

BILL NO. 05-11-16-2

ORDINANCE NO. 05-11-16-2

AN ORDINANCE OF THE VILLAGE OF LOCH LLOYD, MISSOURI, ADOPTING A UNIFIED DEVELOPMENT CODE AND OFFICIAL ZONING MAP FOR THE VILLAGE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOCH LLOYD, MISSOURI, AS FOLLOWS:

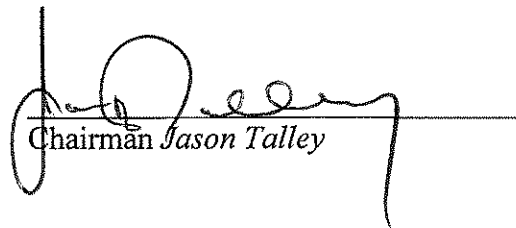
SECTION 1. That the Unified Development Ordinance, attached hereto and incorporated herein by reference, is hereby adopted as the development regulation of the Village of Loch Lloyd and that the zoning district classifications listed on the Official Zoning Map, including all property within the jurisdiction of the Village, shall be in accordance with the Official Zoning Map, attached hereto and incorporated herein by reference, which is also hereby adopted as the Official Zoning Map.

SECTION 2. That should any sentence, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

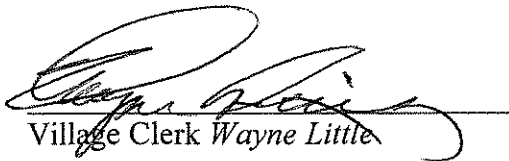
SECTION 3. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect from and after its date of passage and approval.

PASSED by the Board of Trustees of Village of Loch Lloyd, Missouri, this 16th day of November, 2005.


Chairman *Jason Talley*

ATTEST:


Village Clerk *Wayne Little*

**UNIFIED DEVELOPMENT ORDINANCE
OF THE
VILLAGE OF LOCH LLOYD, MISSOURI**

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SECTION 1 - GENERAL PROVISIONS

1.1 Introduction. This Ordinance shall be known and may be cited as the Unified Development Ordinance of the Village of Loch Lloyd, Missouri and may be abbreviated as "UDO". It may also be referred to herein as the "Ordinance" or "these regulations."

1.2 Authority. This Ordinance is adopted pursuant to the authority granted to the Village by Chapters 89 and 445 of the Revised Statutes of the State of Missouri, pursuant to the Village's nuisance powers, and pursuant to the Village's police powers.

1.3 Applicability. This Ordinance shall be effective throughout the corporate limits of the Village. Except where otherwise indicated, the provisions of this Ordinance shall apply to the Village. Nothing herein shall be construed to preclude the Village from adopting and enforcing extraterritorial zoning, planning, subdivision and building regulations pursuant to state law.

1.4 Purpose. The purpose of this Ordinance is to regulate and control the development of land and related matters within the Village to promote the public safety, health, and general welfare of the community.

1.5 Relationship to other provisions of the Code. The use of buildings and land within the Village is subject to all other applicable provisions of other Village ordinances as well as this Ordinance, whether or not the other provisions are specifically cross-referenced in this Ordinance. Cross-references to the other provisions in this Ordinance are for the convenience of the reader, and the lack of a cross-reference should not be construed as an indication that the other provisions do not apply.

1.6 Prohibitions

A. No building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used for any purpose except in accordance with the provision of this Ordinance and other relevant Village ordinances.

B. No person may use, occupy, or sell any land or building or authorize or permit the use, occupancy, or sale of land or buildings except in accordance with all of the applicable provisions of this Ordinance.

C. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

1.7 Effective date. The provisions of this Ordinance are hereby adopted and become effective on the 16th day of November, 2005.

1.8 Development under prior regulations.

A. Previous regulations. Those regulations in effect immediately prior to the effective date of this Ordinance shall be referred to in this Ordinance as the "previous regulations."

B. Administrative Permits. All permits issued by an administrative official or body, or a legislative body acting in an administrative capacity, prior to the effective date of this Ordinance shall be valid until their expiration under the previous regulations. Applications for administrative permits

submitted after the effective date of these regulations shall be reviewed and evaluated pursuant to the requirements of this Ordinance, except as otherwise specified herein.

C. Subdivision. Complete applications for plat(s) submitted prior to the effective date of these regulations shall be processed under the previous regulations. Incomplete applications for plats submitted prior to the effective date of this Ordinance, and that are not submitted in a complete form until after the effective date of this Ordinance, shall be processed under this Ordinance. All applications for subdivision approvals submitted after the effective date of these regulations shall be reviewed pursuant to these regulations. Preliminary or final plat applications, approved under the previous regulations, that are allowed to lapse or expire will be subject to reapplication under these regulations.

D. Zoning.

1. Existing uses may continue either in compliance with these regulations or as legal non-conforming uses.

2. Applications for proposed new uses submitted after the effective date of this Ordinance shall be considered pursuant to these regulations.

E. Nonconforming situations. All nonconforming situations and uses shall be governed by Section 6.

1.9 Severability. It is the Village's intention that the sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, the unconstitutionality or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Ordinance since the same would have been enacted without the incorporation into this Ordinance of the unconstitutional or invalid section, subsection, paragraph, sentence, clause or phrase. The Board of Trustees hereby declares that it would have adopted this Ordinance and each, section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more other, sections subsections, sentences, clauses and phrases be declared unconstitutional.

1.10 Fees. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to all applicants for development approval, such as conditional use permits, subdivision plat, zoning amendments, variances and all other applications covered by this Ordinance. The amount of the administrative fees charged shall be established by the Village of Loch Lloyd Schedule of Fees and Charges, as amended. Fees established in accordance with this Section shall be paid upon submission of a signed application or notice of appeal.

1.11 Zoning Administrator. Unless otherwise designated by the Board, the Village Clerk shall serve as the Zoning Administrator. The Zoning Administrator shall have the responsibility and authority to administer and enforce the provisions of this Ordinance.

1.12 Planning and Zoning Commission.

A. Membership. The Zoning Commission is hereby continued and established as the Planning and Zoning Commission. It shall consist of seven (7) members including the Chairman of the Board of Trustees, a member of the Board of Trustees selected by the Board, and five (5) citizens appointed by the Chairman and approved by the Board of Trustees.

B. Terms of Office. The members shall be appointed for two (2) year terms which terms shall be staggered.

C. Vacancies. Vacancies shall be filled by appointment by the Chairman of the Board of Trustees with approval by the Board of Trustees for the unexpired term of any member whose term becomes vacant.

D. Removal. Members of the Planning and Zoning Commission may be removed by the Board of Trustees with or without cause.

E. Officers. The Planning and Zoning Commission shall elect its Chairman and Secretary from among the citizen members. The terms of Chairman and Secretary shall be for one (1) year with eligibility for re-election. The Planning and Zoning Commission may also elect for a term of one (1) year, a Vice-Chairman who shall serve in the absence or disqualification of the Chairman.

F. Salary. All members of the Planning and Zoning Commission shall serve without compensation except for such amounts determined appropriate by the Board of Trustees to offset expenses incurred in the performance of their duties.

G. Procedure. Decisions on all issues brought before the Planning and Zoning Commission shall require a majority vote of the quorum. The Planning and Zoning Commission may adopt rules of procedure. The Planning and Zoning Commission shall hold regular meetings and special meetings as necessary. Any regular monthly meeting of the Planning and Zoning Commission may be omitted, if in the sole discretion of the Chairman of the Planning and Zoning Commission, there are too few items on the agenda to justify the expense of holding the meeting. Other meetings may be designated by the Planning and Zoning Commission or may be called by the Chairman. All meetings of the Planning and Zoning Commission shall comply with Chapter 610, RSMo.

1.13 Board of Adjustment.

A. Membership. The Board of Adjustment is hereby established and shall consist of five (5) members, who shall be appointed by the Chairman and approved by the Board of Trustees.

B. Term of Office. The terms shall be overlapping five (5) year terms, provided that 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.

C. Alternates. Two (2) alternate members with the same qualifications as members may be appointed by the Chairman of the Board of Trustees with the approval of the Board of Trustees, to serve in the absence of or the disqualification of the regular members. Alternate members shall be appointed for terms of three (3) years each.

D. Vacancies. Vacancies shall be filled by appointment by the Chairman with the approval of the Board of Trustees for the unexpired term of any member whose term becomes vacant.

E. Chairman. The Board of Adjustment shall elect a Chairman from among its members.

F. Removal from Office. Members of the Board of Adjustment may be removed from office by the Board of Trustees with or without cause.

G. Salary. All members of the Board of Adjustment shall serve without compensation except for such amounts determined appropriate by the Board of Trustees to offset expenses incurred in the performance of their duties.

H. Powers and Duties. The Board of Adjustment shall have the power and duty to:

1. Hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations where it is alleged by the appellant that there is clear error in fact or law in such order, requirement, decision or refusal made by the Zoning Administrator based on or made in the enforcement of these regulations;

2. Hear and decide upon applications for use and area variances in accordance with the provisions of this Ordinance;

3. Hear and decide upon applications for legal non-conforming use;

4. Undertake such other responsibilities as may be required by this Ordinance or by the Board of Trustees.

I. Procedure. The Board of Adjustment may adopt rules and administrative regulations governing its procedure, and may meet as needed for the transaction of business. The affirmative vote of four (4) members of the Board of Adjustment shall be required to approve any request, application or variance. A quorum of three (3) members of the Board of Adjustment shall be required for a meeting to be held. After the Board of Adjustment has heard an appeal and made a decision, it may, in its sole discretion, refuse, for a period of six (6) months thereafter, to hear an appeal based on a similar application by the same parties for the same property.

SECTION 2 - RULES OF INTERPRETATION AND DEFINITIONS

2.1 Interpretation. For the purpose of this Ordinance, certain words and terms used herein shall be defined as set forth in this section. If not specifically defined herein, words and terms shall be defined as in Webster's Encyclopedic Unabridged Dictionary of the English Language, (1994). Unless the context clearly indicates to the contrary:

- A. words used in the present tense include the future tense;
- B. words in the singular number include the plural and, words in the plural number include the singular;
- C. the word "shall" or the word "must" is mandatory and not directory;
- D. the word "herein" means the UDO;
- E. gender specific words, such as his or hers, shall include the opposite gender;
- F. the word "person" includes an individual, corporation, partnership or an incorporated association of persons, such as a club;
- G. the word "building" includes the word "structure";
- H. a "building" includes any part thereof;
- I. the words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

2.2 Terms Defined. The following words and terms as used herein are defined to mean the following:

ACCESSORY BUILDING OR USE: A subordinate building having a use customarily incident to and located on the lot occupied by the main building or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

ADEQUATE PUBLIC FACILITIES: Stormwater, water, wastewater, street, electric and telecommunications facilities at minimum acceptable levels of service.

BOARD: Board of Trustees of the Village of Loch Lloyd.

BUILDING: A structure which is permanently affixed to the ground, as provided by the building code, has a roof supported by columns or walls, and is used for housing or enclosure of people, animals or personal property. When a portion thereof is completely separated from every other portion by a dividing wall (or firewall when applicable) without openings or an enclosed breezeway, then each such portion shall be deemed to be a separate building.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In a residential district, the largest dwelling shall be deemed to be a principal building.

BUILDING SETBACK LINE: A line specifically established which generally is parallel to and set back from a property line and which identifies an area into which no part of a building shall project.

COMMISSION: The Planning and Zoning Commission of the Village of Loch Lloyd.

COURT: An unoccupied open space other than a yard on the same lot with a building which is bounded on two or more sides by the walls of such building.

DWELLING: A building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, but not hotels, house trailers or mobile homes.

DWELLING - ONE-FAMILY: A detached building arranged, intended or designed for occupancy by one family in one dwelling unit.

DWELLING - TWO-FAMILY: A building arranged, intended or designed for occupancy by two families in two dwelling units.

DWELLING - MULTIPLE: A building or portion thereof, arranged, intended, or designed for occupancy by three or more families living independently of each other, including apartment houses, row houses, tenements and apartment hotels.

FAMILY: One (1) or more persons who are related by blood or marriage, including not more than two (2) lodgers or boarders, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than four (4) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities.

FLOOR AREA RATIO (FAR): The ratio of gross floor area to gross site area.

GROSS FLOOR AREA (GFA): The total enclosed area of all floors of a building measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below-grade areas used for habitation, work, or access. Excluded from gross floor area calculations are parking facilities and airspace above the atria ground floor.

GROSS SITE AREA: An area defined as the total site area including easements, floodplains, waterways, ponds, and any other area for preservation.

HEIGHT OF BUILDINGS: The vertical distance measured from the highest of the following three levels:

- A. From the street curb level.
- B. From the established or mean street grade in case the curb has not been constructed.
- C. From the average finished ground level adjoining the building where it sits back from the street line.

To:

A. The level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch to the foot.

B. The mean height level of the top of the highest ridge for other roofs.

HOME OCCUPATION: An accessory use of a dwelling unit or its accessory structure for gainful employment.

IMPERVIOUS COVERAGE: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements or structures contributing to run-off greater than would occur on the site in its natural state.

LOADING AREA: An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which a loading space is located.

LOT: A parcel of land that is defined on a subdivision plat of record, which is intended to be occupied by a principal building(s) or building(s) and open space. Streets are not included in this definition.

LOT AREA: The area of the lot shall be the next horizontal area of the lot and shall not include portions of streets, alleys and water bodies.

LOT CORNER: A lot abutting upon two (2) or more intersecting streets.

LOT COVERAGE: Measures the percentage of the lot that is covered by the building. The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

LOT DEPTH: The horizontal distance from the front property line to the rear property line. If front and rear property lines are not parallel, the lot depth is the shortest distance between the front and rear property lines.

LOT FRONTAGE: The distance for which a lot abuts on a street.

LOT INTERIOR: A lot whose side lines do not abut on any street.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT - THROUGH: An interior lot having frontage on two streets.

LOT WIDTH: The mean horizontal distance between side lines measured at right angles to the depth of the lot. The mean lot width need only be calculated on that portion of the lot required to meet the minimum lot area.

MANSARD ROOF: A vertical plane which extends above the roof line.

NON-CONFORMING USE - BUILDING OR YARD: A use, building or yard which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is

situated. It is a legal, non-conforming use if established prior to the effective date of this Ordinance and an illegal, non-conforming use if established after the effective date of this Ordinance and not otherwise approved as provided herein.

SEWAGE, SANITARY: Those wastes which are comparable to wastes which originate in residential units and contain only human excrement and wastes from kitchen, laundry, bathing and other household facilities.

STORAGE: Keeping of a product for a period of time exceeding seventy-two (72) hours.

STORY: That part of a building including between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the next highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level, established or mean street grade, or average ground level.

STREET: The entire width between the boundary lines of every publicly maintained thoroughfare or right-of-way when any part of that thoroughfare or right-of-way is used by the public for vehicular travel, including public streets, avenues, boulevards, parkways, roads and alleys.

STREET LINE: A property line marking the boundary between a street and a lot.

STRUCTURE: Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to buildings, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

VARIANCE: A modification or variation of the provisions of this Ordinance, as applied to a specific piece of property, as distinct from rezoning.

YARD: An open space at grade 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. 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 a rear yard, the least horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: An open space unoccupied by buildings or structures (except as hereafter provided) across the full width of the lot extending from the front line of the building to the front property line of the lot or parcel.

YARD REAR: An open space, unoccupied (except as hereafter provided) between the rear lot line and rear line of the principal building and the side property lines.

YARD, SIDE: An open unoccupied space on the same lot with the building between the main building and the adjacent side line of the lot, and extending from the front yard to the rear yard.

SECTION 3 - APPLICATION AND APPROVAL PROCEDURES

3.1 Application Process.

A. Standardized Forms. Requests for development approvals required by this Ordinance shall be made on applications provided by the Village. The Zoning Administrator may promulgate submittal requirements, instructions for completing forms, and internal procedures for acceptance and filing of applications. Additional information may be required for particular applications.

B. Application Submission. All development applications shall be submitted to the Zoning Administrator.

C. Fees. At the time the development approval application is submitted, the applicant shall pay to the Village all fees as required by the Village. The fees are not transferable to other properties nor are they refundable. Refunds shall be granted if an error in the fee calculation is discovered. If a development application has not been deemed complete within six (6) months from the date of the application, the application shall be dismissed. Reapplications shall require the payment of fees.

D. Pre-Application Conference. Before filing any application, the applicant may request a pre-application meeting with the Zoning Administrator to discuss procedures and requirements.

E. Determination of Complete Application. The Zoning Administrator shall review all applications for development approval for completeness. No application shall be considered complete until all items required by the applicable sections of this Ordinance in support of the application have been submitted, and all fees paid. Incomplete applications shall be returned to the applicant with a statement as to what sections are incomplete, and no action taken until any deficiencies are remedied. Complete applications shall be processed according to this Ordinance. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Ordinance.

F. Processing of Application. Within thirty (30) days after the determination that an application for development approval is complete, the Zoning Administrator shall review the application, forward the application for review to the Planning and Zoning Commission, Board of Adjustment or Board of Trustees, as may be required.

G. Official Filing Date. The time for processing and acting on development approval applications or development permits shall commence on the date that a complete application has been filed. Modification of any application by the applicant following the filing of the application and prior to the expiration of the period during which the Village is required to act may extend the period of time before action is taken.

H. Withdrawal. Once filed, a development approval application may be withdrawn upon a written notice to the Zoning Administrator.

3.2 Notice Provisions.

A. Contents. Any notice of a public hearing required by the provisions of this Ordinance shall contain the following information:

1. Date, time and place of the public hearing;

2. Subject of the hearing, including the type of development approval application;
3. Street address and/or legal description of the property which is the subject of the public hearing;
4. The applicant's name.

B. Publication. Where notice by publication is required by this Ordinance or by state law, such notice shall be published in *The Star-Herald*, a weekly newspaper of general circulation in Cass County.

C. Mailed Notice. Where notice by mail is required by this Ordinance, such notice shall be sent by the applicant and at the applicant's cost, by certified mail, return receipt requested, to the record fee owners of all real property located within one hundred eight-five feet (185') from the exterior boundaries of the property which is the subject of the development application. The owners of real property to whom notice must be sent may be determined by a title company, at the expense of the applicant. When the application is considered, the applicant may be required to demonstrate compliance with this section and/or execute an affidavit of mailing.

D. Posted Notice. Where notice by posting is required by this Ordinance, such notice shall be posted on a sign along every street frontage on the property which is the subject of the application. Such signs shall be posted at least fifteen (15) days prior to the hearing.

E. Cost of Notice. All actual costs incurred by the Village in preparing and publishing the notice required by this Ordinance shall be paid by the applicant.

F. When Required and How Given. The following chart specifies when notice shall be given and in what manner:

Type of Development Approval	Type of Notice Required		
	Mail	Newspaper	Post
Zoning Text Amendment		Y	
Variance	Y	Y	Y
Rezoning	Y	Y	
Conditional Use Permit	Y	Y	
Preliminary Development Plan	Y	Y	Y
Final Development Plan			Y
Home Occupation	Y		Y
Preliminary Plat			Y
Final Plat			Y
Minor Subdivision			Y

3.3 Public Hearing Procedures.

A. Conduct of Hearing. Any person or persons may appear at a public hearing and submit relevant evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state his or her name, address, and, if appearing on behalf of an organization, the name and mailing address of the organization for the record. The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious.

B. Continuance of Proceedings. The body conducting the hearing may, on its own motion or at the request of any person continue the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the date, time and place of the subsequent hearing.

3.4 Conditions of Approval. The Commission, Board of Adjustment or Board of Trustees may impose on any approval of a development application such conditions as are reasonably necessary to assure compliance with applicable general or specific standards stated in this Ordinance.

3.5 Subdivisions.

A. Purpose. The provision of adequate data concerning on and off-site land use, environmental conditions, utility requirements, traffic impact, and the adequacy of streets, stormwater management, parks, fire, police, emergency services, libraries, public sewer and water facilities is vital to ensure the continued health, safety and welfare of the Village's residents. The Village may require the submission of key planning and engineering information and may require the submission of project-specific reports or studies, such as an environmental impact report or a traffic impact study.

B. Applicability. The owner of a tract of land located within the Village who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to develop buildings or lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. The division of a tract of land for any of the purposes specified herein does not require a transfer of title of all or part of the tract.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE VILLAGE OF LOCH LLOYD, MISSOURI, AMENDING SECTION 3.2 OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE VILLAGE OF LOCH LLOYD, MISSOURI DELETING THE PUBLIC HEARING NOTICE REQUIREMENTS FOR MINOR SUBDIVISION APPROVAL.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOCH LLOYD, MISSOURI, AS FOLLOWS, TO WIT:

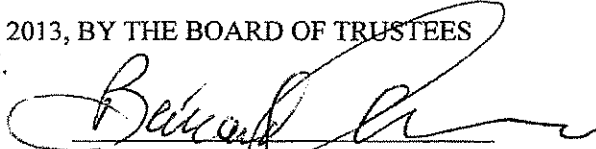
Section 1. The table in Section 3.2 is hereby amended to read as follows (additional language is underscored, deleted language has a strikethrough):

Type of Development Approval	Type of Notice Required		
	Mail	Newspaper	Post
Zoning Text Amendment		Y	
Variance	Y	Y	Y
Rezoning	Y	Y	
Conditional Use Permit	Y	Y	
Preliminary Development Plan	Y	Y	Y
Final Development Plan			Y
Home Occupation	Y		Y
Preliminary Plat			Y
Final Plat			Y
Minor Subdivision			Y

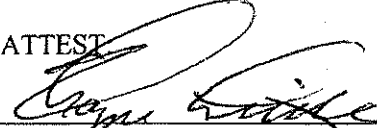
Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED THIS 5 DAY OF June, 2013, BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOCH LLOYD, MISSOURI.


Bernard Abrams, Chairman

ATTEST


Wayne Little, Village Clerk

C. Subdivision approval, generally. All subdivisions are subject to the following approval process:

1. Pre-Application Conference and Concept Plan (Optional)- Submitted to the Zoning Administrator for review and comment;
2. Preliminary Plat (Optional)- Submitted to the Zoning Administrator for action by the Planning and Zoning Commission and the Board of Trustees; and
3. Final Plat - Submitted to the Zoning Administrator for action by the Planning and Zoning Commission and the Board of Trustees.

D. Prohibited Subdivisions. No person may subdivide land except in accordance with all of the provisions of this Ordinance. Except as exempted in this Ordinance, the following acts are prohibited:

1. Parcel Creation. Creation of parcels without subdividing;
2. Selling Land Prior to Approved Plat. Transfer of title to any tract, parcel, lot or land before a plat has been approved in accordance with the provisions of this Ordinance and recorded in the County Department of Records; and
3. Subdivision by Metes and Bounds. Subdivision by the use of metes and bounds description for the purpose of sale, transfer or lease with the intent of evading this Ordinance.

E. Subdivision Exemptions. Applicants exempt from subdivision plat approval may be subject to other development approval requirements as required in this Ordinance. The following divisions of land shall be exempt from these subdivision regulations:

1. The public acquisition of land;
2. Public parks and public improvements owned, operated, or maintained by a governmental entity.
3. In the R-1b district, a conveyance of 2 acres or less pursuant to a metes and bounds description, provided that parcel of land being conveyed has not been improved with any structure and further provided that the result of such conveyance shall not create in any manner any nonconforming lot, use or structure.

3.6 Preliminary Plats.

A. When Required. The submittal of a preliminary plat is not required, but is strongly encouraged.

B. Submittal Requirements. Applicants for preliminary plat approval shall submit a complete application and other required materials and information to the Zoning Administrator. The Preliminary Plat shall be in sufficient detail to convey the applicant's intentions in platting the proposed subdivision. It shall contain a written description of the existing conditions on the tract and the necessary drawings and sketches as required by this Ordinance to convey the applicant's plan of development. The plat shall be signed by a registered surveyor.

C. Filing Procedure. The applicant shall file the following with the Zoning Administrator as follows:

1. A reproducible original and the number of copies of the proposed Preliminary Plat specified on the application;
2. All other information required by this Ordinance or as specified on the application;
3. The applicable plat review fee; and
4. A completed application form.

D. Contents. The preliminary plat shall contain the following information:

1. Proposed name of subdivision.
2. A vicinity sketch (location map), at a legible scale, to show the relation of the plat to surroundings. Utility connections too remote to be shown on the preliminary plat shall be shown on this sketch.
3. Location of boundary lines by section, quarter section or quarter-quarter section lines, and any adjacent corporate boundaries comprising a legal description of the property conforming to the current Missouri state plane coordinate system.
4. Names, addresses, and phone numbers of the developer and the engineer, surveyor, planner, or landscape architect making the plat.
5. Plat to be oriented so north is to the top of plat sheet.
6. All plats are to be drawn to a standard engineer's scale. The actual scale used will depend on the development and shall be subject to the approval of the Zoning Administrator.
7. Existing conditions on the proposed subdivision site and adjacent to the site within one hundred eighty-five (185) feet of the property lines:
 - a. Locations, width and name of each existing or platted street, alley or other public way; railroad and utility rights-of-way; dedicated rights-of-way; bridges; parks and other public open spaces; and permanent buildings.
 - b. All existing storm water or sanitary sewers, water mains, gas mains, culverts, or other underground installations with pipe size, grades and locations shown.
 - c. Names of abutting subdivisions and owners of abutting parcels of unsubdivided land.
 - d. Locations of water courses, and all areas designated as the one hundred (100) year floodplain areas by the Federal Emergency Management Agency.

e. Ravines, bridges, lakes, tree masses, approximate acreage, and such other existing features as may be pertinent.

f. Special features (such as ponds, dams, steep slopes or unusual geology) or unusual historical features (such as former dumps, fill areas or lagoons) must be identified by the applicant. The applicant, at the Zoning Administrator's discretion, may be required to provide professional analysis of these conditions to address health, safety and general welfare questions related to the proposed subdivision.

g. Identification, location and nature of all existing and proposed zoning districts and land uses within 185 feet of the boundaries of the proposed subdivision.

h. Topography (unless specifically waived by the Zoning Administrator) with contour intervals of not more than two (2) feet, referred to USGS or City datum. In areas where grades are gentle, the Zoning Administrator may require a lesser contour interval.

i. Exact location of all oil and gas wells, whether active, inactive, or capped.

8. Proposed development:

a. The general location, width, radii, grade and name of proposed streets, roadways, alleys, sidewalks and public walk ways, public streets and other easements with center lines, culverts and bridges, public drives and curb cuts, median breaks and turn lanes. Street names shall not duplicate or closely resemble the name of any existing street.

b. The general location, size and character of all proposed and existing adjacent public utility lines, including storm water and sanitary sewer lines, water lines, and storm water management facilities.

c. Layout, number and approximate dimensions of lots, approximate lot areas, setback requirements with dimensions, and blocks, with number or letter of each, if applicable.

d. Location and size of proposed open space for public use proposed to be dedicated or reserved and any conditions of such dedication or reservation; parks, playgrounds, churches, or school sites or other special uses of land to be considered for public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision.

e. Building setback lines from streets with dimensions.

f. Indication of any lots on which uses other than residential are proposed by the subdivider.

g. Storm water management plan, calculations, and proposed size, nature and location of all proposed storm drainage improvements.

h. Identification, location and nature of all existing and proposed zoning districts and land uses to be included within the boundaries of the subdivision.

3.7 Final Plat.

A. When Required. The submittal of a final plat is required.

B. Submittal Requirements. Applicants for final plat approval shall submit a complete application and other required materials and information to the Zoning Administrator. The final plat shall be in sufficient detail to convey the applicant's ideas and intentions in platting the property. It shall contain a written description of the existing conditions on the tract and the necessary drawings and sketches as required by this Ordinance to convey the applicant's plan of development. The plat shall be signed by a registered surveyor.

C. Filing Procedure. The final plat application shall be filed with the Zoning Administrator as follows:

1. A reproducible original and a sufficient number of copies of the proposed final plat as specified on the application;

2. All other information required by this Ordinance or as specified on the application;

3. A completed application form; and

4. The applicable plat review fee.

D. Contents. The final plat shall contain the following information:

1. Name of the subdivision that does not duplicate or closely approximate the name of any existing subdivision.

2. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions of second order surveying accuracy that must close. A final plat must show ties to the state plane coordinate system. All calculations shall be furnished showing bearings and distances of all boundary lines and lot lines.

3. Accurate legal description, accompanied by a legal description closure report.

4. Location of the subdivision boundaries shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. All section and land corners referenced on the plat and legal description shall be identified as to what was physically found or set, e.g., aluminum monument, ½" iron bar. These same corners shall also be referenced and reference ties submitted with the plat on the certified Land Corner Restoration/Reestablishment sheet provided by the Missouri Department of Natural Resources, Division of Geology and Land Survey (MLS). If the section corner referenced on the plat has been previously referenced and reference ties have not changed since submission to the MLS, the MLS document number for those corners shall be indicated on the plat.

5. Total acreage of the proposed subdivision.

6. Location of lots, streets, public highway, alleys, sidewalks, parks and other features with accurate dimensions in feet and decimals of feet, with the length and radii and/or arcs of all curves indicated with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curvature to the lot lines.
7. Area in square feet for each lot or parcel.
8. When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the width of the lots are measured at the building line.
9. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.
10. The exact locations, widths, and names of all streets and alleys to be dedicated.
11. Location, purpose and width of all easements, including avigation easements to be dedicated.
12. Boundary lines and description of boundary lines of any area other than streets and alleys that are to be dedicated or reserved for public use, including open space for public use.
13. Building setback lines on the front of all lots and the side streets of corner lots, including dimensions and dedications.
14. Statement dedicating all easements, streets, sidewalks, alleys and other public area.
15. Signature blocks for the following certificates, with the corresponding name typed, printed or stamped beneath the signature.
 - a. Signatures of the owner or owners and notary public.
 - b. Certification by a Registered Land Surveyor that details of the plat are correct.
 - c. Certificate of approval to be signed and dated by Chairman, Village Clerk, and County Assessor.
16. Floodplain location.
17. Name and address of developer and surveyor making the plat.
18. Scale of the plat at not less than one inch represents one hundred (100) feet (the scale to be shown graphically and in feet per inch), date, and north point.
19. Information required to be recorded on the final plat or a reference to documents required to be recorded with the final plat. Such information shall include but not be limited to covenants that run with the land and conditions of final plat approval imposed by the Board of Trustees.

E. Improvements and Dedications. The Final Plat shall conform as closely as possible to the approved Preliminary Plat. All improvements and facilities to be provided by the developer shall be approved by the Zoning Administrator and installed prior to the issuance of an occupancy permit, or adequate security in lieu of making improvements shall be provided. All required dedications and easements shall be offered for dedication on the final plat by the applicant before the Planning and Zoning Commission shall approve the Final Plat; however, the approval of a plat shall not be considered an acceptance of any proposed dedication and does not impose on the Village any duty regarding the maintenance or improvement of any dedicated parts until the appropriate Village authorities make a written acceptance.

F. Effect of Final Plat Approval. Final Plat approval shall confer upon the applicant the right to apply for building permits and to develop the subject tract or parcel pursuant to the terms and conditions pursuant to which the Final Plat approval was granted by the Board of Trustees. No lot in the subdivision may be sold until the Final Plat has been officially recorded.

3.8 Minor Subdivisions.

A. Situations Covered. Minor subdivisions may include:

1. A division of land into no more than three (3) lots.
2. An adjustment in boundaries between the owners of adjoining platted lots.
3. An adjustment of building lines.
4. A resurvey to combine two (2) or more lots or portions of lots into one lot.

B. Submission requirements. The minor subdivision plat application shall be filed with the Zoning Administrator as follows:

1. A reproducible original and a sufficient number of copies of the proposed minor subdivision plat as specified on the application;
2. All other information required by this Ordinance or as specified on the application;
3. A completed application form; and
4. The applicable plat review fee.

C. Contents. The minor subdivision plat shall contain the following information:

1. Name of subdivision;
2. Location by section, township, range, county, and state, including descriptive boundaries of the parcels as divided, based on an accurate traverse, giving angular and linear dimensions which must mathematically close and shall be referenced to the state plane coordinate system. The allowable error of closure shall be second order accuracy or better. All calculations shall be furnished

showing bearings and distance of all boundary lines and lot lines. Location of boundary shall be shown in reference to existing official monuments or the nearest street lines, including true angles and distances to such reference points or monuments.

3. Exact location of streets, utility lines, alleys, easements, and other public grounds with accurate dimensions in feet and dimensions in feet and decimals of feet, interior angles, and length of radii and/or arcs of all curves that abut or are upon the parcel.

4. Exact location of all existing structures and physical improvements, when requested.

5. Names of all abutting streets.

6. Building setback lines.

7. Name and address of subdivider and surveyor making the plat.

8. North arrow and Scale. Plat should be oriented so north is to the top of plat sheet. All plats are to be drawn to a standard engineer's scale. The actual scale used will depend on the development and shall be subject to the approval of the Director.

9. Signature blocks for the following certifications, with the corresponding name typed, printed or stamped beneath the signature:

a. Signature of the owner or owners and notary public.

b. Certification by a Registered Land Surveyor that details of the plat are correct.

c. Certification of approval to be signed by Chairman, Village Clerk and County Assessor.

10. Statement dedicating all easements, streets, sidewalks, alleys and other public areas not previously dedicated.

D. Consideration and approval of minor subdivisions. The applicant shall submit the minor subdivision plat to the Zoning Administrator for review. The Zoning Administrator may approve the minor subdivision if the applicant presents clear and convincing evidence that the minor subdivision plat conforms to all applicable requirements of this Ordinance and that all submission requirements have been satisfied. After approval by the Zoning Administrator, the minor subdivision plat may be recorded by the applicant at the Cass County recorder of deeds office.

3.9 Zoning Amendments.

A. Zoning Amendments Authorized. The text of this Ordinance or the Official Zoning Map may be amended from time to time by the Board of Trustees.

B. Initiation of Application. An owner of real property within the Village, or that owner's authorized representative, may, upon proof of ownership, apply for amendment of the text of this Ordinance or a change to the Official Zoning Map for that landowner's property. Such amendment may

also be initiated by the Commission, the Zoning Administrator or the Board of Trustees. An application by a property owner for a change in this Ordinance or the Official Zoning Map shall be on a form supplied by the Zoning Administrator. Said application shall be completed in its entirety and filed with the Zoning Administrator who shall set a public hearing date before the Commission.

C. Report and Recommendation by Commission. Upon conclusion of the public hearing, the Commission shall forward to the Board of Trustees its recommendations for any change to the Official Zoning Map or this Ordinance together with its approval, conditional approval or denial of the application where an amendment to the Official Zoning Map is requested.

D. Decision by Board of Trustees. Upon the receipt of the recommendation of the Commission, the Board of Trustees shall consider the application and the recommendation of the Commission. If the Board of Trustees approves an application, it shall adopt an ordinance to that effect. The amending ordinance shall define the change or boundary as amended, and order the Official Zoning Map to be changed to reflect such amendment.

3.10 Variances

A. Authorized. The Board of Adjustment may authorize an Area Variance, based upon practical difficulties, which would constitute an unreasonable deprivation of use, provided the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done, or for a Use Variance from the provisions of this Ordinance where, owing to unique conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship.

B. Conditions. In granting a variance, the Board of Adjustment may impose such conditions, safeguards and restrictions as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance.

C. Procedure. The applicant for variance shall complete and file the appropriate application form(s) with the Zoning Administrator. The Zoning Administrator shall determine if the application is complete. Complete applications shall be scheduled for review at the next regularly scheduled meeting of the Board of Adjustment. Notice of the variance application shall be published and mailed. Notice shall be provided and notice posted pursuant to the requirements of this Ordinance.

D. Appeals. Any person aggrieved by any decision of the Board of Adjustment may file in the Circuit Court of Cass County, Missouri, a petition in the manner and form and within the limitations period provided by law.

SECTION 4 - ZONING DISTRICTS

4.1 Establishment of Zoning Districts. In order to classify and segregate the uses of land and buildings, the following districts are hereby established:

R-1	Single Family Residential District
R-1a	Single Family Residential District
R-1aa	Single Family Residential District
R-1b	Single Family Residential District
ROS	Recreation & Open Space District
PRD	Planned Residential Development District

4.2 Zoning Map. The Official Zoning Map ("Zoning Map") and the explanatory material thereon is hereby adopted by reference and declared to be a part of these Regulations. The Zoning Administrator shall maintain the Zoning Map. Whenever the Village approves an amendment to the Zoning Map, such amended Zoning Map is made a part of these Regulations by reference. The Board of Trustees shall finally resolve any uncertainty that may exist as to the boundaries of districts as shown on the Zoning Map.

4.3 District R-1 (Single Family Residential District).

A. Purpose. The R-1 District is composed of areas developed for single-family residences and areas of open land that might reasonably be developed similarly. The R-1 District is further divided into the R-1a District and the R-1aa District, which are also single family residential districts.

B. Permitted Uses. In Districts R-1, R-1a and R-1aa, no structure, land or premises shall be used and no structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

Single family detached dwellings.

C. Accessory Uses. Any use which is customarily accessory and incidental to any of the permitted uses shall be permitted, provided that such uses shall

1. Be located upon the same lot with a principal use;
2. Include no use which is unrelated to a residential use unless otherwise allowed as a permitted home occupation.

D. Height and Area Regulations.

1. Height. Buildings and structures shall not exceed 2 1/2 stories, and shall not exceed 35 feet in height.

2. Yards.

- a. Front yards. The front yard setback in the R-1 District shall be 35 feet. The front yard setback in the R-1a District shall be 20 feet. The front yard setback in the R-1aa District shall be 25 feet.

b. Side yards. The side yard setback in the R-1 District shall be 15 feet. The side yard setback in the R-1a District shall be 5 feet. The side yard setback in the R-1aa District shall be 10 feet.

c. Rear yards. The rear yard setback in the R-1 District shall be 30 feet. The rear yard setback in the R-1a District shall be 30 feet. The rear yard setback in the R-1aa District shall be 50 feet.

3. Lot size. The minimum lot size in the R-1, R-1a and R-1aa Districts shall be 10,000 square feet.

4. Minimum floor area.

a. Lake Front Lots – All lots located in the R-1, R-1a or R-1aa Districts fronting or abutting the lake shore shall require a residence consisting of a single level above ground level and shall contain a minimum of 2800 square feet of enclosed floor area; any residence consisting of two stories shall contain a minimum of 3400 square feet of enclosed floor area, 2000 square feet on the first floor.

b. All other lots located in the R-1, R-1a or R-1aa District not fronting or abutting the lake shore shall require a residence consisting of a single story above ground and shall contain a minimum of 2100 square feet of enclosed floor area; any residence consisting of two stories shall contain a minimum of 2400 square feet of enclosed floor area, 1800 square feet on the first floor.

c. The words "enclosed floor area" as used herein shall mean and include areas of the residence enclosed and finished for all year occupancy, computed on outside measurements of the residence and shall not mean or include any areas in basements, garages, carports, porches or attics.

4.4 District R-1b (Single Family Residential)

A. Purpose. The R-1b District is composed of areas developed for single-family residences and areas of open land that might reasonably be developed similarly.

B. Permitted Uses. In District R-1b no structure, land or premises shall be used and no structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses: Single family detached dwellings. Private on-site septic tank systems are allowed subject to Village, Cass County or State of Missouri health or technical code requirements.

C. Accessory Uses. Any use which is customarily accessory and incidental to any of the permitted uses shall be permitted, provided that such uses shall

1. Be located upon the same lot with a principal use. An accessory use may be located on a different lot as the principal use as long as both lots are under common ownership;

2. Include no use which is unrelated to a residential use unless otherwise allowed as a permitted home occupation, provided that the following accessory uses are permitted and include but are not limited to boat docks, greenhouses, detached garages, horse barns and horses (1 horse per 2.5 acres).

D. Height and Area Regulations.

1. Height. Buildings and structures shall not exceed 2 1/2 stories, and shall not exceed 35 feet in height.
2. Yards. Applicable to permitted and accessory uses and structures:
 - a. Front yards. The front yard setback in the R-1b District shall be 50 feet.
 - b. Side yards. The side yard setback in the R-1b District shall be 15 feet.
 - c. Rear yards. The rear yard setback in the R-1 District shall be 100 feet.
3. Lot size. The minimum lot size in the R-1b District shall be 3 acres.
4. Minimum floor area. Any residence located in an R-1b District shall have a total minimum square footage of 3000 square feet without regard to any minimum square footages for any specific level of the residence.

4.5 Recreation & Open Space District (ROS).

A. Purpose. The ROS District is intended to preserve public and/or private open space and to allow uses to facilitate active and passive recreation activities. The district is also intended to act as a “holding zone” for land that is expected to be developed in the future.

B. Permitted Uses. In the ROS District, no structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Golf Course, Golf Club and Clubhouse. A clubhouse may include facilities for service of food and beverages, recreational facilities, including a fitness center, and facilities for the sale of items incidental to the use of the golf club facilities. Golf Club also includes guest cottages.
2. Public or private parks, playgrounds and open space.
3. Passive recreational uses, such as bike paths or nature trails.
4. Marinas.
5. Water features, including lakes, fountains or ponds.

C. Accessory Uses. Accessory uses customarily incident to the operation of a golf course and golf club are permitted, including uses contained in detached accessory buildings and accessory structures, such as golf practice facilities, tennis courts, swimming pools, parking facilities, buildings for the storage of equipment necessary to utilize or maintain the golf course, clubhouse and accessory uses.

D. Height and Area Regulation. Reserved.

4.6 Planned Residential Development District (PRD).

A. Purpose and Intent. The intent of the Planned Residential Development District ("PRD") is to permit greater flexibility and consequently more creative and imaginative design than generally is possible under conventional zoning regulations. A PRD District also may provide for a mixture of housing types according to a carefully drawn plan. The proposed residential development shall make maximum use of natural features, and, through proper site planning measures, it shall be compatible with the existing character and development pattern of the surrounding area. In a PRD District, 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.

B. Application Of Planned Residential Development District Provisions. A PRD District may be proposed for any location in the Village.

C. Effect Of Planned Development District Approval. Approval of a PRD District shall constitute an amendment to the Zoning Map. Designation of a property as a PRD District in accordance with an approved development plan shall supersede all existing and prior zoning classifications. A planned district approved by the board of Trustees by ordinance shall be designated on the Zoning Map by the letters "PRD".

D. Standards. All PRD Districts shall at a minimum satisfy the following standards and requirements:

1. Uses permitted. The Development Plan shall specify, both for the project as a whole and/or for subareas within the project, as appropriate, those principal residential and accessory uses as are to be permitted. The Board of Trustees may include or exclude uses from the Development Plan or include uses with attached conditions as appropriate to achieve the intent of these provisions. Approval of a use requiring a conditional use permit shall be considered as an amendment to the PRD District. In considering a conditional use permit in addition to this Ordinance's applicable section on conditional uses, all rezoning considerations for a PRD District shall be applicable.

2. Density of development. The Development Plan shall contain provisions to regulate the density of development within the PRD District. Such provisions may apply to the project as a whole or to subareas within the project as appropriate. The Preliminary and Final Development Plans shall specify the residential density for the project as a whole or for subareas within the project as appropriate.

3. Bulk, area and height requirement. The Development Plan shall specify bulk, area and height restrictions for the project as a whole and for subareas and/or components of the project as appropriate. The Board may impose alternate or additional standards or restrictions to achieve the intent of this Section. In making its determination regarding such standards or restrictions, the Board may consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, the general character and scale of similar developments within the area of the proposal, and the consistency with adopted plans and policies.

4. Public facilities. The Development Plan shall specify conditions, restrictions and standards relating to the timely provisions of necessary and adequate public facilities as appropriate. The Board may impose conditions, restrictions and standards as appropriate to achieve the intent of this Section. In making its determination regarding such conditions, restrictions and standards,

the Board may consider the adequacy of existing public facilities and services, the timely provision of adequate public facilities and services and the overall cost to the community.

5. Access. The Development Plan shall specify the location and general design of ingress and egress to the project along with access restrictions as appropriate. The Board may impose such access standards and restrictions as necessary to protect the integrity and function of the access system. In making its determination regarding such access standards and restrictions, the Board may consider existing and projected traffic volumes, the number and location of access points, the condition and design of the affected access ways, and the effect of the proposed development on traffic flow and circulation patterns.

6. Off-street parking and loading requirements. The Development Plan shall specify the provisions for off-street parking and loading.

7. Signs. The Development Plan shall specify a signage plan showing size, location, illumination and structural integrity.

8. Perimeter treatment. The Development Plan 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 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.

E. Procedure. Applications for PRD District Designation shall be processed pursuant to a three-step review process. The three-step procedure shall include:

1. A suggested pre-application conference;
2. A preliminary development plan; and
3. A final development plan.

F. Preliminary Development Plan. An applicant may submit a Preliminary Development Plan, which shall contain, at a minimum, the following information:

1. A legal description of the site proposed for PRD designation, including a statement regarding present ownership and present zoning. The legal description must contain the original signature and seal of a Missouri registered surveyor.

2. A Master Conceptual Plan that indicates parcel, tract or lot locations and dimensions; density in the development and in each sub-area land use component, if appropriate; the density of land use in the development and each land use component, if appropriate; the amount of land in common area open space, recreation use or public use, if appropriate; and the treatment of project boundaries.

3. Written text which includes supporting graphics describing the overall concept of the plan; the uses included and any limitations upon uses; building types and prototypical site lay-outs, if appropriate; provisions for maintenance of common areas; any proposed agreements, dedications or easements; any proposed private covenants and restrictions; and any other information

required by this Section, by the Zoning Administrator or pertinent to a determination of compliance with the Section.

4. A Circulation Plan that indicates roads adjoining the property; the location of access from roads into the project; and vehicular and pedestrian circulation systems within the project. The Circulation Plan may be included as part of the Master Conceptual Plan.

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

6. A Statistical Summary that indicates the number of acres in the project; the number of acres allocated to each land use within the district; the density within the district and within each sub-area of the district; and open space ratios and other data relating the density of development to the site size and location.

7. An Environmental Impact Statement indicating possible problem areas within the site as well as solutions to these problems.

8. To the extent that phases are applicable, phases of development must be shown on the Preliminary Development Plan. If the development will occur in phases, the applicant shall submit a development plan that also displays the entire development at the completion of all phases. The phased development shall have the phases clearly outlined with expected dates for beginning of construction and date of completion of construction. No building permit shall be issued for any phase of development until a final development plan for that phase is approved by the Board of Trustees.

9. The following elements are optional at the request of either the Planning and Zoning Commission or the Board of Trustees:

a. A Signage Plan which indicates the location, size and design and other pertinent provisions relating to signs within the project.

b. A Parking Plan which shows the number of parking spaces as well as their general location and design.

c. Any other plan element or technical study that the Planning and Zoning Commission or the Board of Trustees deem necessary to adequately consider and review the Preliminary Development Plan.

10. The Preliminary Development Plan shall be reviewed contemporaneous with the application for amendment to the Zoning Map and that application shall not be approved unless or until the Preliminary Development Plan is approved.

G. Final Development Plan.

1. Due to diversity in size and character of proposals considered under this Section, flexibility in the form, content and approval procedures of the Final Development Plan should be retained. Toward this end, the Board of Trustees shall specify, as part of its approval of the Preliminary

Plan, the form, content and approval authority of the Final Development Plan. The Board may retain its authority to approve the Final Development Plan or may delegate its approval authority to the Planning and Zoning Commission or to a specified official(s). In the event the approval authority is delegated, the Board shall specify the limits of discretion to be exercised by the approving authority.

2. No building permit shall be issued for all or any portion of a PRD District until the Final Development Plan has been approved.

3. Every Final Development Plan shall provide all the information required of a Preliminary Development Plan and shall further include grading, landscaping, lighting and signage plans.

H. Subdivision Plats. At the option of the applicant, the Preliminary Development Plan may also serve as the preliminary plat. If the option is exercised, the plan shall include information required of preliminary plats.

SECTION 5 - ADDITIONAL CONTROLS

5.1 Conditional Use Permits.

A. Purpose and Intent. Conditional uses are those uses which generally are compatible with the permitted land uses in a given zoning district, but which require individual review of their location, design and configuration and the imposition of conditions to ensure the appropriateness of the use at a particular location within a given zoning district.

B. Status of Conditional Permitted Uses.

1. The designation herein of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved.

2. Approval of a Conditional Use Permit shall be deemed to authorize only the particular use for which the permit is issued.

3. No use authorized by a conditional use permit shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new conditional use permit in accordance with the procedures set forth in this section.

4. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these regulations, other appropriate provisions of the ordinances of the Village of Loch Lloyd, or any permits required by regional, state or federal agencies.

C. Approval Criteria.

1. The Board of Trustees may grant permission for the conditional use permit if the proposed use meets the following conditions:

a. The proposed conditional use at the specified location is consistent with the Comprehensive Plan and any other plans;

b. The proposed conditional use is consistent with the general purpose and intent of this Ordinance;

c. The proposed conditional use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity;

d. The proposed conditional use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include, but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both, to ameliorate such impacts;

e. The proposed conditional use does not generate pedestrian and vehicular traffic which will be hazardous to the existing and anticipated traffic in the neighborhood.

2. If the proposed use requires a division of land, an application for a subdivision or other land division shall be submitted in conjunction with the application for a conditional use permit. Approval of the conditional use permit shall not become effective until final approval of the subdivision application; provided, that if the land is to be divided in phases, the approval of the conditional use permit shall take effect upon final approval of the phase of the subdivision containing the property on which the conditional use is to be located.

D. Approval Process. The Board of Trustees shall render its decision on the conditional use permit application after recommendation from the Commission, and may impose conditions as are reasonably necessary to assure compliance with applicable general or specific standards stated in these regulations after review of the application and other pertinent documents and any evidence made part of the public record. Any conditions imposed by recommendation of the Commission may be modified subsequently by the Board of Trustees. The permit shall set out regulations, restrictions, limitations and termination date so that reasonable control may be exercised over the use.

E. Vesting of Rights.

1. The mere issuance of a conditional use permit gives no vested rights to the permit holder.

2. A right to continue a conditionally permitted use shall vest only if the project is constructed and the use is actually begun. Such right shall be subject to expiration and revocation under the terms of this ordinance.

F. Transferability of Permits.

1. A conditional use permit may be conveyed with the land only if a right to continue the use has vested and the conveyance is not inconsistent with any condition imposed at the time the permit is approved. The transfer of a permit in which no right has vested shall be invalid. Nothing in this section shall be construed to alter the expiration date of permits or the authority of the Board of Trustees to revoke a permit.

2. A permit cannot be assigned or transferred to a different parcel of land.

G. Lapse of Permits. A conditional use permit in which no vested right has been established, shall lapse and become void unless the applicant applies for any building permit incident to the proposed use within two years of the date of approval by the Board of Trustees. Upon the written request of the property owner and for good cause shown, the Board of Trustees may grant one extension of not more than one year. An application for extension will be considered only if it is submitted, in writing, prior to the expiration of the initial period.

H. Expiration of Permits. A conditional use permit shall be valid for a limited period of time to be specified in the terms of the permit. A permit may be renewed upon application to the Board of Trustees, subject to the same procedures, standards, and conditions as an original application.

I. Revocation of Conditional Use Permits.

1. Any conditional use permit granted under the authority of this section is subject to revocation for any or all of the following reasons:

a. Non-compliance with any special conditions imposed at the time of approval of the conditional use permit.

b. Violation of any provisions of the ordinances of the Village pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permit holder, agents of the permit holder, or tenants.

c. Violation of any other applicable provisions of the ordinances of the Village or any state or federal law or regulation by the permit holder, agents of the permit holder, or tenants, provided that such violations relate to the conduct or activity authorized by the conditional use permit or the qualifications of such persons to engage in the permitted use.

d. Attempted transfer of a permit in violation of this Ordinance.

e. Revocation is necessary to preserve the public health, safety, and welfare.

2. Procedure for Revocation.

a. Revocation proceedings may be initiated by the Zoning Administrator or the Board of Trustees.

b. Unless the permit holder agrees in writing that the permit may be revoked, the Board of Trustees shall hold a public hearing to consider the revocation of the conditional use permit.

c. The Village shall give the permit holder notice of the scheduled revocation hearing at least fifteen (15) days prior to the date scheduled for such hearing by certified mail, return receipt requested. If such notice cannot be delivered or is not accepted, notice may be given by publishing a notice of hearing in a newspaper of general circulation in the Village and by posting a notice of hearing on the property at least fifteen (15) days prior to the date scheduled for the hearing.

d. The public hearing shall be conducted in accordance with rules of procedure established by the Board of Trustees. At the conclusion of the public hearing, the Board may render its decision or take the matter under advisement.

e. No conditional use permit shall be revoked unless a majority of those elected to the Board of Trustees is satisfied by a preponderance of the evidence that grounds for revocation exist. Any motion for the revocation of a special use permit shall clearly state the grounds for revocation.

J. Conditional uses.

1. Maintenance storage facilities and equipment yards for equipment owned and used by a homeowners association in upkeep of common areas.

2. Boat and recreational vehicle storage facilities, whether open yards or enclosed buildings, for use by members of a homeowners association whose subdivision includes a lake within its platted boundaries. The facility is to be located on land owned by, leased by, or under the control of the subdivision's home owners association. Approval is subject to the following restrictions:

a. Open yards are to be properly screened by means of a solid, sight-obscuring fence, not less than six (6) feet in height. Screening directly adjacent to land zoned residential shall incorporate a row of evergreen trees spaced not less than fifteen (15) feet on center and located on the residential side of the screening fence.

b. All parking areas and access drives shall be paved.

3. Utility Structures, such as electric substations and similar electric utility structures, wastewater treatment plants, water towers and similar structures used for public or private utility purposes.

4. Utility Transmission Lines.

a. Upon application for the construction or use of utility transmission line structures, the applicant shall provide data pertaining to electromagnetic field radiation (EMF) rates for the structure(s).

b. Utility transmission lines are subject to the following conditions:

(i) Electric and magnetic radiation shall not exceed 2 milli gausses (mG) as measured at any residential property line.

(ii) Electric and magnetic radiation shall not exceed 2 mG as measured at the boundary of all school properties and public or private recreation, athletic or park areas.

5.2 Home Occupations.

A. Purpose and Intent. The purpose of this section is to permit home occupations which will not change the character of adjacent residential areas. The intent of these zoning regulations is to conserve property values, as well as protect residential neighborhoods from excessive noise, excessive traffic, nuisances, health and safety hazards which may result from a home occupation conducted in the residential zones.

B. Approval Process. The Board of Trustees shall render its decision on the home occupation permit application after recommendation from the Commission, and may impose conditions as are reasonably necessary to assure compliance with applicable general or specific standards stated in these regulations after review of the application and other pertinent documents and any evidence made part of the public record. Any conditions imposed by recommendation of the Commission may be modified subsequently by the Board of Trustees. The permit shall set out regulations, restrictions, limitations and termination date so that reasonable control may be exercised over the use.

1. Performance Standards. All home occupations must comply with the following performance standards:

a. The use of the dwelling unit as a home occupation must be deemed to be incidental and subordinate to its use for residential purposes and the home occupation cannot occupy more than twenty-five percent (25%) of the square footage floor area of the residence.

b. No more than one person, other than those residing on the premises, shall be engaged in the activities of the home occupation.

c. A home occupation may attract patrons, students, or any business-related individuals only between the hours of 7:00 a.m. and 9:00 p.m.

d. No more than two (2) home occupations shall be permitted within any single dwelling unit, provided however, that no more than four (4) home occupations shall be permitted in the R-1b District.

e. There shall be no exterior displays, no exterior storage of equipment, including unlicensed equipment, and materials, and no open lot storage.

f. Home occupations shall not produce offensive noise, vibration, smoke electrical interference, dust, odors or heat beyond the property line.

g. Home occupations shall not require internal or external structural alterations of the principal residence which may change the outside appearance of the principal residence or change the residential character of the property.

h. Home occupations shall not require the installation of equipment or machinery creating utility demand, noise, fumes or other impacts in excess of equipment or machinery that is customary in a residential area.

i. No electric devices may be used in any home occupation which may cause electrical interference or create visual and audible interference in any radio or TV receivers in violation of FCC standards, or cause fluctuations in off-site line voltages.

j. No on-premise advertising for the home occupation shall be allowed. Window areas must not purposely or intentionally be used as display areas or to offer merchandise for sale. No home occupation sign shall be located within a street right-of-way.

k. All related activities shall take place entirely within the residential dwelling.

l. No delivery truck shall operate out of a residential district as a function of a home occupation.

C. Permitted Home Occupations.

1. Low-intensity (traffic generation, land use, noise, etc.) occupations, professions and business activities, may be permitted as home occupations upon approval from the Board of Trustees.

2. This section does not permit the establishment of unlisted home occupations unless they comply with all other standards of these Regulations.

D. **Prohibited Home Occupations.** The following occupations, professions, and business activities and those of a similar nature are specifically prohibited as home occupations:

1. Ambulance services;
2. Animal/veterinary clinics;
3. Beauty salons and barber shops;
4. Clinics, hospitals;
5. Medical, dental or related health care services;
6. Mortuary;
7. Restaurants;
8. Taxi services;
9. Wholesale or retail selling from inventory located or exhibited at the premises, but not including on-site antiques or wedding cakes;
10. Rental of equipment or personal property stored or exhibited at the premises, but not including vending machines;
11. Automobile or other vehicle repair services.

5.3 Location of Certain Vehicles. Mobile homes, recreational vehicles, trailers, pickup camper bodies, trucks having a gross vehicle weight exceeding twelve thousand (12,000) pounds, buses, boats and commercial vehicles and equipment shall not be parked or stored in any portion of a front yard for more than twenty-four hours. No mobile home, recreational vehicle, trailer, pickup camper body, truck or bus shall be occupied for living, sleeping or housekeeping purposes.

5.4 Location of Utilities. All utility distribution lines shall be installed underground. Cable switching enclosures, pad-mounted transformers and service pedestals may be installed above ground. No satellite dish or other similar earth reception station which exceeds twenty-four (24) inches in diameter shall be located in a Single Family Residential District unless totally screened from view from adjoining properties and not located within a front yard. Any satellite dish or other similar earth reception station which exceeds twenty-four (24) inches in diameter shall be made of mesh material, painted black or grey and installed on the ground. All outdoor premises lighting including landscape lighting shall be placed, designed and installed in a manner which will prevent light from falling directly on an adjoining lot or premises.

5.5 Fences. Reserved.

5.6 Off- Street Parking.

A. For all buildings or structures hereafter erected, moved, altered, enlarged or used, off-street parking space in the form of garages or areas made available exclusively for parking purposes shall be provided as required below. Such parking space shall be located on the premises with no portion, except the necessary drives, extending into any street or other public way.

B. All developments in all zoning districts other than R-1, R-1a and R-1aa shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development. For R-1, R-1a and R-1aa Districts, a minimum of two (2) parking spaces per dwelling unit, which shall be in the form of garages, shall be provided. For PRD Districts, parking shall be as indicated on the approved development plan.

C. There is hereby established a rebuttable presumption that the performance standard set forth above is satisfied to the extent that a non-residential use has at least one (1) space for every two hundred square feet (200 ft²) of gross floor area.

5.7 Signs. Reserved.

5.8 Floodplain Management. At this time, the Village does not have floodplain management provisions, but the Village is studying participation in the National Flood Insurance Program.

SECTION 6 - NONCONFORMING SITUATIONS AND VESTED RIGHTS

6.1 Definitions. Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this Section shall have the meaning set forth in this Section when used in this Article. Words used in this Article, but not defined in this Section, may be defined in Section 2 of this UDO.

A. Cost. The cost of renovation, repair or restoration shall mean the fair-market value of the materials and services necessary to accomplish a renovation, repair or restoration. Cost shall mean the total cost of all intended work, and no person may avoid the intent of this definition by doing the intended work incrementally.

B. Effective Date of This UDO. Whenever this UDO refers to the effective date of this UDO, the reference shall include the effective date of any ordinance that amends this UDO, if the ordinance, rather than this UDO as originally adopted, creates a nonconforming situation.

C. Nonconforming Lot. A lot that was not created for purposes of evading the restrictions of this UDO, which was lawfully platted and recorded and on file in the office of the Cass County Recorder prior to the effective date of this UDO, but which does not meet the minimum area requirement of the applicable zoning district.

D. Nonconforming Use. A primary use of property existing on the effective date of this UDO that occurs when property is used for a purpose or in any manner made unlawful by the use regulations or performance and design standards applicable to the zoning district in which the property is located. The term also refers to the activity that constitutes the use made of the property. The term does not refer to accessory use of property.

E. Nonconforming Structure. A structure that was lawfully constructed prior to the effective date of this UDO, but which could not be constructed under the terms of this UDO by reason of restrictions on area, lot coverage, height, setbacks (yards), location on the lot or other requirements concerning structures.

F. Structural value. The then current cost of a structure or its replacement value, if destroyed.

6.2 General statement of intent and policy. Within the zoning districts established by this UDO or its subsequent amendment, there exist a) lots; b) structures; and c) uses of land which were lawful before this UDO was adopted or amended, but which would now be prohibited, regulated or restricted under the terms of this UDO or its subsequent amendment. Such instances shall hereafter be considered lawful nonconformities. It is the intent of this UDO to recognize the legitimate interest of owners of lawful nonconformities by allowing these lawful nonconformities to continue, subject to the provisions contained herein. At the same time, it is recognized that lawful nonconformities may substantially and adversely affect the orderly development, maintenance, use and taxable value of other property in the same zoning district, property that is itself subject to the regulations and terms of this UDO. To secure eventual compliance with the standards of this UDO, it is necessary to regulate intensity and size of lawful nonconformities and to prohibit the re-establishment of nonconformities that have been discontinued, or monitor a change to a more intense use or expansion of a use. To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date or amendment of this UDO and upon which actual building construction has been carried on diligently. The burden shall be

on the landowner to establish entitlement to continuation of nonconforming situations or on the developer to establish entitlement to complete nonconforming projects. Appeals from an administrative decision related to this Section shall be to the Board of Trustees.

6.3 Lawful nonconformities.

A. Lots. A structure may be constructed by right on any single lawful nonconforming lot within a zoning district, provided that all other requirements of the zoning district within which the lot is located are complied with, and all appropriate permits are obtained prior to any construction activity.

B. Structures. A lawful nonconforming structure may continue to exist so long as it remains otherwise lawful, provided that no reconstruction, enlargement or alteration of the structure shall occur that will increase its nonconformity, except as provided for in Section 6.6 of this UDO.

C. Uses of land. A lawful nonconforming use of land may be continued so long as it remains otherwise lawful and provided that no enlargement, increase or extension of the lawful nonconforming use of land occurs so that a greater area of land is occupied than that which was occupied on the effective date of this UDO or any amendment thereto that makes the use non-conforming, and that no additional structures or additions to structures existing on the effective date of this UDO shall be constructed on the same lot. Further, no such lawful nonconforming use of land shall be moved or relocated in whole or in part to any other portion of the lot on which it is located, other than that portion occupied at the time of effective date of this UDO. If any lawful nonconforming use of land is not used as such for any reason for a period of more than 180 consecutive days, any subsequent use of that land shall conform to the terms of this UDO.

6.4 Change from one nonconforming use of a structure to another. A nonconforming use may be changed to a new use, provided that the new use shall be of the same general character or of a character less intensive (and thus more closely conforming) than the existing, nonconforming use. The Zoning Officer shall make the initial determination of whether a proposed use is a conforming use or is less intense, with an appeal to the Board of Zoning and Adjustment. A nonconforming use may not thereafter be changed back to a less conforming use than then it was changed.

6.5 Lawful nonconforming uses superseded. Anywhere a lawful nonconforming use is replaced by a permitted use and the lawful nonconforming use is no longer occurring, that lawful nonconforming use shall not thereafter be resumed.

6.6 Reconstruction of certain lawful nonconforming structures. Should any lawful nonconforming structure be damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of damage, it may only be reconstructed in conformance with the provisions of this UDO. This subsection does not apply to residential structures (whether on a conforming or nonconforming lot), which structures may be reconstructed just as they may be enlarged or replaced as provided in Section 6.8. Reconstruction of a lawful nonconformity, where permitted, must commence within one hundred eighty (180) days of destruction. In those instances where reconstruction does not commence within this limited time frame, the lawful nonconformity will be considered discontinued and the structure shall only be reconstructed as a permitted use.

6.7 Completion of nonconforming projects -- vested rights. All nonconforming projects with respect to which a permit was issued prior to the effective date of this UDO may be completed in accordance with the terms of their permits, so long as those permits were validly issued, remain

unrevoked and unexpired. If a development has been approved for completion in stages, this subsection shall apply only to the phase that is under construction.

6.8 Exception for residential nonconforming use. Any structure used for residential use and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of the previously existing nonconformities.

6.9 Repair, maintenance and restoration. Minor repairs to and routine maintenance of structures and property, where nonconforming situations exist, are permitted and encouraged. Major renovation, i.e., work estimated to cost more than fifty percent (50%) of the structural value of the structure to be renovated, shall not be permitted.

6.10 Determination of structural value and replacement cost. To determine the structural value and replacement cost of a lawful nonconforming structure, the owner seeking to undertake maintenance, reconstruction or repair, or restoration of a lawful nonconforming structure must submit written estimates, which must be obtained from three (3) separate contractors, detailing the cost of the applicable improvement or repair and the cost of replacement of the entire lawful nonconforming structure. The Zoning Administrator will establish the structural value and/or replacement cost based upon the average of these estimates.

SECTION 7 - VIOLATIONS AND ENFORCEMENT

7.1 Responsibility for Enforcement. The Zoning Administrator and Chairman shall primarily enforce this UDO. If any building or structure is erected, constructed, reconstructed, altered, converted, moved or maintained, or any building, structure, or land is used in violation of this Ordinance or regulations made under its authority, the Village may institute any proper action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, conversion, moving, maintenance or use; to restrain, correct or abate the violation; to prevent the occupancy or use of the building, structure, or land; or to prevent any illegal act, conduct, business or use in and to the premises.

7.2 Types of Violations. Any of the following shall be a violation of this UDO and of law and shall be subject to the remedies and penalties provided in this Ordinance, the Village Code or the general police powers granted by Missouri law:

- A. Subdivision, Development or Use Without Permit. To engage in any subdividing, development, use, construction, remodeling or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of this UDO without all of the required permits, approvals, certificates and other forms of authorization required by this UDO in order to conduct or engage in such activity;
- B. Subdivision, Development or Use Inconsistent with Permit. To engage in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity;
- C. Subdivision, Development or Use Inconsistent with Conditions. To violate, by act or omission, any term, conditions or qualification placed by the Commission, Board of Trustees or Board of Adjustment, as applicable, upon a required permit, certificate or other form of authorization granted by the Commission, Board of Trustees or Board of Adjustment to allow the use, development, sign, or other activity upon land or improvements thereon;
- D. Subdivision, Development or Use Inconsistent with Unified Development Ordinance. By erecting, constructing, reconstructing, remodeling, altering, maintaining, moving or using any building, structure or sign or by using any land in violation or contravention of any zoning, subdivision, sign or general regulation of this UDO, or any amendment thereof;
- E. Making Lots or Setbacks Nonconforming. By reducing or diminishing any lot area so that the setbacks or open spaces shall be smaller than prescribed by this UDO and the Final Plat;
- F. Increasing Intensity of Use. By increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive requirements of this UDO;
- G. Continuing Violations. By continuing any of the violations of this section, each day that a violation continues shall be considered a separate offense.
- H. Removing, Defacing or Obscuring Notice. By removing, defacing, obscuring or otherwise interfering with any notice required by this UDO.

7.3 Remedies and Enforcement Powers. The Village shall have the following remedies and enforcement powers:

A. Withhold Permits. The Village may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon that there is an uncorrected violation of a provision of this UDO or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the Village. Instead of withholding or denying an authorization, the Village may grant such authorization subject to the condition that the violation be corrected. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

B. Revoke Permits. Any permit may be revoked when the Zoning Administrator determines:

1. That there is departure from the plans, specifications or conditions as required under terms of the permit;
2. That the same was procured by false representation or was issued by mistake; or
3. That any of the provisions of this UDO are being violated.

Such revocation may also include certificates to occupy or conduct business. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor or upon any person employed on the building or structure that such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed. As soon as is practically reasonable, Zoning Administrator shall hold a hearing with the permit holder or other adversely affected person.

C. Stop Work. With or without revoking permits, the Village may stop work on any building or structure on any land that there is an uncorrected violation of a provision of this Unified Development Ordinance or of a permit of other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

D. Revoke Plan or Other Approval. Where a violation of this UDO involves a failure to comply with approved plans or conditions that the approval of such plans was made subject, the Board of Trustees may, upon notice to the applicant and other known parties in interest (including any holder of building permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance, the provision of security of such other conditions as the Board of Trustees may reasonably impose.

E. Injunctive Relief. The Village may seek an injunction or other equitable relief in court to stop any violation of this UDO or of a permit, certificate or other form of authorization granted hereunder.

F. Abatement. The Village may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition that they existed prior to the violation.

G. Other Remedies. The Village shall have such other remedies as are and as may be from time to time provided by Missouri law and the Village code for the violation of zoning,

subdivision, sign or related UDO provisions. The remedies and enforcement powers established in this Section shall be cumulative.

7.4 Enforcement Procedures.

A. Non-Emergency Matters. In the case of violations of this Unified Development Ordinance that do not constitute an emergency or require immediate attention, the Zoning Administrator shall give notice of the nature of the violation to the property owners or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereinafter stated, after the persons receiving notice shall have ten days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States Mail or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. Emergency Matters. In the case of violations of this UDO that constitute an emergency situation as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the Village may use the enforcement powers available under this Section without prior notice, but the Zoning Administrator shall attempt to give notice simultaneously with beginning enforcement action to the property owner, to any other person who is party to the agreement and to applicants for any relevant permit.

7.5 Violations of Prior Regulations. All violations under the previous regulations that exist within the Village as of the effective date of this Unified Development Ordinance, shall continue to be violations and shall not be considered to be legal, nonconforming situations under this UDO. The Village shall have the authority to secure remedies for violations of those regulations to the same extent that it may secure similar remedies for violations of this UDO.

7.6 Penalty for violations and civil remedies.

A. Civil citations. If the Zoning Administrator determines that a violation of this Ordinance or regulations made under its authority has occurred, the Zoning Administrator may issue the violator a civil citation, which shall be proceeded upon in accordance with the provisions herein. The civil citation shall be issued to the violator by the Zoning Administrator upon a uniform municipal infraction form provided by the clerk of the municipal court, which shall include a notice or summons to answer the charges against him within the time specified on the form for hearing before the municipal court. Upon issuance of a civil citation, the Zoning Administrator shall provide a copy of the notice or summons to the clerk of the municipal court.

B. Plea and fines. Any person issued a civil citation for a violation of this Ordinance or regulations made under its authority, for which payment of a fine may be made to the municipal court, shall have the option of paying the fine in the sum and within the time specified in the civil citation upon entering a plea of guilty and upon waiving an appearance in court. It shall be the duty of the municipal court to accept payment of a fine. The payment of a fine to the municipal court shall be deemed an acknowledgment of conviction of the alleged offense and the court, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment. Any person issued a civil citation may, in the alternative, enter a plea of not guilty, and upon the entry of a plea of not guilty, shall be entitled to a trial as authorized by law.

C. Fines for violations. Violations of any provision of this Ordinance are hereby declared to be public offenses and, pursuant to the authority of RSMo. 89.120, misdemeanors. The owner

or general agent of a building or premises where a violation of any provision of the regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where a violation has been committed or exists, or the owner, general agent, lessee or tenant of any part of the building or premises in which a violation has been committed or exists, or the general agent, architect, builder, contractor or any other person who commits, takes part in or assists in any violation or who maintains any building or premises in which any violation exists shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00) for each and every day that such violation continues, but if the offense be willful, on conviction of the offense, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each day that such violation continues or by imprisonment for ten (10) days for each and every day the violation continues or by both the fine and imprisonment, in the discretion of the court. For the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than two hundred fifty dollars (\$250.00) or more than five hundred dollars (\$500.00) for each and every day that the violation shall continue or by imprisonment for ten (10) days for each and every day that the violation shall continue or by both fine and imprisonment in the discretion of the court.

D. Penalty after notice of violation. Any person who, having been served with an order to correct a violation, shall fail to comply with the order within ten (10) days after the service or shall continue to violate any provision of this Ordinance in the same manner as stated in the order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

E. Civil lawsuits. The Village shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this Ordinance and to abate nuisances maintained in violation thereof. In the event that any building or structure is or is proposed to be erected, constructed, altered, converted, moved or maintained in violation of this Ordinance, or any building, structure or land is proposed to be used in violation of this Ordinance, the Village Attorney, or other appropriate authority of the Village may, in addition to any other remedies, institute injunction, mandamus or any other appropriate actions or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, moving, maintenance or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises.