with the approved Final Site Plan.

2.8: **Amendments.** If any substantial variation or rearrangement of buildings, parking area and drives, entrances, heights or open space is requested by the applicant, the applicant shall proceed by following the same procedure previously followed and outlined in the Site Plan Review procedures.

Section 3: Height and Area Requirements:

3.1: **Height Regulations.** The allowed height of structures shall be in accordance with the use regulations by zoning district defined in Article V of this Chapter, or that the proposed structure is consistent in scale and bulk to the character of the neighboring structures, and the result of the increase in height does not create an adverse effect on the value or utility of adjacent property.

3.2: **Yard Regulations.** The allowed yard regulations shall be in accordance with the use regulations by zoning district defined in Article V of this Chapter. Yard regulations may be reduced upon a showing of sufficient open space accessible to occupants; a separation between structures for fire-fighting purposes; and that there is consistency with the visual character of the community.

3.3: **Open Space.** Provision of open space may be required for the issuance of Special Use Permits. In such cases, open space shall be designated on all site plans and subdivision plats in accordance with Article V of these regulations. The Planning and Zoning Commission may require the provision of open space to buffer dissimilar uses- to counterbalance any reduction in lot area, yard size or bulk limitations.

3.4: **Open Space Requirements.** For open space to be dedicated to the public, the City and the applicant shall enter into an agreement providing for the establishment of an association to maintain the dedicated open space. Such agreement shall include provision for default, cure by the City, and enforcement.

3.5: **Disposition of Open Space.** The association established in the preceding section shall not be dissolved or permitted to otherwise dispose of any open space by sale or otherwise without first offering to dedicate the same to the City.

Section 4: Standards for Issuance of Special Use Permits:

Before any permit shall be granted, the Planning and Zoning Commission shall make written findings certifying that adequate provision has been made for the following:

4-1: The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon.

4.2: Accessibility of the property to police, fire, refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.

4.3: Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.

4.4: The location, nature, and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.

4.5: The adequacy of required yard and open space requirements and sign provisions.

4.6: The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community- and with the standards for development in these regulations.

Section 5: Approved Action:

If the Planning and Zoning Commission approves an application, it shall adopt an order to that effect. The Comprehensive Zoning Plan Map which has been adopted by reference shall be changed to reflect such amendment, and the section of the zoning order incorporating the same shall reincorporate such map as amended.

Section 6: Appeals:

Appeals of the actions of the Planning and Zoning Commission shall be made to the Board of Aldermen. Further appeal may made to the Christian County Circuit Court. An appeal of an interpretation of the regulations shall be made to the City Board of Zoning Adjustment.

Section 7: Additional Conditions for Particular Special Uses:

In granting a special use permit, the City may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. The following additional conditions shall be requirements for the approval of the following special uses:

7.1: **Camp Grounds:** Shall be permitted subject to the following conditions:

- 7.1a. The site selected for camp ground areas shall be well drained and primarily designed to provide space for short-term occupancy to the traveling public. Location of the site may not necessarily front on a major roadway or thoroughfare, but it shall be directly accessible to the major roadway by means of a private road or public road on which it has frontage.
- 7.1b. Minimum tract size shall be two (2) acres.
- 7.1c. The maximum number of camp sites allowed shall not be more than 10 per acre. Consideration shall be given to whether the camp and the density level are designed accordingly.
- 7.1d. The applicant for a camp ground shall submit a development plan to the Planning and Zoning Commission for approval. Such plan shall contain the information as required below and any other information the Board reasonably shall deem necessary to fully evaluate the proposed development. The applicant shall submit the information on a sheet size not to exceed 24" x 36" dimensions as a proposed development plan showing:
 - 1. General layout of development with dimensions, depths, number of spaces and related sanitation accommodations.
 - 2. Parking area location, sizes and capacity.
 - 3. Ingress and egress points for the project.
 - 4. Net density of proposed project, expressed in terms of units per acre.
- 7.1e. Period of occupancy the campsite may be occupied by the same person, tent, camper or vehicle shall not exceed 9 months total in any calendar year January - December.

7.2: **Bed and Breakfast:** The following requirements shall apply:

- 7.2a. Two off-street parking spaces with one additional off-street parking space per lodging room shall be provided.
- 7.2b. The structure shall contain no less than 2,000 square feet of habitable floor area.
- 7.2c. The zoning district as defined in Article V of these regulations must be C-1.

7.3: **Adult Entertainment Business:** The following requirements shall apply:

- 7.3a. The applicant must specify the exact use proposed, i.e.. adult bookstore, adult theater, modeling studio, strip show, etc.
- 7.3b. The proposed use shall be located no closer than 5,000 feet from any church, school, public building, or existing residence.
- 7.3c. An adult entertainment business shall be located no closer than 5,000 feet from another adult entertainment business.
- 7.3d. The City may require any additional conditions that are deemed necessary.
- 7.3e. The zoning district as defined in Article V of these regulations must be C-1.

7.4: **Day Care Centers:** Shall obtain a special use permit for the care of more than six children, provided that:

- 7.4a. One off-street parking space is provided for each non-resident or non-family member employee, in addition to the two spaces per single family or two spaces per unit of a two-family residence that is required.
- 7.4b. An off-street drop-off/pick-up area must be provided.
- 7.4c. The requirements for accessory uses for the proposed day care home are met.
- 7.4d. The zoning district as defined in Article V of these regulations must be C-1.

7.5: **Gambling Establishments:** The following requirements shall apply to any proposed gambling establishment as defined by Standard Industrial Classification (SIC) Code, Industry Major Group 79:

- 7.5a. The applicant must specify the exact use proposed, i.e. coin-operated amusement devices, gambling games, proposed facilities, and management.
- 7.5b. The proposed use shall be located no closer than 5,000 feet from any church, school, public building, or existing residence.
- 7.5c. A gambling establishment shall be located no closer than 5,000 feet from another gambling establishment.
- 7.5d. The City may require any additional conditions that are deemed necessary.
- 7.5e. The zoning district as defined in Article V of these regulations must be C-1.

Section 8: Time Limit:

8.1: **Sunset:** A special use permit shall expire, upon public hearing, unless a zoning compliance permit is taken within 12 months to effectuate such specially permitted use; or if no zoning compliance permit is required, evidence of use is filed with the Planning and Zoning Administrator.

8.2: **Abandonment:** Once a specially permitted use ceases or is abandoned for a period of more than 12 months, the special use permit shall expire upon public hearing.

8.3: **Home Occupation:** A special use permit for a home occupation shall not be transferable to a new owner of the real estate.

ARTICLE IX SITE PLAN REVIEW

Section 1: Intent:

The City of Fremont Hills recognizes that the very nature of intensive land development creates potential for traffic congestion, overcrowding, adverse environmental impacts, and health related problems. It seeks therefore, to insure that any location within the City that has a potential for such traffic problems shall be subject to Site Plan Review by the Planning and Zoning Administrator, who may receive advise and consultation from time to time as deemed necessary; and subject to approval by the Planning and Zoning Commission. Site Plan Reviews shall help ensure that the meaning and intent of the zoning regulations, and all portions thereof, are fully complied with. The Site Plan Review regulates the development of structures and sites in a manner which considers the following concerns:

1. 1: The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, storm water runoff, etc.);
- 1.2: The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
- 1.3: The protection of and continuation of low-intensity use of publicly owned forested lands in order to retain the rural character of the Ozark Region;
- 1.4: The adequacy of waste disposal methods and protection from pollution of surface or groundwater; and
- 1.5: The protection of historic and natural environmental features on the site under review, and in adjacent areas.

Section 2: Applicability:

- 2.1: Site Plan submittals and review shall be required in each of the following circumstances regardless of the size or magnitude of the intended action:
 - 2.1a. When applying for a Site Clearance Permit.
 - 2.1b. When applying for a Planned Development District.
 - 2.1c. When applying for a Special Use Permit.

2.2: Site Plans shall be submitted to the Planning and Zoning Administrator and presented to the Planning and Zoning Commission for approval at the first regular commission meeting for which the application may be scheduled.

2.3: Site Plans shall not be required for the granting of Zoning Compliance Permits unless required under Section 2.1 above. It shall be sufficient for an applicant to state for the record that the intentions of the proposed construction or alteration will meet the requirements of the zoning ordinance and the specific requirements of the district where the property is located, as the applicant must in any regard.

2.4: Site Plan submittals are also required as part of the platting and subdivision process and the requirements for such are (or should) be outlined in the Subdivision Ordinance.

Section 3: Authority:

Site Clearance permits or Planned Development Districts shall not be issued for any use of land or proposed construction on a lot in the zoning districts in which site plan review is applicable, unless Site Plan Review approval has been granted by the Planning and Zoning Commission.

Section 4: Submission Requirements:

4.1: The site plan or preliminary plat shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions.

4.2: Site plans shall be prepared by a registered professional engineer, architect, or landscape architect at a scale of 1 inch equals 20 feet, on standard 24" x 36" sheets, with continuation on 8-1/2" x 11" sheets as necessary for written information.

4.3: The site plan requirements for development in the R-1 Zoning District shall include the following data and details:

4.3a. Drawing of building site or lot showing all existing structures, utility lines, roads, streams, irrigation or drainage structures and easements according to criteria set forth in Section IV of this Article.

4.3b. All distances from property lines and existing structures for the proposed structure. The drawing shall be drawn to scale and shall show all dimensions.

- 4.3c. Approval from the designated health official allowing hook-up to proper wastewater treatment system.
- 4.3d. The filing fee for a permit for residential and accessory structures shall be according to the schedule of filing fees maintained in the City of Fremont Hills administration office.
- 4.4: Items which shall be required for submission for all non-residential development and all development in C-1 and C-2 Districts include:
 - 4.4a. Name of the project, boundaries, and locus maps showing site's location in the City, date, north arrow and scale of the plan.
 - 4.4b. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
 - 4.4c. Name and address of all owners of record of abutting parcels and those within one thousand (1,000) feet of the property line with postcard notices for mailing to property owners. Notices shall conform substantially to the following format: The City of Fremont Hills Planning and Zoning Commission will consider an application from (insert developer name) for Site Plan Review of (project). The Site Plan Review is located (insert legal description). Public comment will be accepted at a meeting held on (Mo. and day) at (time) at (location).
 - 4.4d. All existing lot lines, easements, and right-of-way. Include area in square feet, abutting land uses, and the location and use of structures within one thousand (1,000) feet of the site.
 - 4.4e. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
 - 4.4f. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences. Location, type, and screening details for all waste disposal containers shall also be shown.
 - 4.4g. The direction of illumination and methods to eliminate glare onto adjoining properties must be shown.

- 4.4h. The location, height, size, materials, and design of all proposed signage.
- 4.4i. A landscape plan showing all existing open space, natural features, trees, forest cover and water sources.
- 4.4j. The location of all present and proposed utility systems including:
 - 1. Sewage or septic system;
 - 2. Water supply system;
 - 3. Telephone, cable and electrical systems, and
 - 4. Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.
- 4.4k. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
- 4.4l. Existing and proposed topography at a two (2) foot contour interval for sites less than 2.5 acres, and at five (5) foot contour intervals for larger sites with slopes up to 16% grades. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark.
- 4.4m. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred (1 00) feet of the site.

4.5: The Planning and Zoning Commission may require a detailed traffic study for large developments or for those in heavy traffic areas to include:

- 4.5a. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
- 4.5b. The projected traffic flow pattern including vehicular movements at all major

intersections likely to be affected by the proposed use of the site.

4.5c. The impact of the projected traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.

4.6: For new construction or alterations to any existing building in any C-1 District, a table containing the following information must be included:

4.6a. Area of building to be used for a particular use such as retail operation, office, storage, etc.;

4.6b. Maximum number of employees;

4.6c. Maximum seating capacity, where applicable; and

4.6d. Number of parking spaces existing and required for the intended use.

4.7: For new construction, elevation plans at a scale of 1/4"=1' for all exterior facades of the proposed structure (s) or existing facades, plus addition (s) showing design features and indicating the type of materials to be used.

4.8: Provision for solid waste refuse collection on-site, and pick-up service assured to the City by letter from an approved solid waste hauler.

4.9: The following certificates, which may be combined where appropriate:

4.9a. A certificate signed and acknowledged by all parties having any record, title, or interest in the land in the site plan and consented to the preparation and recording of said site plan.

4.9b. A certificate signed and acknowledged as above, dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use, including open space, and those parcels which are intended

for the exclusive use of the lot owners of the subdivision, their licensees, tenants, and servants.

Section 5: Standards of Review:

5.1: The review of the Planning and Zoning Administrator and the decision of the Planning and Zoning Commission shall be based on the following standards:

- 5.1a. The extent to which the proposal conforms to the provisions of these regulations.
- 5.1b. The extent to which the proposal if implemented would be compatible with the surrounding area.
- 5.1c. The extent to which the proposal conforms to the provisions of the City's subdivision regulations, any ordinances or regulations pertaining to Wastewater Treatment Systems and other regulations of the Stone County Health Department.
- 5.1d. The extent to which the proposal conforms to customary engineering standards used in the City.
- 5.1e. The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety, and minimize any adverse traffic impact on the surrounding area.
- 5.1f. The extent to which the buildings, structures, walkways, roads, driveways, open space, and parking lots, have been located to achieve the following objectives: (c) minimize any adverse flood impact, (d) ensure that proposed structures are located on suitable soils, including compliance with separation distances from known or suspected sinkholes and from well heads, (e) minimize any adverse social or environmental impact, and (f) minimize any present or future cost to the City and private providers of utilities in

order to adequately provide utility services to the site.

Section 6: Buffers and Screens:

6.1: Proper use of buffers and screens shall be incorporated into site plans in order to lessen the differences between land uses and diminish the visual impact of undesirable elements. The key issues include:

- 6.1a. unified character
- 6.1b. high quality construction;
- 6.1c. longevity of system;
- 6.1d. disparity between land uses; and
- 6.1e. visibility of undesirable elements.

Section 7: Development Standards and Compatibility Guidelines:

7.1: For developments subject to site plan review, and in excess of 2.5 acres, a minimum of 15 percent of the land area shall be green space.

7.2: Architectural screens should be an extension of the development's architectural treatment and consistent in color and design.

7.3: Screening walls should be constructed of low maintenance, high quality materials which are consistent with the building facade material.

7.4: Painted or coated screening walls should be avoided.

7.5: Landscape screens shall be provided between all parking areas and streets so as to shield the view of automobiles parked in stalls facing the street from a point 4.5 feet high at the nearest edge of the street.

7.6: Landscape screens may include a combination of plant massing, earth berming and walls.

7.7: A 10 foot to 15 foot wide landscape buffer should be provided to separate a high-density residential use, commercial or industrial use from single-family residential land uses. A masonry wall or combination wall and landscaping may be substituted for this buffer.

Section 8: Landscaping:

8.1: General stipulations are outlined in this section.

8.2: For a development in all zoning districts except R-1A, R-1B, R-1C, and R-2, a landscaped planting plan of the entire project should be submitted with site plan review.

8.2a. Approximately 15% of the area between the main building face and the front property lines should be of a permeable landscaped surface and/or green space. (Secondary buildings located between the main building and the front property line should not be included in the area calculation.)

8.2b. Landscape areas should generally consist of a combination of trees, shrubs and ground cover.

8.2c. Use landscape areas for transition and integration between pad sites and surrounding land uses.

8.2d. Minimum 1.5" caliper required for ornamental trees and 3" caliper required for shade trees.

8.2e. Special landscape treatment should be employed to highlight and identify entrances.

8.2f. Landscape areas should be regularly spaced in parking lots to break up massiveness of pavement.

8.2g. Mechanical irrigation systems are typically recommended to ensure maintenance of plant materials.

8.2h. Landscaping should be used in conjunction with screening walls when multi-story buildings abut an adjacent property where topography lessens the effect of a wall alone.

8.2i. The location and design of landscaped areas, entrances and edges shall be identified on site plans and, planned effectively to reinforce a development's character and

quality, identify its entry points.

8.3: Artificial plants are prohibited.

8.4: Any tree existing on a site that is 4 inches or greater in caliper should be preserved if possible.

ARTICLE X ZONING AMENDMENTS

Section 1: General Provisions:

1.1: **Zoning Amendment:** The City of Fremont Hills Board of Aldermen from time to time, may supplement, change or generally revise the zoning regulations by amendment. A proposal for such amendment may be initiated by the Board of Aldermen or the Planning and Zoning Commission. Applications for special use permits shall be considered by the procedures for special use permits in these regulations and considered for approval by the Planning and Zoning Commission.

1.2: **Disposition of Amendment Proposals:** Upon receipt of a proposed amendment the Planning and Zoning Commission shall hold a public hearing on the proposed amendment, and forward to the Board of Aldermen its findings and recommendations with respect to the proposed amendment.

Section 2: Public Hearing-Qs:

The Planning and Zoning Commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by it. The Planning and Zoning Commission shall select a reasonable hour and place for such public hearing, and it shall hold such hearing within sixty (60) days from the date on which the proposed amendments is referred to, filed with, or initiated by it. An applicant for an amendment may waive the requirement that such hearing be held within sixty (60) days.

2.1: **Notice of Hearing:** Public notice of a hearing on a proposed amendment shall be published one time in a newspaper of general circulation and posted in the City administration office and at the usual meeting location at least fifteen (15) days prior to the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions.

2.2: **Conduct of Hearing:** The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning and Zoning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning and Zoning Commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested persons and shall be available for review in the office of the Planning and Zoning Commission at least three (3) days before the date set for the public hearing. The Planning and Zoning Commission may also require such report after such public hearing if additional information is deemed necessary. Such reports shall again be made available to the applicant and any other interested persons.

Section 3: Action by the Planning and Zoning Commission:

3.1: Upon the conclusion of the public hearing, the Planning and Zoning Commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the Board of Aldermen. Said recommendations may be for approval or disapproval, or approval of an alternative text amendment. The recommendation of the Planning and Zoning Commission shall contain a statement as to the nature and effect of such proposed amendment and determination as to the following items:

- 3.1a. How such change is consistent with the intent and purpose of these regulations;
- 3.1b. The areas that are most likely to be directly affected by such change and in what way they will be affected; and
- 3.1c. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas.

Section 4: Action by the Board of Aldermen:

4.1: **Adoption of Amendments.** The Board of Aldermen shall consider the request **(in a public hearing)**. Upon the receipt of the recommendation of the Planning and Zoning Commission and any protest petitions that have been submitted, the Board of Aldermen shall **(schedule a public hearing as provided by statute and)** consider the application for a text amendment and may adopt the order with or without change or may refer it back to the Planning and Zoning Commission for further consideration and report.

4.2: **Public Hearing and Notice.** Whenever a proposed amendment is defeated, either by vote of the Board of Aldermen or by reason of the operation of this Section, such amendment shall not thereafter be passed without a further public hearing and notice thereof as provided by this Article.

4.3: **Official Master Plan.** Upon the adoption or amendment of any such plan or part thereof by adoption of the appropriate resolution by the Planning and Zoning Commission, a certified copy of the plan or part thereof, together with a written summary of the hearing thereon, shall be submitted to the Board of Aldermen. No Official Master Plan shall be effective unless approved by the Board of Aldermen. An attested copy of the Official Master Plan and any amendments thereto shall be certified to the county recorder of deeds and to the clerk of the City of Fremont Hills.

ARTICLE XI

BOARD OF ZONING ADJUSTMENT

Section 1: Formation:

1. 1: A Board of Zoning Adjustment is hereby created in accordance with State Statutes governing such creation. The word "Board" when used in this Article shall mean Board of Zoning Adjustment. The Board shall consist of five members, who shall be residents of the City and who shall be appointed by the Board of Aldermen of the City of Fremont Hills, MO. The membership of the first Board appointed shall serve respectively, one for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter members shall be appointed for terms of five years each. The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with other laws, ordinances or resolutions. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing the description of evidence presented, the findings of fact by the Board, the decision of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and will keep records of its examinations and other official actions, all of which shall be filed in the office of the Board immediately and shall be a public record.

Section 2: Powers and Jurisdictions:

The Board shall have the following powers and jurisdictions:

2.1: **Appeals:** To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these Regulations.

2.1a. Appeals to the Board may be taken by the person aggrieved, or by any officer, department, or bureau of the government affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Zoning Administrator and with the Secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Secretary of the Board all papers constituting the record upon which the action appealed is taken.

2.1b. An appeal stays all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In

such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application or notice to the Zoning Administrator of good cause shown.

2.2: **Variations:** To authorize in specific cases a variance from the specific terms of these Regulations which will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of these Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Regulations shall be observed, public safety and welfare secured, and substantial justice done.

- 2.2a. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of this specific piece of property at the time of the effective date of the City Zoning Regulations, or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances, that the strict application of the terms of the Zoning Regulations actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
- 2.2b. Variations may be granted for any modifications of the specific terms of the Zoning Regulations, except that a variance may not be granted to allow the establishment of a use not permitted in the district regulations.
- 2.2c. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination of each condition and the finding shall be entered in the record.
 - 1. A variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
 - 2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
 - 3. The strict application of the provisions of the Zoning Regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
 - 4. The variance desired will not adversely affect the public health,

safety, morals, order, convenience,
prosperity, or general welfare.

5. The granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Regulations.

2.3: Conditions of Determination: In exercising the foregoing powers, the Board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from where the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

2.4: Quorum: A majority of the Board shall constitute a quorum for the transaction of business, and a concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter which it is required to pass under any such regulation, or to affect any variation in such regulation. Upon the hearing, any party may appear in person or by agent or by attorney.

Section 3: Applications:

The procedure for requesting a hearing before the Board of Zoning Adjustment shall be as follows:

3.1: All applications to the Board of Zoning Adjustment shall be in writing on forms provided by the **Planning and Zoning Code Administrator**.

3.2: The Board of Zoning Adjustment shall fix a reasonable time for the hearing of an application and notice of the time, place, and subject of each hearing shall be published in the local newspaper at least 15 days prior to the date fixed for the public hearing. A copy of the Notice of Public Hearing shall be sent to each party of interest and to the Planning and Zoning Commission.

3.3: An application shall be accompanied by a filing fee in accordance with the schedule of fees maintained in the City office.

Section 4: Appeals:

4.1: An application for an appeal shall be filed within 60 days

after a ruling has been made by the Planning and Zoning Administrator.

- 4.1a. A copy of the order, requirement, decision, or determination of the Planning and Zoning Administrator which the appellant believes to be in error.
- 4.1b. A clear and accurate written description of the proposed use, work, or action in which the appeal is involved and a statement justifying the appellant's position.
- 4.1c. Where necessary, a plot plan, drawn to scale, shall be submitted in duplicate showing existing and proposed plans for the area in question.

Section 5: Variances:

5.1: The applicant shall submit a statement, in writing, justifying the variance requested, indicating specifically the enforcement provisions of the Zoning Regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five conditions as set out in Section 2.B.(3) of this Article.

5.2: The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in the application, the structures existing thereon, and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information which would be helpful to the Board of Zoning Adjustment in consideration of the application.

Section 6: Performance:

6.1: In making any decisions varying or modifying any provisions of the Zoning Regulations or in granting an exception to the district regulations, the Board of Zoning Adjustment shall impose such restrictions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.

6.2: The Board of Zoning Adjustment may require a performance bond

to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board of Zoning Adjustment, and shall be enforceable by or payable to the Board of Aldermen in the sum equal to the cost of constructing the required improvements

6.3: In lieu of the performance bond requirement, the Board of Zoning Adjustment may specify a time limit for the completion of such required improvements and, in the event the improvements are not completed within the specified time, the Board of Zoning Adjustment may declare the granting of the application null and void after reconsideration.

Section 7: Who May Appeal -From the Board of Zoning Adjustment Decision:

7.1: Any person, persons, department, or departments of the government jointly or separately aggrieved by any decision of the Board of Zoning Adjustment may present to the Associate Circuit Court of Christian County, Missouri, a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality, and asking for relief therefrom. Such petition shall be presented to the Court within 30 days after the date of filing the decision in the office of the Board of Zoning Adjustment.

ARTICLE XII ADMINISTRATION

Section 1: Legislative and Quasi-Judicial Regulation of Land Use:

1.1: The City of Fremont Hills shall regulate land use as provided by statute and the Planning and Zoning Commission shall prepare and adopt bylaws for the conduct of their business.

Section 2: Office of the Planning and Zoning Administrator:

2.1: **Authorization:** A Planning and Zoning Code Administrator shall be appointed by the Board of Aldermen and shall be responsible for the enforcement of these regulations.

2.2: **Duties of the Planning and Zoning Administrator:** The Planning and Zoning Code Administrator shall enforce these regulations and in addition thereto and in furtherance of said authority, he shall:

- 2.2a. Approve and issue all zoning and occupancy certificates and make and maintain records thereof.
- 2.2b. Conduct inspections of structures and uses of land to determine compliance with the provisions of the zoning regulations.
- 2.2c. Receive, file, and forward to the Board of Zoning Adjustment the records in all appeals and all applications for variances.
- 2.2d. Maintain permanent and current records of the zoning regulations including, but not limited to, all zoning maps, amendments, variances, appeals and applications therefore and records of hearing thereon.
- 2.2e. Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning regulations, and the rules of the Board of Zoning Adjustment.

Section 3: Violation and Penalty:

3.1: The owner or agent of a structure or premises in or upon which a violation of any provision of this regulation has been committed or shall exist; or the lessee or tenant of an entire structure or entire premises in or upon which violation has been committed or shall exist; or the agent, architect,

structure or premises in or upon which violation has been committed or shall exist, shall be guilty of a misdemeanor as authorized under state law.

3.2: In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this regulation, the appropriate authorities, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance of use, or to correct or abate such violation or to prevent the occupancy of said structure or land.