

Article VIII - Planning and Zoning

Chapter 100 - Establish a Planning & Zoning Commissions for the City of Pleasant Hope (Ordinance 231, 08/23/2007)

Section 100.100: A Planning & Zoning Commissions for the City of Pleasant Hope, Missouri:

As provided by Section 89.010 to 89.491, RSMo.

Sub Section A. Appointment & Membership

1. All the planning commission shall be appointed by the Mayor and approved by the Board of Aldermen.
2. The planning commission shall consist of 7 to 15 members being citizens of the City of Pleasant Hope and any engineers and consultants hired by the commission.
3. All citizen members of the planning commission shall serve without compensation.
4. The term of each of the citizen members shall be four (4) years, except that the terms of the citizen members being appointed shall be for varying periods so that succeeding terms will be staggered.
5. Any vacancy in a planning commission shall be filled for the unexpired term by appointment by the Mayor with approval of the Board of Aldermen.
6. The Board of Aldermen may remove any citizen member of the planning and zoning commission for cause stated in writing only after a public hearing of which the member affected shall be given at least (10) days written notice of specifying reason.
7. The planning commission shall elect its chairman, vice-chairman, secretary and assistant secretary from among the citizen members. The term of each officer shall be for one (1) year with eligibility for re-election,

Sub Section B. Meetings, rules and records

The planning commission shall hold regular meetings and special meetings as they provide by rule, and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records.

Sub Section C. Expenditures limited by appropriations

The expenditures of the planning commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Board of Aldermen.

Sub Section D. Employees, consultants authorized

The planning & zoning commission shall use the employees and staff necessary for its work and provided by the city contract with planners and other professional persons for the services that it requires.

Sub Section E. Planning commission to act as Planning & Zoning Commission

The planning commission shall have and perform all the functions of a zoning commission provided for in RSMo 89.010 to 89.491

Sub Section F. Comprehensive Plan

1. City Plan - The Planning & Zoning Commission shall assist the council in making and adopting a comprehensive plan for the physical development of the city. The comprehensive plan, with the accompanying maps, plats, charts and descriptive and explanatory materials, shall show the commission's recommendations for the physical development of the city and may include, among other things, the general location, character and extent of streets and other public ways, grounds,

places and spaces; the general locations and extent of public utilities and terminals, whether publicly or privately owned, the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing; the general character, extent and layout of the reclaiming of blighted districts and slum areas.

2. The Planning & Zoning Commission may also prepare such comprehensive plan to show regulations of height, area, bulk, location and use of private, non-profit and public structures and premises, and of population density, but the adoption, enforcement, and administration of zoning plans contained in the comprehensive plan shall conform to the provisions of Sections 89.010 to 89.491 of the Revised Statutes of Missouri and city ordinances.
3. The Planning and Zoning Commission may also prepare a zoning plan for the regulation of height, area, bulk, location and use of private, non-profit and public structures and premises and of population density, but the adoption, enforcement and administration of zoning plan shall conform to the provisions of RSMo 89.010 to 89.491

Sub Section G. Approval and Adoption of Comprehensive Plan

Prior to the adoption of the comprehensive plan by the Board of Aldermen, the Planning & Zoning Commission shall hold at least one public hearing thereon. The Planning & Zoning Commission shall hold such public hearing prior to any amendment or extension of such plan as adopted by the council. Notice of such public hearing is published in a newspaper of general circulation in the city at least 15 days in advance. Such notice shall indicate the time, place, and date of such hearing. The adoption of the plan by the Planning & Zoning Commission requires a majority vote of the full membership of die commission.

Chapter 400 Planning & Zoning Commission (Ordinance)

Section 400.010: Membership of Planning and Zoning Commission

The Planning and Zoning Commission shall be formed in accordance with the provisions of Sections 89.070, 89.320 and 89.330, RSMo. The Commission shall consist of not more than fifteen (15) nor less than seven (7) members, and shall include:

1. The Mayor, if the Mayor chooses to be a member;
2. A member of the Board of Aldermen, selected by the Board of Aldermen, if the Board of Aldermen chooses to have a member serve on the Commission; and
3. Not more than fifteen (15) nor less than five (5) citizens, who shall be residents of Pleasant Hope, appointed by the Mayor and approved by the Board of Aldermen. Commission members shall serve without compensation.

Section 400.020: Compensation

Commission members of the Planning and Zoning Commission shall serve without compensation.

Section 400.030: Commission Officers

The Commission shall elect its Chairman and Secretary from among the citizen members. The term of Chairman and Secretary shall be for one (1) year with eligibility for re-election; should be done at first (1st) meeting after April election.

Section 400.040: Meetings of the Planning and Zoning Commission

Sub Section A. Adopting Rules

The Commission may adopt rules and regulations governing the procedures and operations of the Commission not inconsistent with the provisions of this Chapter.

Sub Section B. Meeting Schedule

The Commission shall establish a regular meeting schedule and shall meet frequently enough in order to take action in a timely manner on matters brought before the Commission.

Sub Section C. Open Meetings

The Commission shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas and evidence. All Commission meetings shall be open to the public and the agenda for each meeting shall be made available in advance of the meeting as required by law.

Sub Section D. Minutes of Meetings

Minutes shall be kept of all Commission proceedings.

Section 400.050: Expenditures

The expenditures of the Planning and Zoning Commission, exclusive of grants and gifts, shall be within amounts appropriated for the purposes of the Board of Aldermen.

Section 400.060: Duty of Public Officials To Furnish

All public officials shall upon request furnish to the Planning and Zoning Commission, within a reasonable time, all available information it requires for its works.

Section 400.070: General Powers

In general, the Planning and Zoning Commission shall have the power necessary to enable it to perform its functions and promote City planning. The Planning and Zoning Commission shall have the power to perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and shall have

and perform all of the functions of a Planning Board as outlined in such Chapter.

Section 400.080: Authority

The Planning and Zoning Commission shall have the following powers and duties:

1. Conduct studies and recommend to the Board of Aldermen plans, goals and objectives relating to the growth, development and redevelopment of the City.
2. Prepare and recommend to the Board of Aldermen policies ordinances and administrative procedures and other means for carrying out plans for the City in a coordinated and efficient manner.
3. Prepare and recommend to the Board of Aldermen regulations and requirements governing the coordinated development of land within the City. Recommendations may be made, among other things, for the coordination of streets within subdivisions with other existing or planned streets or with other features of the Comprehensive Plan or Official Map; for adequate open spaces for traffic, recreation, light and air; for distribution of population and traffic; for requirements as to the extent and manner of installation of all utility facilities; and recommended manner of enforcement. All recommendations shall be in conformity with Chapter 89, RSMo.
4. Hold public hearings on rezoning applications and amendments to the Zoning Map and make recommendations to the Board of Aldermen regarding the approval or disapproval of rezoning applications and amendments to the Zoning Map.
5. Make recommendations to the Board of Aldermen on conditional use permit applications and planned developments.
6. Conduct study and make recommendations to the Board of Aldermen on modifications and amendments to the Zoning Regulations.
7. Carry out other such work and activity as may be requested by the Board of Aldermen, pursuant to Chapter 89, RSMo.

Section 400.090: Reports to Board of Aldermen

The Commission shall make reports to the Board of Aldermen as it may deem proper or as requested by the Board of Aldermen on its investigations, transactions and recommendations and other reports relative to its proscribed responsibilities and authority.

CHAPTER 405: City of Pleasant Hope Zoning Regulations (Ordinance 294 01/20/2014)

Section 405.010: Short Title

This Chapter shall be known and may be cited as the City of Pleasant Hope Zoning Regulations.

Section 405.020: Authority and Purpose

Sub Section A. This Chapter is adopted pursuant to the authority contained in Chapter 89, RSMo.

Sub Section B. The purpose of this Chapter is to protect the public health, safety and general welfare, to promote good planning and land development practice, to conserve the City's resources, to facilitate the provision of adequate public improvements and to promote efficient expenditure of public financial resources.

Sub Section C. The provisions of this Chapter shall be administered to ensure orderly growth and development of the City and shall supplement and implement the policies of the City of Pleasant Hope Comprehensive Plan, other planning documents and the capital budget.

Section 405.030: Jurisdiction

This Chapter shall be effective throughout the City's planning jurisdiction which comprises the area within the corporate boundaries of the City of Pleasant Hope.

Section 405.040: Effective Date

This Chapter shall be in full force and effect from and after passage.

Section 405.050: Fees

Sub Section A. Reasonable fees to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning amendments, conditional use permits, sign permits, appeals and variances. A list of all established fees related to the requirements of this Chapter is available at the Pleasant Hope City Hall. The Board of Aldermen, the Planning and Zoning Commission and Board of Adjustment shall be exempt from this fee.

Sub Section B. Fees established in accordance with Sub Section (A) shall be paid upon submission of a signed application by the applicant, petitioner or the party submitting a notice of appeal.

Section 405.060: Burden Of Proof

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

Section 405.070: Interpretation, Conflict and Separability

Sub Section A. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and general welfare.

Sub Section B. Where the conditions imposed by any provision of this Chapter are either more restrictive or less restrictive than conditions imposed by any other provision of this Chapter or other applicable law, ordinance, rule or regulation, the regulations which are more restrictive and which impose a higher standard shall govern.

Sub Section C. The provisions of this Chapter are separable. If any Section, sentence, clause or phrase of this Chapter is for any reason held to be invalid by a court of competent jurisdiction, the decision shall not affect the remaining portions of this Chapter.

Section 405.080: General Regulations

Except as hereinafter specified:

1. No land shall be used except for a purpose permitted in the district in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
3. No building shall be erected, converted, enlarged or structurally altered, except in conformity with the off-street parking and loading regulations of the district in which such building is located.
4. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot except as specifically provided hereinafter.
5. Except as hereinafter specified, any use, building or structure existing at the time of the passage of this Ordinance 294 01/20/2014 may be continued, subject to the restrictions and limitations of Section 405.450 through 405.480.
6. No structure, structural element, balcony, porch or roof shall encroach upon or overhang any required yard setback on any lot.

Section 405.090: Generally - Definitions and Interpretations

The following general rules shall apply in interpreting the meaning of Chapter 405: City of Pleasant Hope Zoning Regulations.

1. Words used in the present tense shall also include the future tense.
2. Words used in the singular number shall also include the plural and vice versa.
3. The word "*shall*" is mandatory and not discretionary.
4. The word "*may*" is permissive.
5. The words "*used*" or "*occupied*" shall be construed to include "intended", "designed" or "arranged to be used or occupied".
6. The word "*person*" includes individuals, firms, corporations, associations, governmental bodies and agencies and any other similar entities.
7. Unless otherwise specified, all distance shall be measured horizontally.
8. Where reference is made to the regulations, it shall be construed to mean the regulations as originally passed in this Chapter and all subsequent amendments, supplements and revisions.

Section 405.095: Regulations for the Medical Marijuana Dispensary Facilities, Cultivation Facilities, Infused Products Manufacturing Facilities and Medical Marijuana Testing Facilities (Ordinance 330 8/1/2019)

Sub Section A. Section 405.100, Section 405.260, Section 405.320 and Section 405.345 of the Code of Ordinances is hereby considered the Medical Marijuana Ordinance #330.

Section 405.100: Definitions

Unless otherwise expressly stated, the following terms shall have the meanings herein indicated. Where words have not been defined, the standard dictionary definition shall prevail.

Unless otherwise expressly stated, the following terms shall have the meanings herein indicated. Where words have not been defined, the standard dictionary definition shall prevail.

ACCESSORY APARTMENT: A separate complete dwelling unit substantially contained within the structure of a single-family detached dwelling.

ACCESSORY STRUCTURE: A structure which:

1. Is subordinate to and serves a principal structure,
2. Is subordinate in area, extent or purpose to the principal structure,
3. Contributes to the comfort, convenience or necessity of occupants of the principal use, and
4. Is located on the same lot as the principal structure.

ACCESSORY USE: A use which:

1. Is subordinate to and serves a principal use,
2. Is subordinate in area, extent or purpose to the principal use,
3. Contributes to the comfort, convenience or necessity of occupants of the principal use, and
4. Is located on the same lot as the principal use.

ACRE: A measure of land containing forty-three thousand five hundred sixty (43,560) square feet.

ADMINISTRATION OFFICIAL: Except as otherwise specifically provided, primary responsibility for administering and enforcing the Pleasant Hope Zoning Regulations may be assigned by the Board of Alderman to one (1) or more individuals in the employ of the City or to someone other than an employee who is well versed in zoning regulations. The person or persons to whom these functions are assigned shall be referred to as "Administrative Official."

ADULT ENTERTAINMENT: Any establishment which features live or recreated entertainment or offer for sale or rental, for any form of consideration, visual representations, instruments, devices or paraphernalia, distinguished or characterized by an emphasis in matter depicting, describing or relating to sexual activities or anatomical areas, the regulation of which can be referenced in Section 610 of this Code, which can be found in the Office of Records in the Pleasant Hope City Hall.

AGRICULTURAL USE: The production, keeping or maintenance, sale, lease or personal use of plants and animals including, but not limited to: forages and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, and goats or any hybrids thereof, including the breeding and grazing of any or all kinds of animals; bees and apiary products; fur animals; trees for forest products; fruits of all kinds; vegetables; nursery, floral ornamental and greenhouse products; or land devoted to soil conservation or forestry management, but excluding feed lots, stockyards, and animal slaughterhouses.

ALLEY: A public or private street primarily designed to extend only secondary access to the side or rear of those properties whose principal frontage and access is on some other street.

ALTERATION: A physical change to one (1) or more of the exterior features of a structure which includes, but is not limited to, the erection, construction, reconstruction or removal of any feature of the structure.

ALTERATION, STRUCTURAL: Any change in a supporting member of a building.

ANIMAL, FARM: Any livestock or other domesticated animal raised for commercial or agricultural purposes.

ANIMAL, HOUSEHOLD PET: Any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, cows, livestock, chinchillas, horses, goats, sheep, monkeys, pigs and other similar animals and fowl.

ANIMAL, NON-DOMESTIC: Any feline other than domestic house cat, non-human primate, bear, wolf, coyote, fox, venomous reptile or any other animals or crossbreed of such animals which have similar characteristics or are dangerous or unsafe for contact with humans.

APPLICANT: A developer or any individual submitting an application for an amendment, permit, variance or appeal as required by this Chapter.

ARCHITECTURAL SIGNIFICANCE: Embodying the distinctive characteristics of a period, type, style or method of construction or use of indigenous construction or representing the work of an important builder, architect or craftsman who has contributed to the development of the City, County, State or country.

BASEMENT: That enclosed part of a building having at least two (2) feet of its height below the average grade of the adjoining ground.

BED AND BREAKFAST: A single-family dwelling, occupied as a permanent dwelling by the proprietor, in which lodging and meals are provided for time-limited durations to not more than five (5) groups of patrons in a twenty-four (24) hour period.

BERM: A mound of earth, typically located in a buffer yard to block noise, lights or other nuisances.

BOARD OF ADJUSTMENT: The appellate body appointed by the Pleasant Hope Board of Alderman to assist in the administration of this Chapter, pursuant to Sections 89.010—89.170, RSMo.

BOARDING HOUSE (ALSO LODGING OR ROOMING HOUSE): A building, other than a hotel or apartment where, for compensation and by prearrangement for definite periods, lodging, meals or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

BUFFER YARD: A land area containing trees, shrubs and other plants, berms, fences, or walls used to separate one use from another or to block noise, lights or other nuisances.

BUILDING: Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

BUILDING COVERAGE: The horizontal area measured within the exterior walls of the ground floor of all principal and accessory buildings on a lot divided by the gross area of the lot.

BUILDING HEIGHT: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL: A building in which the primary use of the lot is conducted.

BULK STORAGE: The storage of chemicals, petroleum products and other materials in above ground containers for subsequent resale to distributors or retail dealers or outlets.

CHURCHES, PLACES OF WORSHIP: A building(s) primarily used for public religious worship and associated religious functions (education, fellowship, etc.), including synagogues and temples.

CITY: The City of Pleasant Hope.

CLINIC: An establishment where human patients are admitted for examination and/or treatment by one (1) or more physicians, dentists, psychologists or social workers and where patients are not lodged overnight.

COMMISSION: The Pleasant Hope, Missouri Planning and Zoning Commission.

COMMON OPEN SPACE: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements.

COMPREHENSIVE PLAN: The Pleasant Hope Comprehensive Plan, which is a comprehensive, long range plan intended to guide the growth and development of the City.

CONDITIONAL USE PERMIT: A permit issued by the Board of Alderman that authorizes the recipient to make use of property in accordance with the requirements of this Chapter as well as any additional requirements imposed by the Board of Alderman.

CONDOMINIUM: A building, group of buildings or property in which unites are owned individually and the common elements are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION: The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

COTTAGE INDUSTRY: An establishment primarily engaged in the on-site production of goods by hand manufacturing which involve the use of hand tools or which have a limited impact on development by virtue of either low development densities or more stringent review and standards. Examples of typical low intensity uses include ceramic or stained glass studios, custom jewelry, hand-worked textiles or small furniture and outdoor ornamentation manufacturers. Cottage Industries are categorized as "limited" which are located in residential areas and "commercial" which are located in areas zoned as commercial.

DAY CARE CENTER: A child care program conducted in a location other than the provider's permanent residence or separate from the provider's living quarters, where care is provided for children not related to the child care provider for any part of the twenty-four (24) hour day.

DAY CARE HOME, FAMILY: A child care program where care is given by a person licensed as a family day care home provider for more than four (4) but not more than ten (10) children not related to the provider for any part of the twenty-four (24) hour day. The provider may be licensed to operate no more than one (1) family day care home or group day care home.

DAY CARE HOME, GROUP: A child care program where care is given by a person licensed as a group day care home provider for eleven (11), but not more than twenty (20), children not related to the child care provider, for any part of the twenty-four (24) hour day. A group day care home shall be in a location other than the provider's permanent residence or separate from the provider's living quarters. The provider may be licensed to operate no more than one (1) group day care home or family day care home.

DENSITY: The permitted number of dwelling units per gross acre of land to be developed.

DEVELOPER: The legal or beneficial owner of owners of a lot or any land included in a proposed development. Also the holder of an option or contract to purchase or any other person having enforceable proprietary interest in such land.

DEVELOPMENT: A construction project involving substantial property improvement and, usually, a change of land use character within the site; the act of using land for building or extractive purposes.

DISTRICT: A part, zone or area within the City of Pleasant Hope, within which certain zoning regulations apply and are uniform.

DUPLEX, TWO-FAMILY: A structure on a single lot containing two (2) dwelling units, each of which share a common wall including, without limitation, the wall of an attached garage or porch and in

which each dwelling unit has living space on the ground floor and a separate ground floor entrance. Zones "R-2", "R-3".

DWELLING: A building or portion thereof designed exclusively for residential occupancy, excluding hotels, motels, boarding, rooming and lodging houses, travel trailers/recreational vehicles and tourists courts.

DWELLING, MULTI-FAMILY: A structure on a single lot containing three (3) or more dwelling units, each of which is totally separated from the other. "R-3" District.

DWELLING, MULTI-FAMILY TOWN HOUSE: A multi-family residential use in which each dwelling unit shares a common wall including, without limitation, the wall of an attached garage or porch, with at least one (1) other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance. "R-3" District. "R-2" District only as a conditional use, requires approval by Board of Aldermen.

DWELLING, PATIO-COURT HOME: See "DWELLING, SINGLE-FAMILY-SEMI-DETACHED".

DWELLING, SINGLE-FAMILY DETACHED: A structure on a single lot designed for or occupied exclusively by one (1) family. Zones "R-1" and "R-2", "C-1", "R-3" Districts only if existing at the time the district is mapped. "A-1" Agricultural District existing at the time the district is mapped or new construction on a lot with at least three (3) acres.

DWELLING, SINGLE-FAMILY-SEMI-DETACHED: A dwelling unit attached to one (1) or more dwelling units by common vertical walls and each dwelling unit is located on a separate lot. This definition may include the term zero (0) lot line, twin house or patio court house. "R-1" District only as a conditional use requires approval by Board of Alderman.

FAMILY: One (1) or more persons, related by blood, marriage, adoption, guardianship or duly authorized custodial relationship or two (2) unrelated people and any children related to or legally cared for by either of them or a group of not more than five (5) unrelated individuals, living together as a single housekeeping unit. A family may include, in addition hereto, not more than two (2) borders, roomers or domestic servants.

FLOOR AREA RATION (FAR): The gross floor area of all buildings on a lot divided by the lot area.

FRONTAGE: That part of a lot or premise immediately adjacent to a street or streets without regard to access to, or elevation of, the street or streets.

GARAGE, PRIVATE: A detached accessory building or portion of a main building housing the passenger vehicles or trailers of the occupants of the premises.

GARAGE, PUBLIC: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles. The term "repairing" shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

GARAGE, STORAGE: A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients and at which motor fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.

GRADE: The average level of the finished surface of the ground for buildings more than five (5) feet from a street line. For buildings closer than five (5) feet to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one (1) street an average sidewalk elevation is to be used. If there is no sidewalk, the City Engineer shall establish the sidewalk grade.

GROSS FLOOR AREA: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

GROUP HOME, CUSTODIAL: A dwelling in which more than ten (10) unrelated physically and mentally impaired persons reside with houseparents' or guardians.

GROUP HOME, RESIDENTIAL: A single-family, detached dwelling in which no more than ten (10) persons reside, comprised of the following: eight (8) or fewer unrelated mentally or physically handicapped or impaired persons, no more than two (2) persons acting as houseparents' or guardians who need to be related to each other or to any of the mentally or physically handicapped persons residing in the dwelling.

HISTORIC DISTRICT: An area designated as a historic district by ordinance of the Pleasant Hope Board of Aldermen, pursuant to the procedures prescribed herein and which is a geographically definable area possessing a significant concentration, linkage or continuity of sites or structures united by past events, plan or physical development. Designation as a historic district will be considered an overlay zoning district.

HOME OCCUPATION: An activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or accessory building on the premises.

HOTEL: A facility offering transient lodging accommodations on a daily rate to the general public.

INSTITUTION: A non-profit establishment for public use.

LIVESTOCK: Cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in Section 277.024. RSMO., llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption.

LOADING SPACE: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA: The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

LOT, CORNER: A lot abutting on two (2) or more streets at their intersection.

LOT DEPTH: The horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.

LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

LOT, FRONT OF: The front of a lot shall be considered to be that side of the lot which fronts a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: A boundary line of a lot.

LOT LINE, FRONT: The lot line separating a lot from the street. On a corner lot, the shortest lot line abutting a street is the front lot line; on a through lot, both lot lines abutting the streets are front lot lines; on an irregular shaped lot, the front lot line most parallel to the abutting street.

LOT LINE, REAR: Any lot line not a front or side lot line. The rear lot line for a triangular shaped lot shall be a line ten (10) feet long drawn between the lot's side lot lines and parallel to the front lot line.

LOT LINE, SIDE: The lot lines that intersect with a lot's front lot line.

LOT OF RECORD: A lot which is part of a recorded subdivision or a parcel of land on a plat or deed which has been recorded by the Polk County Recorder of Deeds.

LOT, THROUGH: A lot having a frontage on two (2) parallel streets or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

LOT WIDTH: The mean horizontal distance between the side lot line of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear lot line of the required front yard (building line, especially on irregularly shaped lots).

MANUFACTURED HOME: A transportable, factory-built dwelling, composed of one (1) or more components, manufactured under the authority of 42 U.S.C. Section 5401, Federal Manufactured Housing Construction and Safety Standards Act, which bears the seal of the State of Missouri Public Service Commission, U.S. Department of Housing and Urban Development or its agent and which, in traveling mode, is twelve (12) body feet or more in width and forty (40) body feet in length, and when erected on site contains nine hundred (900) feet or more square feet of living area equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit with or without a permanent foundation.

MANUFACTURED HOUSING PARK: An area where one (1) or more manufactured homes can be or are intended to be parked, designed or intended to be used as living facilities for one (1) or more families.

MARIJUANA: Cannabis indica, Cannabis sativa and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seed thereof and resin extracted from the plant and marijuana-infused products.

MARIJUANA-INFUSED PRODUCTS: Products that are infused with marijuana or an extract thereof and are intended for use of consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

MEDICAL MARIJUANA CULTIVATION FACILITY: A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or a Medical Marijuana Infused Products Manufacturing Facility.

MEDICAL MARIJUANA DISPENSARY FACILITY: A facility licenses by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana to a Qualifying Patient, a Primary Caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana Infused Products Manufacturing Facility.

MEDICAL MARIJUANA FACILITIES: Collectively any Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, and/or Medical Marijuana Testing Facility.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY: A facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Test Facility, or to another Medical Marijuana-Infused Projects Manufacturing Facility

MEDICAL MARIJUANA TESTING FACILITY: A facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.

MEDICAL MARIJUANA TRANSPORTATION FACILITY: A facility certified by the department of health and senior services to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana transportation facility.

MOBILE HOME: A transportable, factory-built home, designed to be used as a year around residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 16, 1976.

MODULAR HOME: A dwelling unit built to a nationally recognized and accepted construction standard published by the Building Official's Conference of America (BOCA) or the International Conference of Building Officials (ICBO) or its successor, consisting of components substantially built and assembled in a manufacturing plan and transported to the building site for final assembly on a permanent foundation. The dwelling unit shall be inspected and certified at the factory and it meets said building construction standard. A modular home shall not have its own running gear and on-site service connections and foundation shall be in accordance with the requirements of the City of Pleasant Hope's building regulations.

MOTEL: An establishment in which transient accommodations are provided on a daily rate to the general public

NON-CONFORMING LOT: A lot existing at the effective date of this Chapter, (and not created for the purpose of evading the restrictions of this Chapter) that does not meet the minimum area requirement of the zoning district in which it is located.

NON-CONFORMING USE: The use of land or a building or portion thereof, existing at the effective date of this Chapter, where such use does not conform to the use regulations of the zoning district in which it is located.

OWNER OF RECORD: The person, corporation or other legal entity listed as the owner of a lot on records of the Polk County Recorder of Deeds.

PARKING SPACE: A space within a building or a private or public parking area for the parking of one (1) vehicle.

PLANNED UNIT DEVELOPMENT: A tract of land under single ownership, planned and developed as an integral unit and consisting of a combination of residential and non-residential uses of land within a planned unit development (PUD) district.

PRINCIPAL STRUCTURE: A structure or group of structures, in which the principal use of the lot on which it is located, is conducted.

PUBLIC: Maintained for or used by the people of the City of Pleasant Hope on a non-commercial basis.

PUBLIC IMPROVEMENT: The installation, construction, addition or betterment of any new physical development dedicated to or intended for public use such as streets and sidewalks, utilities, drainage facilities, etc.

SCHOOL: Any public school as defined in section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

SETBACK: The required minimum horizontal distance between the nearest front, side or rear line of every structure and the front line of the lot.

SIGN: Any words, numbers, figures, devices, designs or trademarked by which anything is made known such as are used to designate an individual, firm, profession, business or a commodity and which are visible from any public street.

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

STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half ($\frac{1}{2}$) story containing independent apartments or living quarters shall be counted as a full story.

STREET: A public or private way, used or intended to be used for passage or travel by motor vehicles.

STREET FUNCTIONAL CLASSIFICATION: Streets and roads are classified by their primary function in the City's transportation network. Design standards are related to functional classification. These functional classifications include:

1. **ALLEYS:** A dedicated public right-of-way other than a street designated to extend only secondary access to the side or rear of those properties whose principal frontage and access is on some other street.
2. **COLLECTORS:** A street that collects and distributes traffic to and from local streets and arterial streets and is intended to provide for low to moderate volume and low-speed, shorter length trips. Traffic movement and property access functions are balanced.
3. **LIMITED ACCESS HIGHWAY:** Connects the City to other areas and primary function is to move traffic through the City. Carries large volumes of traffic at high speeds. Access is typically limited to major interchanges and intersections.
4. **LOCALS:** A Street intended to provide access to abutting property and designed for low-volume, low speed traffic.
5. **PARKWAYS:** Scenic open spaces which combine the functions of aesthetics and movement of traffic along an arterial.
6. **PRIMARY ARTERIALS:** A street intended to provide for high-volume, moderate-speed traffic movement through the community and between major activity centers. Access to abutting property is subordinate to the flow of traffic and entrances and exits to the arterial are subject to control.
7. **SECONDARY ARTERIALS:** A street intended to provide for moderate volume, moderate speed traffic movement between major activity centers and between neighborhood areas within the City. Access to abutting property is subordinate to the flow of traffic and entrances and exits to the arterial are subject to control.

STREET LINE: A dividing line between a lot, parcel or tract and a contiguous street.

STREET WIDTH: The horizontal distance between the outside edges of a street's pavement, including any curbing and guttering, measured at right angles to the street's centerline.

STRUCTURE: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

SUBSTANCE ABUSE TREATMENT FACILITY: A residential or outpatient facility for the treatment of alcohol and other drug abuse pursuant to Section 89.143, RSMo.

TOWER: Any structure whose primary function is to support an antenna.

TRACT: A lot. The term “tract” is used interchangeably with the term lot, particularly in the context of subdivisions where one (1) “tract” is subdivided into several “lots”.

UNDEVELOPED LAND: Land in its natural state before development.

USE: The activity or function that takes place or is intended to take place on a lot.

VARIANCE: A grant of permission from the Board of Adjustment that allows the recipient to waive compliance with a specific provision of this Chapter, granted because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the ordinance. If granted, must be recorded with County Recorder of Deeds after a thirty (30) day waiting period.

WORKING DAYS: The days of the week, excluding Saturdays, Sundays and recognized holidays, during which normal business is conducted by the City of Pleasant Hope.

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 herein. In measuring a yard for the purpose of determining the width of a side yard or the depth of a front yard or a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projection of the usual uncovered steps, unenclosed balconies or unenclosed porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projection of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

YARD, SIDE: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof.

Section 405.110: Administrative Procedures

Sub Section A. Compliance Authority - (Planning and Zoning Secretary)

The Board of Aldermen shall designate someone to administer and ensure compliance of this Chapter. Unless otherwise provided for in this Chapter, the Planning and Zoning Secretary shall have the following responsibilities:

1. Receive applications for zoning (rezonings), variances and appeals and for amendments to this Chapter. City Inspector shall authorize building permits, occupancy permits, sign permits and other permits as required by this Chapter.
2. Interpret the provisions of this Chapter in connection with the above prescribed duties and other duties as may be prescribed by the Board of Aldermen in administration of this Chapter.
3. Maintain records of official actions of the Planning and Zoning Commission.

Sub Section B. Inspection and Right of Entry

1. *Inspections authorized.*

The Zoning Administrative Official is authorized to make inspections on all buildings, structures, premises or construction within the City limits to determine compliance with the requirements of this Chapter. The Inspector shall have the authority to enter or conduct such inspection at any reasonable hour.

2. *Notification required for inspections.*

It shall be the responsibility of the property owner or person engaged in the construction, installation or repair of any structure, building or premise to obtain all necessary permits and inspections. Unless otherwise specified under other provisions of this Chapter, a minimum of forty-eight (48) hours' notice shall be given to the City prior to the commencement of any construction, installation or repair activity requiring inspection.

Section 405.120: Enforcement and Penalties

Sub Section A. Persons Liable

Any person, firm, partnership or corporation who fails to comply with or violates any of the regulations in this Chapter may be held responsible for the violation and be subject to the penalties and remedies herein provided.

Sub Section B. Stop Work Order

Whenever any work is being done on any property within the corporate limits of Pleasant Hope that is in violation of the requirements of this Chapter, the City may order the work to be stopped and may revoke all permits and certificates previously issued by the City and cause all said work to stop. The penalties proscribed herein for violation shall continue for each day until the violation is remedied.

Sub Section C. Penalties

- 1.** Pursuant to the provisions of Section 89.120, RSMo., violations of this Chapter or failure to comply with any of its requirements shall constitute an offense, punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty (\$250.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.
- 2.** Each day that any such violation continues after written notification by the City, delivered by certified mail, that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified herein.

Sub Section D. Civil Enforcement

Any person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of this Chapter in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00). Appropriate actions and proceedings may be taken by law or in equity pursuant to Section 89.120, RSMo., to prevent any violation of these regulations, to prevent unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or land or to prevent any illegal conduct, business or use in or about such premises and these remedies shall be in addition to the penalties described above.

Section 405.130: Board of Adjustment

Sub Section A. Membership of the Board of Adjustment

The Board of Adjustment for the City of Pleasant Hope shall consist of five (5) members, all of whom shall be residents of Pleasant Hope appointed by the Mayor and approved by a majority of the Board of Aldermen. Three (3) alternate members may be appointed to serve in the absence or disqualification of regular members. Members shall serve without compensation.

Sub Section B. Period of Appointment

Members of the first (1st) appointed Board of Adjustment shall serve as follows: one (1) member for one (1) year, one (1) member for two (2) years, one (1) member for three (3) years, one (1) member for four (4) years and one (1) member for five (5) years. Thereafter, members shall be appointed for terms of five (5) years each. Any vacancy in membership shall be filled for the unexpired term by appointment by the Mayor and approval by the Board of Aldermen.

Sub Section C. Removal of Members

All members and alternates may be removed for cause by the Board of Aldermen upon written charges and after a public hearing. The absence of a member from three (3) consecutive meetings shall constitute just cause for removal from the Board of Adjustment.

Sub Section D. Meetings of the Board of Adjustment

1. *Adopting rules.* The Board of Adjustment shall adopt rules of procedure in accordance with the provisions of Sections 89.010 to 89.170, RSMo.
2. *Meeting schedule.* Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. Meetings shall be held frequently enough so that applications and appeals may be processed expeditiously
3. *Open meetings.* All meetings of the Board of Adjustment shall be open to the public and the agenda for each meeting shall be made available to the public in advance of the meeting as required by law.
4. *Minutes of meetings.* The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon question. The minutes shall reflect if a member is absent or fails to vote. All minutes shall be filed with the City Clerk and shall become public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter.
5. *Board of Adjustment quorum.* At any meeting at which a vote is taken to reverse any order, requirement, decision or determination of the Administrative Official or to vote on any applicant request, a quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths (4/5) of the regular Board membership, excluding vacant seats. A member, who has withdrawn from the proceedings without an excuse, as provided for in Sub Section (F), shall be counted as present for purposes of determining a quorum. Three (3) members shall constitute a quorum for meetings of the Board of Adjustment for all other matters.

Sub Section E. Powers and Duties of Board of Adjustment.

The Board of Adjustment shall hear and decide:

1. Appeals from any order, decision, requirement or interpretation made by any administrative official of the City.
2. Applications for variances.
3. Questions involving interpretations of the Zoning Map, including disputed district boundary lines and lot lines.
4. Any other matter the Board is required to act upon by any other City ordinance.

Sub Section F. Board of Adjustment Voting.

1. The concurring vote of four (4) members of the regular Board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision or determination of the Administrative Official or to decide in favor of the applicant on any matter upon which it is required to pass including to grant any variance. All other actions of the Board shall be taken by a majority vote.
2. Failure of a member present at the Board of Adjustment meeting to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Sub Section (F)(3) or has been allowed to withdraw in accordance with Sub Section (F)(4).
3. A member shall excuse himself/herself from voting on an issue if any of the following conditions exist:
 - a) The member has direct financial interest in the outcome of the issue, or
 - b) The issue involves the member's own official conduct, or
 - c) Participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or

- d) A member has such close personal ties to the applicant that the member cannot be expected to exercise sound judgment in the public interest.
4. A member may be allowed to withdraw from the remainder of a meeting by majority vote of the remaining members present for any good reason other than a desire to avoid voting on matters to be considered at the meeting.

Section 405.140: Appeals

Sub Section A. Appeal from Administrative Order

The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of this Chapter.

Sub Section B. When Appeals May Be Taken

An appeal may be taken to the Board of Adjustment by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo.; representing such person, or by an officer, department, board or agency of the City of Pleasant Hope affected by a decision of an Administrative Official. An appeal must be made within thirty (30) days after the date of the decision or order appealed. Appeals shall be taken by filing with the City Clerk a written notice of appeal specifying the grounds for the appeal. The City Clerk shall enter the date of filing on the notice of appeal and shall transmit to the Chair of the Board of Adjustment the notice of appeal and all papers and materials constituting the record upon which the action appealed from was taken.

Sub Section C. When Appeals to Stay Proceedings

A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed, that by reason of acts stated in the certificate a stay would, in the opinion of the officer, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a proper court order.

Sub Section D. Hearing on Appeals

The Board of Adjustment shall hold a public hearing on all appeals, in accordance with the provisions of Section 405.190.

Sub Section E. Board of Adjustment Decision On Appeal.

1. A motion to reverse, affirm or modify the order, requirement or decision appealed from shall include, as far as practical, a written statement of the specific reasons or findings of fact that support the motion. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement or decision or to decide in favor of the applicant on any matter upon which it is required to pass.
2. Within thirty (30) days after the hearing on an appeal, the Board of Adjustment shall file with the City its findings of fact and decision with respect to the appeal. The City Clerk shall transmit by mail a copy of the decision to the appellant and to each other person who requests in writing to be notified.

Section 405.150: Variances

Sub Section A. Jurisdiction and Authority

The Board of Adjustment shall exercise the authority to vary the strict or literal terms of the applicable zoning provisions of this Chapter in accordance with the standards set forth in Sub Section (C). A variance is the remedy created by this power and is part of the Board's appellate jurisdiction. It is a discretionary privilege which is granted because strict and literal enforcement of certain provisions of this Chapter would, due to special conditions peculiar to a particular property; result in unusual difficulty or hardship.

Sub Section B. Authorized Variances.

Variances from the zoning regulations and restrictions contained in this Chapter may be granted by the

Board of Adjustment in the following instances:

1. A variance of the applicable bulk regulations for buildings and structures, including maximum height, lot coverage, floor area ratio, required yard areas and other required open space.
2. A variance of the applicable minimum requirements for lot size, width and depth and setbacks from lot lines.
3. A variance of the applicable off-street parking and off-street loading requirements and ratios.
4. A variance of the landscaping and buffer yard requirements.

Sub Section C. Standards for Grant of Variance

The Board of Adjustment may grant a variance if it concludes that strict enforcement of Ordinance 293 would result in practical difficulties or undue hardship for the applicant and, by granting the variance, the spirit of Ordinance 293 will be observed, public safety and welfare will be secured and substantial justice will be done. The Board of Adjustment may reach these conclusions if it finds affirmatively in writing that each of the following requirements is met:

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in undue hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out;
2. The conditions of which the applicant complains is one suffered by the applicant and would not be applicable to other property in the same zoning classification;
3. The property in question cannot yield a reasonable return or the applicant cannot make reasonable use of his/her property if strict compliance with the regulations is required;
4. The hardship relates to the applicant's land, rather than personal circumstances;
5. The alleged hardship has not been created by any person presently having an interest in the property;
6. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
7. The variance will not nullify the intent and purpose of the Pleasant Hope Zoning Regulations and the Pleasant Hope Comprehensive Plan.

Sub Section D. Application for Variance

An application for a variance shall be submitted to the City Clerk. The City Clerk shall transmit the application and all papers and materials constituting the record to the Board of Adjustment.

Sub Section E. Hearing on Variances

The Board of Adjustment shall hold a public hearing on any application for variance, in accordance with the provisions of Section 405.190.

Sub Section F. Board of Adjustment Decision on Variances

1. In deciding on variances, the Board of Adjustment shall take a separate vote on each of the seven (7) required findings stated in Sub Section (C). The affirmative vote of four (4) members of the Board shall be required on each separate finding. Insofar as is practical, a motion to make an affirmative finding on each of the requirements shall include a written statement of the specific reasons or findings of fact supporting the motion.
2. A motion to deny a variance may be made on the basis that any one (1) or more of the seven (7) requirements set forth in Sub Section (C) are not satisfied or that the application is incomplete. Such motion, insofar as is practical, shall include a written statement of the specific reasons or findings of fact that support the motion. A motion to deny a variance is adopted as the Board of Adjustment's decision if supported by more than one (1) affirmative vote.
3. In granting a variance, the Board of Adjustment may impose such reasonable conditions to ensure that the use of the property to which the variance applies will be as compatible as practical with surrounding properties.
4. A variance may be issued for a specified or indefinite duration.
5. The nature of the variance shall be entered upon the permit. All such conditions are enforceable in the same manner as any applicable requirement of this Chapter.

Section 405.160: Recordation of Order of the Board of Adjustment

Whenever the Board of Adjustment shall have acted upon an appeal, request or variance, the Board shall cause its order granting or denying said appeal or application to be recorded in the records of the Polk County Recorder of Deeds. However, no order shall be recorded until the order has become final by the passage of thirty (30) days from the date said order is filed with the City Clerk without an action being filed in a court of competent jurisdiction challenging the issuance of said order or until a court of competent jurisdiction upholds said order if it is challenged within the thirty (30) day period.

Section 405.170: Judicial Review - Board of Adjustment Action

Any person aggrieved by any decision of the Board of Adjustment made under the provisions of this Chapter may seek judicial review of such decision in accordance with the provisions of Section 89.110, RSMo.

Section 405.180: Amendments

Sub Section A. Amendments Authorized.

The Board of Aldermen may from time to time by ordinance amend, supplement, change, modify or repeal the boundaries of the zoning districts or the zoning regulations herein or subsequently established. The Board of Aldermen must receive the recommendation and report of the Planning and Zoning Commission before it may take any such action.

Sub Section B. Initiation of Amendment

Amendments may be proposed by any Pleasant Hope citizen, property owner organization or governmental body. Applications for amendments initiated by the Commission or the Board of Aldermen shall be accompanied by a motion of such body pertaining to the proposed amendment.

Sub Section C. Application for Amendment

An application for an amendment, along with pertinent data and information as may be proscribed by the Commission, shall be submitted to the City at least thirty (30) days prior to the public hearing to be held by the Commission on the application. The application shall be on forms provided by the City Clerk and shall contain the following information, dependent on the type of application submitted:

1. For amendments to zoning district classification (rezonings):
 - a) The name, address and phone number of the applicant.
 - b) The name of the person, firm or organization holding title to such real estate and if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act on the owner's behalf.
 - c) Legal description of the property proposed for rezoning.
 - d) The street address of such real estate and if there is no street address, a sufficient description of the location of said real estate to enable the ordinary person to determine its location.
 - e) The current zoning classification of the property, the current use of the property and the zoning classification requested.
 - f) Such additional information that the Commission may, by rule, require.
2. For amendments to the zoning regulations text:
 - a) The name, address and phone number of the applicant.
 - b) The Section of the text of the Zoning Regulations proposed to be amended.
 - c) The wording of the proposed text amendment.
 - d) An identification of any property owned, controlled or occupied by the applicant that would benefit from the proposed amendment.
 - e) An explanation of the extent to which other properties in the City that are subject to the regulations would be affected by the proposed amendment.
 - f) Such additional information that the Commission may, by rule, require.

Sub Section D. Actions by the Commission

1. *Public hearing.* The Commission shall hold a public hearing on all proposed amendments. Notice of

public hearing shall be given in accordance with the provisions of Section 405.190. The applicant or his/her agent shall present evidence to the Commission in regard to the applicant's request for the amendment.

2. *Commission recommendations.* Within thirty (30) days of the public hearing, except when the applicant requests that the amendment be postponed, the Commission shall make written findings of fact on the proposed amendment and shall submit same together with its recommendations to the Board of Aldermen. The Commission shall not, however, forward its recommendations to the Board of Aldermen when the applicant or his/her agent did not appear at the public hearing before the Commission and present evidence in regard to the applicant's request for the proposed amendment.

Sub Section E. Actions by the Board of Aldermen

1. *Commission report.* The Board of Aldermen shall take no action on a proposed amendment until the report or a recommendation of the Commission has been submitted. A scheduled meeting shall be held by the Board of Aldermen to take action on the proposed amendment.
2. *Protest petitions.* In case of a protest against such change or amendments duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five feet (185) feet from the boundaries of the district proposed to be changed, then the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen shall be required for the amendment to be enacted.

Section 405.190: Notice of Public Hearing

Sub Section A. Board of Adjustment Public Hearings

1. Notice of public hearing before the Board of Adjustment on any request, appeal or variance shall be in accordance with the following:
2. Notice of public hearing shall be given by publication in a newspaper of general circulation in the City of Pleasant Hope at least fifteen (15) days prior to said hearing.
3. Notice of public hearing shall be posted in two (2) conspicuous places on the subject property not less than ten (10) days prior to the public hearing.
4. Notice of public hearing shall be provided by first class mail to the record owners of property within two hundred fifty (250) feet of the subject property.

Sub Section B. Planning and Zoning Commission Public Hearings

1. *Rezoning's and conditional use permits.* Notice of public hearing before the Commission on rezoning's and conditional use permits shall be in accordance with the following:
 - a) Notice of public hearing shall be given by publication in a newspaper of general circulation in the City of Pleasant Hope at least fifteen (15) days prior to said hearing.
 - b) Notice of public hearing shall be posted in two (2) conspicuous places on the subject property not less than ten (10) days prior to the public hearing.
 - c) Notice of public hearing shall be provided by first class mail to the owner of record per Polk County Assessor website on property within two hundred fifty (250) feet of the subject property.
2. *Text amendments.* Notice of public hearing before the Commission on any amendment to the text of these regulations shall be given by publications in a newspaper of general circulation in the City of Pleasant Hope at least fifteen (15) days prior to said hearing.

Sub Section C. Contents of Public Hearing Notice

All notices of public hearing required by this Article shall include the following information:

1. Name of the applicant.
2. Name of the property owner, if different than the applicant (not required for text amendment).
3. Street address or common description of the property involved (not required for text amendment).
4. Legal description of the property involved (not required for text amendment).
5. Concise description of the nature of the request.
6. Date, time and place of the public hearing.

7. Place at which further information regarding the request can be obtained.

Sub Section D. Party Responsible For Public Notice

The City shall be responsible for providing newspaper and mail notice of all hearings required pursuant to this Section. The applicant shall be responsible for the posting of notices on the subject property. Said signs shall be provided by the City and a deposit shall be required on said signs. The applicant shall be charged for the costs incurred to provide public notice.

Sub Section E. Substantial Compliance of Public Notice

With respect to the mailing of notices of public hearing, which are considered directory and not mandatory, substantial compliance with such provisions shall be deemed to constitute proper notice.

Section 405.200: Conditional Uses

Sub Section A. Conditional Uses Permitted.

Any use permitted as a conditional use in Article V shall be regulated by the following conditions.

Sub Section B. Application

An application for a conditional use permit shall be submitted to the Planning and Zoning Commission by filing a copy of the application with the City Clerk at least thirty (30) working days prior to the public hearing before the Commission. The Clerk shall transmit the application and all papers and materials constituting the record to the Planning and Zoning Commission. The application for conditional use permit shall include the following information:

1. Applicant's name, address and legal interest in the property.
2. The owner's name and address if different than the applicant.
3. Street address or common description and legal description of the property.
4. Zoning classification and present use of the property.
5. Description of the proposed conditional use.
6. Statement as to how the proposed use will comply with the applicable standards of Sub Section (F).
7. Statement identifying any potentially adverse effects and how the conditional use will be designed, arranged and operated to ensure that the conditional use will not cause harm to the community and that the value, use and reasonable enjoyment of surrounding property will not be adversely affected.
8. Site Plan, in accordance with the requirements of Section 405.210.

Sub Section C. Commission Action on Conditional Use Permit

The Planning and Zoning Commission shall hear evidence concerning the proposed conditional use at a public hearing. Notification of public hearing shall be made in accordance with the requirements of Section 405.190(B). The Planning and Zoning Commission shall make a recommendation to the Board of Aldermen that the conditional use permit be approved, approved with specific conditions or denied.

Sub Section D. Board of Aldermen Action on Conditional Use Permit

1. Commission Report. The Board of Aldermen shall take no action on a proposed conditional use permit until the report or a recommendation of the Commission has been submitted. A scheduled meeting shall be held by the Board of Aldermen to take action on the proposed conditional use permit.
2. The Board of Aldermen may, by ordinance, authorize the issuance of a conditional use permit for such use as recommended by the Commission or may reverse or modify such decision. In authorizing said conditional use permit, the Board of Aldermen may impose additional conditions or restrictions as it may determine necessary to ensure compliance with the standards set forth in Sub Section (F) to avoid, minimize or mitigate potentially adverse effect of the conditional use on the community and properties in the vicinity. All such conditions or restrictions shall be set out in the ordinance approving the conditional use permit.

Sub Section E. Permit Validity Time Period

Any conditional use permit authorized shall be validated within six (6) months from the date of approval by the Board of Aldermen or such conditional use permit shall be nullified. The conditional use permit shall be considered validated if a building permit is obtained and the erection or alteration of a structure is started or if an occupancy permit is obtained and the conditional use is commenced. The Board of Aldermen may grant one (1) additional extension of time not exceeding six (6) months, without notice or hearing. Requests for time extension shall be made by filing an application with the City before the expiration date. If the applicant fails to submit the request for time extension within the specified period, an application for conditional use permit shall be filed in accordance with the provisions of Sub Section B.

Sub Section F. Conditional Use Standards.

A conditional use permit shall be granted only if evidence is presented at the public hearing that the conditional use will comply, to the extent applicable, with the following standards:

1. The conditional use will be consistent with the policies and intent of the Pleasant Hope Comprehensive Plan and the Pleasant Hope Zoning Regulations.
2. The conditional use will not generate noise that exceeds the sound levels that are typical of uses permitted in the district.
3. Adequate access roads or entrance and exit drives will be designed and provided to prevent traffic hazards and to minimize traffic congestion at the site.
4. Street right-of-way and pavement width in the vicinity of the conditional use is or will be adequate for traffic reasonably expected to be generated by the proposed use.
5. Glare of stationary or vehicular lights from the conditional use will not adversely affect the character of the neighborhood and if such lights will be visible from a residential district, measures to shield or direct lights to mitigate glare are proposed.
6. The conditional use will not have any substantial adverse effect upon the use or enjoyment of adjacent and nearby property or conditions affecting the public health, safety and welfare.
7. The conditional use will be designed, constructed and operated so as not to interfere with the development and use of adjacent property in accordance with the applicable zoning district regulations.
8. In the case of existing structures to be converted to a use requiring a conditional use permit, the structure shall meet all fire, health, building, plumbing and electrical requirements of the City of Pleasant Hope.

Sub Section G. Conditional Use Permits for Towers

1. *Purpose.* The purpose of these restrictions is to:
 - a) Minimize the adverse effects of towers on aesthetic and property values through careful design, siting and vegetative screening;
 - b) Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
 - c) Lessen traffic impacts on local streets; and
 - d) Maximize use of existing towers to reduce the number of towers needed.
2. *Applicability.* In addition to the standards of Sub Section (F), telecommunications facilities and towers permitted as conditional uses in any zoning district shall also comply with the standards set forth in Section 405.410(D).
3. *Exemptions.* An antenna and tower for the following uses are exempt from these requirements and are permitted uses in any district if accessory to a permitted use and if they comply with the applicable regulations of the district in which situated see Section 405.370 through 405.410.
 - a) Ham radios.
 - b) Citizen band radios.
4. *Application contents.* An application for approval of a conditional use permit for a new tower shall include the following in addition to the application requirements of Sub Section (B):
 - a) A site plan drawn to scale and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed or replaced; and uses, structures and land-use designations on the site and adjoining parcels;
 - b) A plan drawn to scale showing proposed landscaping, including species type, size, spacing and other features; and

- c) Evidence that the planned transmission facilities cannot be accommodated on an existing or approved tower and that the planned tower cannot be accommodated on an existing or approved tower site. The Board of Aldermen may consider expert testimony to determine whether other towers or sites could accommodate the planned facilities and whether fees and costs associated with the use of an existing or planned tower or site is reasonable.
5. *Conflict with FCC or FAA regulations.* In the event there is a conflict between these regulations and Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations, the FCC or FAA regulations shall govern.

Section 405.210: Required Plans

Sub Section A. Plot Plan.

All applications for Building Permits with the exception of applications which require a site plan shall be accompanied by a plot plan, drawn to scale, which shows the following information. In addition, all buildings or structures to be erected shall be staked out on the site.

1. Dimensions of the lot to be built upon or used.
2. Dimensions of the building or structure to be erected (area and height) and location on the lot.
3. Any other information as may be necessary to determine compliance with the provisions of this Chapter.

Sub Section B. Construction Plans

A copy of the construction plans must be submitted with plot plan and approved prior to obtaining a building permit.

Sub Section C. Site Plan.

1. *Applicability.*

Site plans prepared and approved in accordance with the provisions of this Chapter are required to assist City Officials in assuring compliance with all applicable requirements of this Chapter and to assist in the review of building permits. Whenever a site plan is required by this Chapter, a building permit shall not be issued until the site plan is approved.

2. *Developments requiring a site plan.*

Unless otherwise exempted by Sub Section C (3), a site plan is required for any permitted or conditional use or for any planned development in any zoning district.

3. *Exemptions.*

The following developments and uses shall not require a site plan.

- a) Construction of or additions to a single-family or duplex dwelling on a lot of record.
- b) Construction of or addition to any permitted accessory use on a single-family or duplex dwelling lot of record.
- c) Remodeling of a building or structure if no enlargement or expansion is involved.
- d) Any temporary use permitted by this Chapter.

4. *Site plan application.*

An application and nine (9) copies of the site plan shall be submitted to the City no less than fifteen (15) days prior to the Commission meeting at which the site plan will be reviewed. The site plan should provide sufficient information to determine whether the proposed development is in compliance with these regulations. The site plan shall include the following information:

- a) Applicant's name, address and legal interest in the property.
- b) Owner's name, address and owner's signed consent to the filing of the application.
- c) Street address or common description of the property.
- d) Legal description of the property.
- e) Zoning classification and boundary lines, present use of the property and proposed uses.
- f) The location and widths of all existing, platted or proposed streets, other public rights-of-way, easements and railroad lines which are within or adjacent to the property.
- g) The location and size of existing and proposed public water and sewer utilities on and adjacent to

the site.

- h) The location and size of existing and proposed drainage facilities, including culverts, drains, catch basins or any other drainage facility.
- i) The location and arrangement of all existing and proposed buildings and computations showing height in stories and feet, total square feet of ground area coverage and number of dwelling units.
- j) If applicable, the location, size and arrangement of proposed outdoor signs.
- k) The location and height of proposed screening/buffering and types of materials to be used.
- l) If applicable, the location and total area of proposed usable open space.
- m) Any significant natural, topographical or physical features of the property, including water courses, rock outcrops and significant stands of trees or other vegetation.
- n) Any other information that may be determined necessary by the City to determine compliance with this Chapter and the platting requirements of the Pleasant Hope Subdivision Regulations.

5. Site plan review process.

- a) *Commission review.* The Commission shall review the site plan and shall make its determination based on the standards for site plan review in accordance with Sub Section C (6). The Commission may approve the site plan, approve the site plan subject to specific modifications or disapprove the site plan. The Commission shall have sixty (60) days to take action on the site plan. If no action is taken within the sixty (60) day time period, the site plan shall be deemed to be approved. The decision of the Commission is final unless appealed to the Board of Aldermen.
- b) *Appeals to Board of Aldermen.* The decision of the Commission to approve a site plan with modifications not acceptable to the applicant or to disapprove a site plan may be appealed to the Board of Aldermen. The application for appeal shall be filed with the City Clerk within thirty (30) days of the final decision of the Commission. In making its decision, the Board of Aldermen shall take into consideration the findings of the Commission and the standards for site plan review as prescribed in Sub Section C(6).
- c) *Effect of site plan approval.* Approval of the site plan or of the site plan with modifications acceptable to the applicant shall authorize the continued processing of applications for any further permits which may be required by this Chapter or any other ordinances of the City, including approvals such as a building permit, a certificate of occupancy or a conditional use permit. A site plan approval shall be valid for a period no longer than eighteen (18) months from the date of approval unless a building permit is issued and construction begun within the eighteen (18) month period.

6. Site plan review standards.

Site plans shall be reviewed and approved unless it is found in writing that:

- a) The site plan application indicates violations of any applicable provisions of this Chapter, which the applicant has after written request, failed or refused to correct.
- b) The site plan will result in unauthorized encroachment on an easement, roadway, utility or public or private right-of-way.
- c) In the case of a site plan submitted in conjunction with an approved development plan, conditional use permit, planned unit development or any other specific development standards, the site plan does not adequately meet the specified standards.
- d) The proposed site plan does or will create specific drainage or erosion problems.
- e) The screening and buffer area landscaping plan for the site does not or will not, adequately shield the proposed use from adjacent uses which may not be compatible with the proposed use.
- f) The circulation elements of the site plan, including road and pedestrian circulation elements will create hazards to safety on or off the site, uncoordinated pedestrian or vehicular circulation paths on or off the site or result in undue interference or inconvenience to vehicular or pedestrian travel.

Sub Section D. Construction Plans.

Upon approval of site plan (3) copies of the construction plan must be submitted and approved prior to obtaining a building permit.

Section 405.220: Permits

Sub Section A. Building Permit

It shall be unlawful to start the construction of a new building, structure or sign or the enlargement or structural alteration of an existing building structure or sign, without first applying for and receiving a

building permit from the City. No building permit shall be issued unless the City Building Inspector has reviewed the plot plan or site plan if required and construction plans and has certified that such plans are in compliance with all applicable provisions of this Chapter.

Sub Section B. Certificate of Occupancy

Inspection of completed premises and issuance of a certificate of occupancy shall be required before commencement of use or occupancy to ensure that the premises are in compliance with all applicable provisions of this Chapter.

1. Application for certificate of occupancy shall be submitted to the City. Following submittal of the application, the City Building Inspector shall cause the building or structure to be inspected, if necessary and shall certify to the City that one (1) of the following actions be taken:
 - a) If all work has been completed and the building, structure or premises is in compliance with all applicable provisions of this Article and other applicable provisions of this Chapter and other City codes, the issuance of certificate of occupancy shall be approved. The certificate of occupancy shall be issued by the City within five (5) working days of receipt of report from the Building Inspector.
 - b) If all work has not been completed or the structure, building or premises is not in compliance with the applicable provisions of this Chapter and other City codes, written notice shall be made to the applicant informing the reasons why the certificate of occupancy cannot be issued, citing either the applicable City codes or other work that must be completed.

Sub Section C. Sign Permit.

1. *Sign permit required.* Except as otherwise provided in Section 405.630 through 405.720, no sign shall be erected, moved, enlarged, illuminated or substantially altered without first obtaining a sign permit for each sign. Sign permits shall not be required for routine maintenance, repainting or changing the message on a sign.
2. *Sign permit for multiple occupants.* In the case of a lot occupied or intended to be occupied by multiple businesses, such as a shopping center, sign permits shall be issued in the name of the lot owner or authorized agent rather than in the name of the individual business. The City shall be responsible for enforcing only the provisions of this Article and not the provisions of any private allocation formula, lease or restriction.
3. *Sign permit applications.* Application for a sign permit shall be made to the City. The applicant shall submit all such information necessary to determine compliance with all appropriate regulations and laws of the City including, but not limited to, the following:
 - a) Name, address and business license number of applicant.
 - b) Name and address of sign owner.
 - c) Name and address of the owner and the occupant of the premises where the sign is to be located.
 - d) Legible drawings with description showing precise location of the sign and all other existing signs on the same premise; drawings showing dimensions, construction supports, sizes, materials of the sign, method of attachment and character of structural members to which the sign will be attached.
4. *Issuance of permit, denial or revocation.* Upon review by the Administrative Official, the City shall issue a sign permit when the application therefore has been properly made and the proposed sign complies with all appropriate regulations. The City may suspend, deny or revoke a permit whenever the permit is issued on the basis of misstatement of fact, fraud or non-compliance with this Article. When a sign permit is denied, revoked or suspended, the City shall give written notice to the applicant, along with a written statement of the reason for the denial.
5. *Permit period.* Every sign permit issued by the City shall become null and void if work on the sign is not commenced within one hundred eighty (180) days from the issuance of the permit. If work authorized by the permit is suspended or abandoned for ninety (90) days after the work commences, the sign shall be considered abandoned and a new sign permit shall be required to proceed with work on the sign. In such cases, the sign permit fee will be one-half (½) of the original fee, provided that no changes have been made in the original plans.

Sub Section D. Grading/Excavation

1. One (1) acre or more, land disturbance permit from Department of Natural Resources (DNR) to be on

file with the City Engineer and City of Pleasant Hope before any person shall engage in any excavation, grading, dislocation or relocation of any material in connection with any construction, development or alteration of land, structures, utilities or public improvements within the City limits. Any such excavation, grading, dislocation or relocation of material for which a land disturbance permit is required shall be in compliance with the requirements of any applicable City code.

2. Five (5) acres or more, sedimentation erosion control plan and land disturbance permit from DNR required to be on file with the City Engineer and City of Pleasant Hope before any person shall engage in any excavation, grading, dislocation or relocation of any material in connection with any construction, development or alteration of land, structures, utilities or public improvements within the City limits. Any such excavation, grading, dislocation or relocation of material for which a land disturbance permit is required shall be in compliance with the requirements of any applicable City code.
3. *Exemptions.* The following construction is exempt from the grading permit requirements:
 - a) The following activities provided they are not located within twenty-five (25) feet of a spring, sinkhole, wetland or watercourse:
 1. Gardening or landscaping.
 2. Grading and repair of existing roads or driveways, unless otherwise required by the Pleasant Hope Subdivision Regulations.
 3. Cleaning and routine maintenance of roadside ditches or utilities.
 4. Utility construction where the actual trench width is two (2) feet or less and total area is less than one (1) acre.
 - b) Emergency construction required to repair or replace roads, utilities or other improvements affecting the general health, safety and welfare of the citizens. In such event, the company or utility conducting the emergency repair shall notify the City within twenty-four (24) hours of the repair work.

Sub Section E. Utility Installation and Notification

1. Unless otherwise required to obtain a grading or excavation permit for the installation of underground telephone, cable, electric or other similar utility service, all utility service providers shall notify City of Pleasant Hope before installation of said service facilities within the City limits. However, in the case of emergency repairs necessary to prevent loss or damage to persons or property, the service provider must notify the City within twenty-four (24) hours of such repair work.
2. Upon completion of the utility installation, the applicant shall submit to the City a sketch map showing the location, depth and distance from property lines for any cable or pipeline installed.

Section 405.230: Zoning Districts and Zoning Maps

Sub Section A. Zoning Districts Established

Notwithstanding the general purpose of this Chapter as defined in Section 405.020, the City of Pleasant Hope is hereby divided into zoning districts in order: to prevent the overcrowding of the land; to provide adequate light and air; to facilitate adequate provision of facilities for transportation, utilities and other public requirements; to secure public safety; to promote a more compatible relationship of land uses within the City; to promote the orderly development of the City in accordance with the Comprehensive Plan; and to effectuate the use of other accepted purposes of zoning.

Sub Section B. Categories of Zoning Districts

For the purposes of the Regulations, the City of Pleasant Hope is divided into the following categories of zoning districts:

1. "A-1" Agricultural District.
2. "C-1" General Commercial District.
3. "M-1" Industrial District.
4. "PUD" Planned Unit Development District.
5. "R-1" Single-Family Residence District.
6. "R-2" Two-Family Residence District.
7. "R-3" Multi-Family Residence District.
8. "R-MP" Manufactured Housing Park.

Section 405.240: Annexed Territory

Whenever any territory shall be annexed to the City of Pleasant Hope after the effective date, said territory so annexed shall maintain the zoning classification designated by the County in which the property is located until, within a reasonable time following annexation, the annexed territory shall be appropriately classified by amendment of this Chapter in accordance with Section 405.110 through 405.220.

Section 405.250: Official Zoning Map

Sub Section A. There shall be a map known and designated as the Official Zoning Map, which shall show all the boundaries of all zoning districts within the City limits. This map shall be kept in the office of the City Clerk.

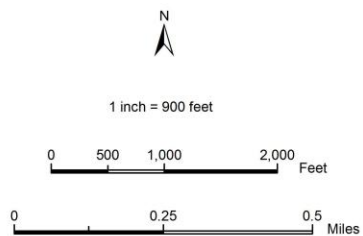
City of Pleasant Hope Official Zoning Map Proposed for Adoption

January 20, 2014

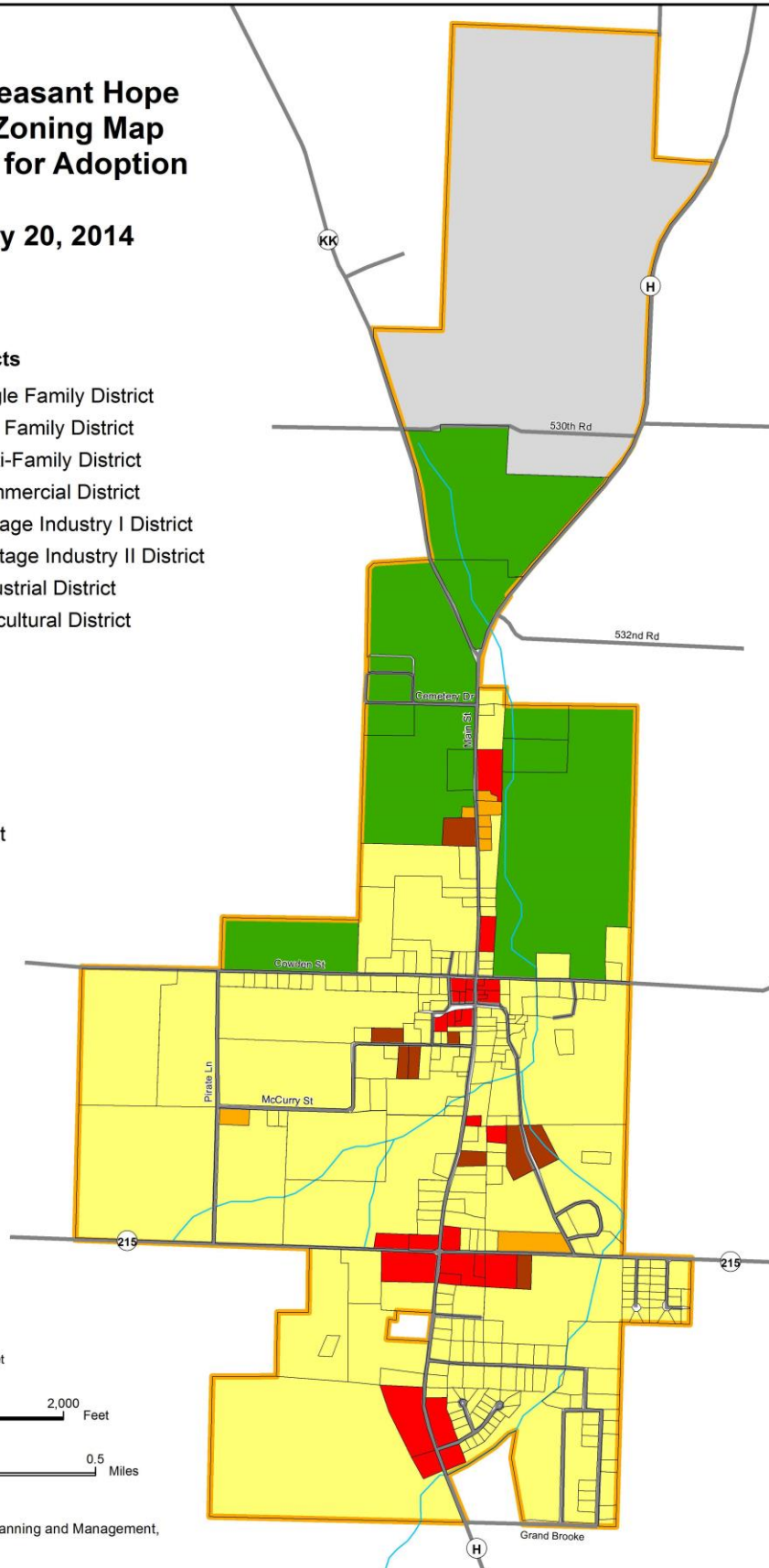
Zoning Districts

- R-1 Single Family District
- R-2 Two Family District
- R-3 Multi-Family District
- C-1 Commercial District
- CI-I Cottage Industry I District
- CI-II Cottage Industry II District
- M-1 Industrial District
- A-1 Agricultural District

- Road
- Water
- Parcel
- City Limit



Prepared by: Center for Resource Planning and Management,
Missouri State University
January 8, 2014



Sub Section B. The Official Zoning Map is incorporated herein by reference. Amendments to this map shall be made in accordance with the procedures set forth in Section 405.110 through 405.220.

Sub Section C. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Map, the following rules shall apply:

1. District boundaries are either streets or alleys unless otherwise shown.
2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines and where the districts designated on the map are bounded approximately by lot lines, said lot lines shall be construed to be the boundaries of the districts unless otherwise indicated.
3. Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining each side of such street, alley or public way shall automatically be extended to the centerline of such vacation and all area included in the vacation shall be subject to all appropriate regulations of the extended district.
4. In unsubdivided property, the district boundary lines on the map shall be determined by use of the scale appearing on the map.

Section 405.255: Zoning District Regulations

Classifications of Zoning Districts and Regulations

Section 405.260 : “A-1” Agricultural District

Sub Section A. Permitted Uses.

The “A-1” District allows for agricultural uses and related accessory uses in the more rural areas of Pleasant Hope.

1. Agricultural uses as defined in Section 405.100, provided that any building or enclosure in which farm animals or fowl are kept shall be three hundred feet (300) from any residential district.
2. Single-family detached dwellings on a lot with at least three (3) acres.
3. Single-family detached dwellings existing at the time the district is mapped.
4. Public utilities, transportation, pipeline and utility easements and rights-of-way, except for office buildings, garages and shops, loading yards and warehouses.
5. Home occupations, in accordance with Section 405.420 through 405.440
6. Accessory uses customary to and incidental to permitted agricultural uses and including temporary roadside stands for the sale of farm products grown on the premises or in the vicinity. Such roadside stand shall be set back from the roadway pavement at least twenty-five (25) feet to permit adequate ingress, egress and parking.
7. Accessory uses customary to and incidental to permitted non-agricultural uses, in accordance with the provisions of Section 405.370 through 405.410
8. Temporary uses, in accordance with Section 405.370 through 405.410.
9. Medical Marijuana Cultivation Facilities.
10. Medical Marijuana Infused Product Manufacturing Facilities.
11. Medical Marijuana Testing Facilities.
12. Medical Marijuana Transportation Facilities.

Sub Section B. Conditional Uses.

The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Golf courses, but not including miniature golf courses or driving ranges or any other form of commercial amusement.
2. Cemeteries and pet cemeteries.
3. Type I and II wireless telecommunications facilities, in accordance with the provisions of Section 405.370 through 405.410

Sub Section C. Lot Size Requirements:

1. *Minimum lot area.*
 - a) *Agricultural uses.* Ten (10) acres.
 - b) *All other uses.* Three (3) acres.
2. *Minimum lot width.* One hundred fifty (150) feet.

Sub Section D. Height, Bulk And Open Space Requirements:

1. *Maximum structure height.*
 - a) *Primary structure.* Thirty-five (35) feet.
 - b) *Accessory structure.* Thirty-five (35) feet.
2. *Minimum yard requirements (additional bufferyard may be required according to Section 405.540 through 405.620 Screening, Buffering and Landscaping Requirements).*
 - b) *Front yard.* Thirty-five (35) feet. *Side yard.* Twenty (20) feet.
 - c) *Rear yard.* Thirty-five (35) feet.

In no event shall a structure be erected closer to the right-of-way centerline of an existing or planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback
Collector--"C-1", and "M-1"	30 feet plus the required yard setback
Local residential single-family	25 feet plus the required yard setback
Local residential multi-family	30 feet plus the required yard setback

3. *Maximum building coverage (including accessory structures).* Forty percent (40%).

Sub Section E. Design Requirements:

1. All parking and loading areas shall be provided in accordance with the requirements set forth in Section 405.490 through 405.530.
2. A plot plan or site plan as defined in Section 405.110 through 405.220 meeting all provisions required shall be submitted for all uses.
3. A landscaping plan meeting the requirements of Section 405.540 through 405.620 shall be submitted and approved for all non-residential and non-agricultural uses.

Section 405.270: "R-1" Single-Family Residence District

Sub Section A. Permitted Uses.

The "R-1" District is intended primarily for single-family detached dwellings at densities of approximately three (3) dwelling units per acre. Other uses necessary to meet educational, governmental, religious, recreation and other neighborhood needs are permitted or allowed as conditional uses subject to restrictions intended to preserve the residential character of the district.

1. Single-family detached dwellings, stick built or modular construction, one (1) dwelling per lot.
2. *Residential group homes.* No group home shall be located within two thousand five hundred (2,500)

feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.

3. Family day care homes.
4. Schools, elementary and secondary or development centers for elementary and secondary school-age children with handicaps or developmental disabilities, on a minimum of five (5) acres of land.
5. Publicly owned or operated parks, playgrounds and community buildings.
6. Home occupations, in accordance with Section 405.420 through 405.440.
7. Police and fire stations.
8. Temporary uses, in accordance with Section 405.370 through 405.410.
9. Accessory uses, in accordance with Section 405.370 through 405.410.
10. Public utilities and governmental buildings, including transformer stations, pumping stations, elevated water towers, water ground storage tanks, lift stations, but excluding office buildings, garages and shops, loading yards and warehouses.

Sub Section B. Conditional Uses

The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Museums, public art galleries and libraries, on a minimum two (2) acres of land.
2. Churches and other places of worship, including parish houses and Sunday schools, but excluding rescue missions. Such uses shall be located on a minimum of two (2) acres of land to provide sufficient area for off-street parking, bufferyards and proper site design to lessen impact on adjacent residential areas. Churches and other places of worship on less than two (2) acres of land at the time of adoption of this Chapter shall be considered conforming uses.
3. Type I and II wireless facilities, in accordance with the provisions of Section 405.370 through 405.410.
4. Type III, IV and V wireless telecommunications towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Section 405.370 through 405.410.
5. Non-commercial, not-for-profit neighborhood facilities, including indoor and outdoor recreation facilities, operated by a neighborhood or community organization or a property owners association.
6. Horses kept for the personal pleasure and/or use of the residents occupying the dwelling unit located on a minimum of three (3) acres, with a minimum fenced pasture area of two (2) acres per horse. Fencing shall be constructed of a material that will adequately maintain the horse on the property and that will minimize the potential of injury or accident to the horse. A horse barn or other suitable structure shall be provided within the fenced pasture area to provide shelter, with such shelter to be located at least one hundred fifty (150) feet from any adjoining residential zoned property. The shelter shall be kept in sanitary conditions at all times and shall not be allowed to accumulate refuse, rubbish, manure or other unsanitary materials. The applicant shall submit a site plan showing the location of the fenced pasture area, horse shelter and other structures on the property. No Farm Animals--see Section 405.460.
7. Chickens (hens only) may be kept by residences of the City of Pleasant Hope by meeting the following standards: (Ordinance 308, 10/19/2016)
 - a) The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the tract.
 - b) Only female chickens shall be allowed. There shall be no restrictions on the breed of chicken.
 - c) It shall be unlawful to engage in chicken breeding or fertilizer production for commercial use.
 - d) Slaughter may occur for personal use provided that it is conducted in a sanitary manner, does not generate noise that creates a nuisance, and it shall not be visible from adjacent properties or public area or right-of-way.
 - e) Chickens shall be kept in a secured enclosure of fenced area at all times. Chickens shall be secured within a henhouse during non-daylight hours.
 - f) Enclosures shall be kept clean, dry, odor free, neat and sanitary conditions at all times.
 - g) Henhouses and chicken pens shall provide adequate ventilation and adequate sun and shade and shall be impermeable to rodents, wild birds, and predators, including dogs and cats.

- h) Henhouses shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
 - i. A henhouse shall be enclosed on all sides and shall have a roof and doors. Access doors shall be shut and locked at night. Openings, windows and vents shall be covered with predator and bird proof wire of less than one (1) inch openings.
 - ii. Henhouses and chicken pens shall only be located to the defined rear of the property.
 - iii. Henhouses and chicken pens shall be located at least three (3) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school, or place of business.
- i) Any enclosed chicken pen shall consist of sturdy wire or wooden fencing. The pen shall be covered with wire, aviary netting or have a solid roof.
- j) Odors from chickens, chicken manure or other chicken related substances shall not be detectable at the property boundaries.
- k) The chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation must be removed from the property.
- l) The chicken owner shall provide chickens access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.
- m) The chicken owner shall provide for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizer shall be removed. The henhouse, chicken pen and surrounding area shall be kept free from trash and accumulated droppings.
- n) No dog or cat which kills a chicken shall, for the reason alone, be considered dangerous or an aggressive animal.
- o) It shall be unlawful for any person to keep chickens in violation of any provision of the Section.
- p) It shall be unlawful for any current or future owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this Section.
- q) Any violation of this Section that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of the City.
- r) Each day that a violation of this Section continues shall be considered a separate offense.
- s) All other applicable City Municipal Codes shall apply.

Sub Section C. Lot Size Requirements

1. *Minimum lot area.* Twelve thousand (12,000) square feet.
2. *Minimum lot width.* Eighty (80) feet (example: eighty (80) feet width requires one hundred fifty (150) feet depth).
3. *Minimum lot depth.* One hundred twenty-five (125) feet (example: one hundred twenty-five (125) feet depth requires ninety-six (96) feet width).

Sub Section D. Height, Bulk and Open Space Requirements

1. *Maximum structure height.*
 - a) *Primary structure.* Twenty-five (25) feet.
 - b) *Accessory structure.* Twenty-five (25) feet.
2. *Minimum yard requirements (additional buffer-yard may be required according to Section 405.540 through 405.620 Screening, Buffering and Landscaping Requirements).*
 - a) *Front yard.* Twenty-five (25) feet.
 - b) *Side yard.* Eight (8) feet. On any lot that a side yard abuts a street, the minimum side yard setback shall be increased to twenty (20) feet.
 - c) *Rear yard.* Twenty-five (25) feet.
3. *Accessory structure.* Side and rear yard setback of eight (8) feet.
4. In no event shall a structure be erected closer to the right-of-way centerline of an existing or

planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback
Collector--"C-1", and "M-1"	30 feet plus the required yard setback
Local residential--single-family	25 feet plus the required yard setback
Local residential--multi-family	30 feet plus the required yard setback

5. *Maximum building coverage (including accessory structures).* Forty percent (40%).
6. *Minimum open space.* Not less than thirty percent (30%) of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

Sub Section E. Design Requirements.

1. All off-street parking and loading areas shall be provided in accordance with the requirements set forth in Section 405.490 through 405.530.
2. All off-street parking and vehicular use areas for non-residential uses shall be screened from all residential uses in accordance with Section 405.540 through 405.620
3. Refuse storage areas, storage for maintenance, mechanical and electrical equipment or other equipment incidental to any non-residential use shall be screened from public view.
4. A plot plan or site plan as defined in Section 405.110 through 405.220 meeting all provisions required shall be submitted for all uses.
5. A landscaping plan meeting the requirements of Section 405.540 through 405.620 shall be submitted and approved for all non-residential uses.

Section 405.280: "R-2" Two-Family Residence District

Sub Section A. Permitted Uses

This residential district is intended to accommodate a variety of single-family and two-family housing types at low to moderate densities of up to approximately five (5) dwelling units per acre. The district is also intended to serve as a transition between the less intense "R-1" District and the Multi-Family Residence Districts.

1. Single-family detached dwellings.
2. Duplex dwellings.
3. Family day care homes.
4. *Residential group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
5. Schools, elementary and secondary, or development centers for elementary and secondary school-age children with handicaps or developmental disabilities, on a minimum of five (5) acres of land.
6. Publicly owned or operated parks, playgrounds and community buildings.
7. Home occupations, in accordance with Section 405.420 through 405.440.
8. Police and fire stations.
9. Type I and II wireless facilities, in accordance with the provisions of Section 405.370 through 405.410.
10. Temporary Uses, in accordance with Section 405.370 through 405.410.
11. Accessory Uses, in accordance with Section 405.370 through 405.410.
12. Public utilities and governmental buildings, including transformer stations, fire stations, pumping stations, elevated water towers, water ground storage tanks, lift stations, but excluding office buildings, garages and shops, loading yards and warehouses.

Sub Section B. Conditional Uses.

The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen. No farm animals allowed refer to Section 405.460.

1. Conditional uses permitted in the "R-1" District.
2. Group day care homes.
3. Bed and breakfasts.
4. Cemeteries, on a minimum of ten (10) acres of land.
5. Type III, IV and V wireless telecommunications towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Section 405.370 through 405.410

Sub Section C. Lot Size Requirements

1. *Minimum lot area.*
 - a) *Single-family dwellings.* Twelve thousand (12,000) square feet per dwelling unit.
 - b) *All other uses.* Seven thousand (7,000) square feet (example: duplexes count as two (2) units, total fourteen thousand (14,000) square feet)
2. *Minimum lot width.* Seventy (70) feet.
3. *Minimum lot depth.* One hundred (100) feet.

Sub Section D. Height, Bulk and Open Space Requirements.

1. *Maximum structure height.*
 - a) *Primary structure.* Twenty-five (25) feet.
 - b) *Accessory structure.* Twenty-five (25) feet.
2. *Minimum yard requirements (additional buffer yard may be required according to Section 405.540 through 405.620 Screening, Buffering and Landscaping Requirements).*
 - a) *Front yard.* Twenty-five (25) feet.
 - b) *Side yard.* Six (6) feet. On any lot that a side yard abuts a street, the minimum side yard setback shall be increased to twenty (20) feet.
 - c) *Rear yard.* Twenty-five (25) feet.
 - d) *Accessory structure.* Side and rear yard setback of six (6) feet.
 - e) In no event shall a structure be erected closer to the right-of-way centerline of an existing or planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway H	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback
Collector--"C-1", and "M-1"	30 feet plus the required yard setback
Local residential--single-family	25 feet plus the required yard setback
Local residential--multi-family	30 feet plus the required yard setback

3. *Maximum building coverage (including accessory structures).* Forty percent (40%).
4. *Minimum open space.* Not less than twenty percent (20%) of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

Sub Section E. Design Requirements.

1. All off-street parking and loading areas shall be provided in accordance with the requirements set forth in Section 405.490 through 405.530.
2. All off-street parking and vehicular use areas for permitted non-residential uses shall be screened from all residential uses in accordance with Section 405.540 through 405.620.
3. Refuse storage areas, storage for maintenance, mechanical and electrical equipment or other equipment incidental to any non-residential use shall be screened from public view.
4. A landscaping plan, including buffer yard plan if applicable, meeting the requirements of Section 405.540 through 405.620 shall be submitted for all uses except for single-family dwellings.
5. A plot plan or site plan as defined in Section 405.110 through 405.220 meeting all provisions shall

be submitted for all uses.

Section 405.290: "R-3" Medium Density Multi-Family Residence District

Sub Section A. Permitted Uses.

The "R-3" Medium Density Multi-Family Residence District is intended to accommodate multi-family residential developments at up to approximately eight (8) dwelling units per acre.

1. Single-family detached dwellings existing at the time the district is mapped.
2. Duplexes.
3. Custodial group homes.
4. Family day care homes and group day care homes.
5. *Residential group homes*. No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
6. Three- and four-family dwellings, including conversions.
7. Town houses.
8. Churches and other places of worship, including parish houses and Sunday schools, but excluding rescue missions.
9. Schools, elementary and secondary or development centers for elementary and secondary school-age children with handicaps or developmental disabilities, on a minimum of five (5) acres of land.
10. Publicly owned or operated parks, playgrounds and community buildings.
11. Home occupations, in accordance with Section 405.420 through 405.440
12. Police and fire stations.
13. Accessory uses, in accordance with Section 405.370 through 405.410
14. Temporary uses, in accordance with Section 405.370 through 405.410
15. Type I and II wireless facilities, in accordance with the provisions of Section 405.370 through 405.410
16. Public utilities and governmental buildings, including transformer stations, fire stations, pumping stations, elevated water towers, water ground storage tanks, lift stations, but excluding office buildings, garages and shops, loading yards and warehouses.

Sub Section B. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Museums, libraries and art galleries.
2. Bed and breakfasts.
3. Cemeteries, on a minimum of ten (10) acres of land.
4. Type III, IV and V wireless telecommunications towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Section 405.370 through 405.410

Sub Section C. Lot Size Requirements.

1. *Minimum lot area*.
 - a) *Duplex dwellings*. Seven thousand (7,000) square feet per dwelling unit.
 - b) *Other uses*. Four thousand (4,000) square feet per dwelling unit.
2. *Minimum lot width*. Sixty (60) feet.

Sub Section D. Height, Bulk and Open Space Requirements.

1. *Maximum structure height*.
 - a) *Primary structure*. Thirty-five (35) feet.
 - b) *Accessory structure*. Thirty-five (35) feet.
2. *Minimum yard requirements (additional buffer yard may be required according to Section 405.540 through 405.620 Screening, Buffering and Landscaping Requirements)*.
 - a) *Front yard*. Twenty-five (25) feet.
 - b) *Side yard*. Six (6) feet. On any lot that a side yard abuts a street the minimum side yard

- setback shall be increased to twenty (20) feet.
- c) *Rear yard.* Twenty-five (25) feet.
 - d) *Accessory structure.* Side and rear yard setback of six (6) feet.
 - e) In no event shall a structure be erected closer to the right-of-way centerline of an existing or planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback
Collector--"C-1", and "M-1"	30 feet plus the required yard setback
Local residential--single-family	25 feet plus the required yard setback
Local residential--multi-family	30 feet plus the required yard setback

- 3. *Maximum building coverage (including accessory structures).* Forty percent (40%).
- 4. *Minimum open space.* Not less than twenty percent (20%) of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

Sub Section E. Design Requirements.

- 1. All off-street parking and loading areas shall be provided in accordance with the requirements set forth in Section 405.490 through 405.530
- 2. All off-street parking and vehicular use areas for permitted non-residential uses shall be screened from all residential uses in accordance with Section 405.540 through 405.620.
- 3. Refuse storage areas, storage for maintenance, mechanical and electrical equipment or other equipment incidental to any non-residential use shall be screened from public view.
- 4. A landscaping plan, including buffer yard plan if applicable, meeting the requirements of Section 405.540 through 405.620, shall be submitted for all uses except for single-family dwellings.
- 5. A plot plan or site plan as defined in Section 405.110 through 405.220 meeting all provisions required shall be submitted for all uses.

Section 405.310: "R-MP" Manufactured Housing Park District

Sub Section A. Permitted Uses

The "R-MP" Manufactured Housing Park District is established for manufactured housing developments at medium densities of up to approximately three (3) dwelling units per acre.

- 1. Manufactured housing parks.
- 2. Family day care homes and group day care homes.
- 3. *Residential group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
- 4. Police and fire stations.
- 5. Schools, elementary and secondary, or development centers for elementary and secondary school-age children with handicaps or developmental disabilities, on a minimum of five (5) acres of land.
- 6. Home occupations, in accordance with Section 405.420 through 405.440.
- 7. Accessory uses, in accordance with Section 405.370 through 405.410
- 8. Temporary uses, in accordance with Section 405.370 through 405.410
- 9. Public utilities and governmental buildings, including transformer stations, fire stations, pumping stations, elevated water towers, water ground storage tanks, lift stations, but excluding office buildings, garages and shops, loading yards and warehouses.
- 10. Type I and II wireless facilities, in accordance with Section 405.370 through 405.410.

Sub Section B. Conditional Uses.

The following uses are permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Clubhouses associated with any permitted use.
2. Cemeteries on a minimum of ten (10) acres of land.
3. Type III, IV and V wireless telecommunications towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Section 405.370 through 405.410.

Sub Section C. Use Limitations.

In Manufactured Housing Park Districts, recreational vehicles shall not be occupied as dwellings and manufactured home sales lots shall not be permitted.

Sub Section D. Minimum Tract Area Requirements

Where the district is established, the minimum area shall be ten (10) acres. The tract shall comprise a single parcel, except where the site is divided by a public street or where the total property includes separate parcels for maintenance and storage facilities and the like. All parcels involved shall be of sufficient size and dimensions to allow for efficient design and management.

Sub Section E. Density and Lot Size Requirements

1. *Minimum lot area.* Six thousand (6,000) square feet per dwelling unit.
2. *Minimum lot width.* Fifty (50) feet.
3. *Minimum lot depth.* One hundred twenty (120) feet.
4. Maximum density shall not exceed six (6) dwelling units per gross acre. Gross acreage shall include all land within the exterior boundaries of the tract.

Sub Section F. Height, Bulk and Open Space Requirements

1. *Maximum structure height.*
 - a) *Primary structure.* Twenty-five (25) feet.
 - b) *Accessory structure.* Twenty-five (25) feet.
2. *Minimum yard requirements (additional bufferyard may be required according to Section 405.540 through 405.620 Screening, Buffering and Landscaping Requirements).*
 - a) *Front yard.* Twenty-five (25) feet.
 - b) *Side yard.* Eight (8) feet. On any lot that a side yard abuts a street, the minimum side yard setback shall be increased to twenty (20) feet.
 - c) *Rear yard.* Twenty-five (25) feet.
 - d) *Accessory structure.* Side and rear yard setback of eight (8) feet.
 - e) In no event shall a structure be erected closer to the right-of-way centerline of an existing or planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback
Collector--"C-1", and "M-1"	30 feet plus the required yard setback
Local residential--single-family	25 feet plus the required yard setback
Local residential--multi-family	30 feet plus the required yard setback

3. *Maximum building coverage (including accessory structures).* Forty percent (40%).
4. *Minimum open space.* Not less than thirty percent (30%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

Sub Section G. Design Requirements for Manufactured Housing Parks.

1. A site plan meeting the provisions of Section 405.110 through 405.220 shall be submitted for all

uses.

2. Refuse storage areas, storage for maintenance and mechanical, electrical or other equipment incidental to any permitted non-residential use shall be screened from view.
3. Manufactured homes shall be placed on a permanent foundation. Skirting shall be placed around the manufactured home. The skirting shall be similar in appearance to the siding of the manufactured home or the materials used for permanent foundations.
4. Mechanical and electrical equipment shall be screened from view.
5. Lighting shall be designed to reflect away from adjacent residential districts.
6. There shall be at least twenty (20) feet between manufactured homes or any other buildings located in a manufactured home park.
7. Off-street parking and vehicular use areas shall be provided in accordance with Section 405.490 through 405.530
8. A landscaping and bufferyard plan, if applicable, meeting the requirements of Section 405.540 through 405.620, shall be submitted and approved.

Section 405.320. "C-1" Commercial District

Sub Section A. Permitted Uses.

The following uses shall be permitted in the "C-1" General Commercial District. They shall be permitted only upon the condition that no manufacturing, processing or treating of products other than that which is clearly incidental and essential to retail business and where all such products are sold at retail on the premises.

1. Arcades and game rooms, bowling alleys, theaters and other such similar place of entertainment, provided that no such building or premises is closer than one hundred (100) feet to the boundary of any "R" district.
2. Ambulance service offices or garages.
3. Banks.
4. Bakeries and delicatessens, with on premise sales.
5. Boat sales.
6. Car wash.
7. Clinics, dental laboratories and similar medical service facilities.
8. Day care center.
9. Drive-in restaurant and other restaurant establishments.
10. Dry cleaning and laundromat.
11. Farm implement, sales and services.
12. Funeral home.
13. Greenhouse or nursery, on premises sales permitted.
14. Health and fitness centers, including dance studios.
15. Heating, air-conditioning and plumbing shop.
16. Library. Museum, art gallery or similar use.
17. Liquor store and tavern.
18. Miniature golf courses and driving ranges not accessory to golf courses.
19. New or used automobile, trailer or motorcycle sales and service facilities, outside storage permitted, but excluding the wrecking of motor vehicles. The buildings housing any of the uses permitted herein shall be at least one hundred (100) feet from the boundary of any "R" District.
20. Nursing care facilities.
21. Offices, clerical, research and services not related to goods and merchandise, such as offices of attorneys, physicians, other professions, insurance and stock brokers, travel agents and government.
22. Off-street parking lot.
23. Personal services such as barber or beauty shop, dressmaking, tailoring, shoe repair, household appliance repair, interior decorating, catering, photography studio, furniture repair and other similar uses.
24. Public utilities and buildings.

25. Retail sales and rental of goods, merchandise and equipment.
26. Self-service storage facilities provided that no activity other than the rental of storage units shall be conducted on the premises and there is no outdoor storage.
27. Service stations or gas stations, including repair shops.
28. Veterinarian and small animal hospital, provided there are no boarding facilities outside of the building.
29. Single-family detached dwellings existing at the time the district was mapped.
30. Accessory uses in accordance with Section 405.370 through 405.410
31. Temporary uses, in accordance with Section 405.370 through 405.410
32. Type I and II wireless facilities, in accordance with the provisions of Section 405.370 through 405.410
33. Medical Marijuana Dispensary Facilities.

Sub Section B. Conditional Uses

The following uses are permitted as conditional uses, subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Motels and hotels, when located on a State or Federal highway.
2. Lumber yards.
3. Substance abuse treatment facilities.
4. Type V wireless facilities, in accordance with Section 405.370 through 405.410
5. Other towers, exceeding one hundred (100) feet in height and related facilities, provided the maximum height does not exceed two hundred (200) feet, only one (1) tower is permitted on a lot and all other provisions of Section 405.370 through 405.410 are met.

Sub Section C. Lot Size Requirements.

1. *Minimum lot area.* No minimum.
2. *Minimum lot width.* No minimum.
3. *Minimum lot depth.* No minimum.
4. *Maximum floor area ratio.* One (1.0).

Sub Section D. Height, Bulk and Open Space Requirements.

1. *Maximum structure height.*
 - a) *Primary structure.* Thirty-five (35) feet.
 - b) *Accessory structure.* Thirty-five (35) feet.
2. Minimum yard requirements (additional bufferyard may be required according to Article X, Screening, Buffering and Landscaping Requirements).
 - a) *Front yard.* Twenty-five (25) feet.
 - b) *Side yard.* None, except on the side of a lot adjoining any residential district, in which case a setback of six (6) feet shall be provided. See Section 405.400.
 - c) *Rear yard.* None, except on the side of a lot adjoining any residential district, in which case a setback of twenty-five (25) feet shall be provided.
 - d) existing or planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback
Collector--"C-1", and "M-1"	30 feet plus the required yard setback
Local residential--single-family	25 feet plus the required yard setback
Local residential--multi-family	30 feet plus the required yard setback

- e) *Maximum building coverage (including accessory structures).* Fifty percent (50%).

3. *Minimum open space.* Not less than twenty percent (20%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

Sub Section E. Design Requirements.

1. All off-street parking and loading areas shall be provided in accordance with the requirements set forth in Section 405.490 through 405.530.
2. All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with Section 405.540 through 405.620.
3. Refuse storage areas, storage for maintenance, mechanical and electrical equipment or other equipment incidental to the use shall be screened from public view.
4. A landscaping plan, including bufferyard plan if applicable, meeting the requirements of Section 405.540 through 405.620, shall be submitted for all uses.
5. Lighting shall be designed to reflect away from adjacent residential districts.
6. A site plan in accordance with the provisions of Section 405.110 through 405.220 shall be submitted for all uses.

Section 405.340. “M-1” Industrial District

Sub Section A. Permitted Uses.

The following uses shall be permitted in the “M-1” Industrial District:

1. Warehousing and the manufacture, processing, assembly, packaging or treatment of goods and materials, provided that there shall be no offensive noise, dust, smoke, odors, heat or glare noticeable at or beyond the property line and not more than ten percent (10%) of the lot is used for the open storage of products, materials and equipment.
2. Retail sales of products made on site.
3. Public uses, buildings and utilities.
4. Lumber yards.
5. Type I and II wireless facilities, in accordance with the provisions of Section 405.370 through 405.410
6. Type III wireless facilities in accordance with Section 405.370 through 405.410 provided that towers sixty (60) feet or greater in height shall allow collocation of at least one (1) additional provider's facilities.
7. Type IV wireless facilities in accordance with Section 405.370 through 405.410 provided wireless towers are setback from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one hundred twenty (120) feet or greater.
8. Medical Marijuana Cultivation Facilities.
9. Medical Marijuana Infused Product Manufacturing Facilities..
10. Medical Marijuana Testing Facilities.
11. Medical Marijuana Transportation Facilities.

Sub Section B. Conditional Uses.

The following uses shall be permitted as “conditional uses” in the “M-1” Industrial District:

1. Warehousing and manufacturing activities where more than ten percent (10%) of the lot is used for the open storage of products, materials and equipment, provided that there shall be no offensive noise, dust, smoke, odors, heat or glare noticeable at or beyond the property line.
2. Accessory residential structure for a resident watchman and/or caretakers employed on the premises.
3. Acid manufacture provided that no such facility shall be located within five hundred (500) feet of any residential district.
4. Cement, lime, gypsum or plaster of Paris manufacture.
5. Explosives manufacture or storage. All explosives manufacture or storage shall be subject to the minimum requirements and regulations of the Bureau of Alcohol, Tobacco and Firearms Publication ATFP 5400.7 (6/1990) or any subsequent amendments.

6. Scrap and salvage yards and automobile wrecking yards, provided that no such use shall be located within five hundred (500) feet of a residential district.
7. Refining of petroleum or its product.
8. Type V wireless facilities, in accordance with the provisions of Section 405.370 through 405.410
9. Recycling centers.

Sub Section C. Use Limitations.

1. No use or operation shall disseminate dust, smoke, fumes, gas, vibration, noxious odors or glare at or beyond the property line.
2. No use or operation shall produce noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point.
3. No use or operation shall create fire hazards on surrounding properties.
4. Storage maintained outside a building shall be screened from public streets and other property, except property located in an "M-1" District.
5. All outdoor storage shall be at least two hundred (200) feet from any residence district.

Sub Section D. Lot Size Requirements.

1. *Minimum lot area.* No minimum.
2. *Minimum lot width.* One hundred (100) feet.
3. *Minimum lot depth.* No minimum.
4. *Maximum floor area ratio:* One and one-half (1.50).

Sub Section E. Height, Bulk and Open Space Requirements

1. *Maximum structure height.* Forty-five (45) feet.
2. *Minimum yard requirements (additional bufferyard may be required according to Article X, Screening, Buffering and Landscaping Requirements).*
 - a) *Front yard.* Thirty-five (35) feet.
 - b) *Side yard.* None, except on the side of a lot adjoining a residential district, in which case a ten (10) foot setback shall be provided. See Section 405.400.
 - c) *Rear yard.* None, except on the side of a lot adjoining a residential district, in which case a twenty-five (25) foot setback shall be provided.
 - d) In no event shall a structure be erected closer to the right-of-way centerline of an existing or planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback
Collector--"C-1" and "M-1"	30 feet plus the required yard setback
Local residential--single family	25 feet plus the required yard setback
Local residential--multi-family	30 feet plus the required setback

3. *Maximum building coverage (including accessory structures).* None.
4. *Minimum open space.* Not less than fifteen percent (15%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

Sub Section F. Design Requirements.

1. All off-street parking and loading areas shall be provided in accordance with the requirements set forth in Section 405.490 through 405.530
2. All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with Section 405.540 through 405.620.

3. Refuse storage areas, storage for maintenance, mechanical and electrical equipment or other equipment incidental to the use shall be screened from public view.
4. A landscaping plan, including bufferyard plan if applicable, meeting the requirements of Section 405.540 through 405.620, shall be submitted for all uses.
5. Lighting shall be designed to reflect away from adjacent residential districts.
6. All outdoor storage, except the storage of motor vehicles in operating condition, shall be enclosed by screening, except where the lot adjoins another "M-1" zoned property. Off-street parking and loading spaces and the storage of motor vehicles in operating condition shall be enclosed when such use abuts a residence district or is separated from a residence district by only an alley.
7. All salvage and scrap yards and automobile wrecking yards shall be enclosed by a solid board fence or wall not less than ten (10) feet high of new material and well-maintained.
8. A site plan in accordance with the provisions of Article III shall be submitted for all uses.

Section 405.345. Medical Marijuana Facilities

Sub Section A. All Medical Marijuana Facilities shall display all State of Missouri Licenses and City of Pleasant Hope Business Licenses in a conspicuous place within twenty (20) feet of the main entrance to the facility.

Sub Section B. Use Limitations.

1. No Medical Marijuana Facilities shall be located in a residential structure in any zoning district.
2. No Medical Marijuana Facility may be located within a thousand (1,000) feet of a school, daycare, or church.
3. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case that the facility is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church.
4. No Medical Marijuana Cultivation Facilities, Medical Marijuana Infused Product Manufacturing Facilities, and/or Medical Marijuana Testing Facilities shall be located within one hundred and fifty (150) feet of a residentially zoned property. (R-1, R-2, R-3, or R-MP)
5. No outdoor cultivation of medical marijuana shall be permitted unless the applicant first applies and receives a Special Use Permit from the Board of Alderman.
6. No Medical Marijuana Dispensary shall be operated on the first day of the week, commonly referred to as Sunday.
7. No Medical Marijuana Cultivation Facilities, Medical Marijuana Infused Product Manufacturing Facilities, and/or Medical Marijuana Testing Facilities shall be operated unless an odor control plan is developed, implemented, and maintained, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to mitigate odors for all odor sources.

8. No Medical Marijuana Cultivation Facilities, Medical Marijuana Infused Product Manufacturing Facilities, and/or Medical Marijuana Testing Facilities that uses volatile solvents may be operated unless air-handling systems and other controls are installed and designed to minimize the risks of explosions and fires. These controls should include systems to prevent ignition; plans for safe storage, use, and disposal of solvents; and policies for continuous staff monitoring of all processes involving volatile solvents.
9. No Medical Marijuana Facilities shall permit the consumption of medical on the premises.

Sub Section C. Medical Marijuana Facility Application Procedure. Applications for a Medical Marijuana Facility City of Pleasant Hope Business License shall be subject to the business licenses provisions of City Code Section 160.128: Business License for the City of Pleasant Hope. All Medical Marijuana Facilities shall hold a State of Missouri License prior to application for a Business License with the City of Pleasant Hope. The State of Missouri License shall be presented to the City of Pleasant Hope at the time of application for a City of Pleasant Hope License. Any proposed Medical Marijuana Facility that is not specifically permitted or is specifically prohibited within this Section, or persons who believe their use has been improperly classified, shall be considered a conditional use and the applicant may request a conditional use permit under the provisions of Section 405.200.

Section 405.350: Planned Unit Developments

Sub Section A. Purpose and Intent

1. The purpose and intent of the planned unit development regulations is to provide for the compatible development of two (2) or more different land uses within a single site. This combination of traditional zoning classifications under one (1) development is designed to permit greater flexibility and should benefit both the developer and the public interest.
2. It is not the intent of these regulations to circumvent traditional zoning classifications, increase the average density or uses beyond that which is provided for in other Sections of the zoning regulations or allow development which is not compatible with the principles of the Comprehensive Plan. These regulations should provide for a greater flexibility in the design of yards, courts, buildings and circulation than would otherwise be possible through the strict application of district regulations in order to provide the opportunity for:
 - a) A pattern of development which preserves trees, outstanding natural topographic and geologic features and prevents soil erosion.
 - b) A creative approach to the use of land and related physical development.
 - c) Open space and/or recreation areas.
 - d) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower building and maintenance costs.
 - e) An environment of stable character that is in harmony with surrounding development and that creates a sense of place.
 - f) A more desirable environment than would be possible through the strict application of other Sections of this Chapter.
3. The Commission and subsequently the Board of Aldermen may exclude any restrictions or conditions. Consideration may be given but not be limited to the compatibility and relationship of land uses adjacent to or in close proximity to the proposed development, overall impact of the proposed development upon the community and the proposed development's conformance with the principles of the Comprehensive Plan.

Sub Section B. Application of Planned Unit Development

A planned unit development zone may be proposed for any location in the City if it is in accordance with the provisions of this Article.

Sub Section C. Effect Of Planned Unit Development Approval. Approval by ordinance of a planned unit development zone shall constitute an amendment to the zoning regulations. Approval of a planned unit development shall supersede all existing and prior zoning classifications. Property approved for planned

unit development shall be identified with the letters "PUD" followed by the corresponding zoning case number.

Sub Section D. Planned Unit Development Requirements.

All planned unit development districts shall, at a minimum, satisfy the following standards and requirements:

1. *Permitted uses.* The planned unit development must contain a minimum of two (2) different land uses or intensities from the following list:
 - a) "R-1" Single-Family.
 - b) "R-2" Two-Family.
 - c) "R-3" Medium Density Multi-Family.
 - d) "C-1" General Commercial.
2. *Development intensity.* The intensity of the planned unit development as a whole or by subarea shall not exceed that allowed in the comparable zoning district of the allowed uses and shall further be governed by the following:
 - a) For non-residential development, the intensity of development may be regulated by:
 1. Specifying an appropriate Floor Area Ratio(s) (FAR),
 2. Specifying maximum square footage or gross leasable area,
 3. Specifying setbacks, height and bulk restrictions,
 4. A combination of such restrictions for the project as a whole or for components or subareas within the project.
 5. In addition, non-residential development plans may specify performance standards to be imposed on the project and restrictions regarding the location and nature of commercial and other non-residential activities.
 - b) The residential density of a project shall be computed in accordance with the following formula:
Maximum number of dwelling units = Entire area of the property to be utilized for residential purposes multiplied by the maximum district(s) in effect for the property at the time of ("PUD") district application.

ZONING DISTRICT	MINIMUM LOT AREA PER DWELLING UNIT
"R-1" Single-family	12,000 square feet
"R-2" Two-family	7,000 square feet
"R-3" Multi-family	4,000 square feet
"C-1" Commercial	Residential not permitted

3. *Public facilities.* All uses within the planned unit development are required to be connected to public utilities including: water, sewer, and electric, gas and telephone. If these facilities are not available at the time of development, it shall be the responsibility of the developer to provide them unless stipulated otherwise by the Board of Aldermen.
4. *Access to public streets.*
 - a) All uses within the planned unit development are required to be connected to public streets. If additional roads or streets are required, it shall be the responsibility of the developer to construct them to the standards of the City of Pleasant Hope unless stipulated otherwise by the Board of Aldermen. In addition, certain uses may not be developed unless access is provided to a specific street classification as set forth in the following table.
 - b) In addition to these minimum standards, no one- or two-family residential dwelling units should have direct access to any street classified as secondary arterial or higher.

LAND USE	MINIMUM STREET CLASSIFICATION
"R-1" Single-family	Local
"R-2" Two-family	Local
"R-3" Multi-family	Collector
"C-1" General commercial	Secondary arterial

5. *Parking.* Unless specifically modified by the planned unit development amendment, the parking requirements of Section 405.490 through 405.530 shall apply. Reductions in parking requirements shall be approved only if it can be demonstrated that parking demand will be less due to the design and character of the planned unit development.
6. *Perimeter treatment.* The planned unit development amendment shall specify any special treatment of perimeter areas designed to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. The Board of Aldermen may impose those standards and requirements for perimeter treatment it deems necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.

Sub Section E. Procedure For Planned Unit Development Approval.

Applications for planned unit development shall be processed, reviewed and approved pursuant to the procedures prescribed in Section 405.110 through 405.220.

Section 405.360: CI-1 and CI-2 Cottage Industry “Limited” Or “General”

Permitted uses of on-site production of goods by hand manufacturing which involves the use of hand tools or which have limited impact on adjoining development by virtue of either low development densities or more stringent review and standards.

- Ceramic or stained glass studios
- Custom jewelry
- Hand-worked textiles
- Small furniture
- Outdoor ornamentation
- Additional uses considered on an individual basis

Sub Section A. Size, space and design requirements as outline in corresponding zoning category shall be applied.

Sub Section B. CI-1 “Limited” located in a residential area.

1. The cottage industry shall not produce evidence of its existence in the external appearance of the dwelling or premises, or in the creation of noise, odors, smoke, vibrations or other nuisances to a degree greater than that normal for the neighborhood.
2. All merchandise is sold “off premises”, either in other outlets or on the internet.
3. The CI shall not generate pedestrian or vehicular traffic beyond what is normal in the neighborhood in which it is located.
4. The CI shall not generate any visual or audible interference of radio or television reception.
5. Prior to establishing the CI the owner must obtain a city business license and maintain that license throughout operation of the business.
6. The CI may employ a total of 6 persons who reside off the subject property but may not have more than 3 persons who reside off the subject property working on the site at any one time.
7. Not more than one (1) cottage industry shall be allowed in or on the same premise.
8. Any new structure constructed to accommodate the CI shall be limited in scale so that it is in character with neighboring properties. Only those buildings or areas as specifically approved by the Zoning Administrator may be utilized in the conduct of business.
9. All activity related to the conduct of the business except for the display of agricultural produce and goods shall be conducted within an enclosed structure or be sufficiently screened from view of adjacent residences and public right-of-ways. Activities shall be screened using landscaping, fencing, the retention of native vegetation, or combination thereof necessary to meet buffer-yard screening requirements of Section 405.270.
10. The cottage industry must provide gravel, asphalt or paved parking sufficient for employees present at any one time. Owner and employee parking must be off-street.

11. No more than one commercial vehicle shall be operated from the site or stored there overnight and adequate parking for said vehicle must be provided.
12. No more than one (1) non-illuminated sign no greater than 3 square feet is allowed.

Sub Section C. CI-2 "General" located in a "commercial" area.

1. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, or electrical interference to the detriment of the quiet use enjoyment of adjoining and surrounding property.
2. The bulk of merchandise produced is sold "off premises", however a small retail area may be incorporated as long as adequate parking is available.
3. All lights are directed on-site and shielded to reduce glare to adjacent areas.
4. Manufacturing and fabricating areas must be enclosed in buildings.
5. Only one (1) sign is permitted and it must comply with sign regulations in the zoning ordinance.
6. The CI-2 may employ a total of 6 persons as long as adequate off-street parking is available.
7. Not more than one (1) cottage industry shall be allowed in the same building space.
8. Any new structure constructed to accommodate the CI shall be limited in scale so that it is in character with neighboring properties. Only those buildings or areas as specifically approved by the Zoning Administrator may be utilized in the conduct of business.
9. All activity related to the conduct of the business except for the display of agricultural produce and goods shall be conducted within an enclosed structure or be sufficiently screened from view of adjacent residences and public right-of-ways. Activities shall be screened using landscaping, fencing, the retention of native vegetation, or combination thereof necessary to meet buffer-yard screening requirements of Section 405.320.
10. Retail sales on the premises are limited to the following: products produced or repaired on-site and incidental retail sales directly associated with the cottage industry.
11. Any CI allowing customers to visit the site shall provide adequate on-site parking spaces in addition to one (1) for each full time equivalent employee and owner.
12. No more than 2 commercial vehicles shall be operated from the site or stored there overnight.
13. The CI-2 owner is required to obtain a city business license prior to operating the CI.
14. Prior to the expansion of the cottage industry beyond the limits specified, the CI would need to be relocated to another property with the proper zoning.

Section 405.370: Accessory Uses and Structures

Sub Section A. Purpose.

This Section provides for the regulation of accessory uses and structures and lists those common accessory uses and structures that are specifically permitted.

Sub Section B. Definition

1. In accordance with Article II, Definitions, an *"accessory use or structure"*:
2. Is subordinate to and serves a principal use or structure;
3. Is subordinate in area, extent or purpose to the principal use or structure;
4. Contributes to the comfort, convenience or necessity of occupants of the principal use or structure;
5. Is located on the same lot as the principal use or structure served and shall include all structures or uses whether or not they are permanently affixed to the ground by foundation or otherwise; and
6. Is not injurious, noxious or offensive to surrounding properties and uses.

Sub Section C. Permitted Accessory Uses and Structures.

Any use or structure that complies with the definition in Sub Section (B) may be allowed as an accessory use or structure.

1. Accessory uses and structures include, but are not limited to, the following list of examples:
 - a) Structures for parking incidental to a permitted use, not to exceed twenty-five percent

(25%) of the square footage of the lot, provided however that a residential use shall be permitted a garage with at least six hundred (600) square feet.

- b) Structures for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed twenty-five percent (25%) of the residential building's ground floor level gross floor area.
 - c) Children's playhouses.
 - d) Private swimming pools and bath houses.
 - e) A guest house, without kitchen facilities or rooms for guests in an accessory building provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units or for permanent occupancy as housekeeping units.
 - f) Greenhouses.
 - g) Satellite dish antennas.
 - h) Barbecue pits.
 - i) Storage of boats, boat trailers, camping trailers and recreational vehicles owned and used by the property owner, provided the equipment is not used for living, sleeping or housekeeping purposes when parked or stored.
 - j) Restaurants, drugstores, gift shops, cocktail lounges, newsstands and other similar uses located in a permitted motel, hotel or office building.
 - k) Employee restaurants and cafeterias when located in a permitted business or manufacturing building.
 - l) Central laundry and washroom facilities, clubhouse, manufactured home park office and maintenance buildings when located in a manufactured home park.
 - m) A day care center located in a permitted business or manufacturing building providing day care for children of persons employed on the premises.
 - n) A day care center, hourly care center or preschool located on the same lot as a church or school.
2. None of the following shall be permitted as an accessory use:
- a) Outdoor storage or overnight parking in a residence district of a commercial truck, van, bus or other vehicle with a gross volume weight of more than one (1) ton. Church and school buses are permitted provided they are parked on church or school property.
 - b) Outdoor storage, except as specifically permitted by the zoning district regulations.
 - c) Modular homes, manufactured or mobile homes or house trailers used as storage, workshops or accessory buildings. The conversion of such dwelling units or vehicles to a purpose other than for which it is manufactured is prohibited.
 - d) Living quarters in any zoning district other than a residential district unless specifically permitted.

Sub Section D. Use Limitations

All accessory uses and structures shall comply with the limitations applicable in the zoning district in which they are located. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of construction of the principal structure to which it is accessory.

Sub Section E. Bulk and Setback Regulations.

All accessory structures and uses shall comply with the bulk and setback regulations applicable in the zoning district in which they are located and provided that no accessory use or structure shall be permitted in any required front yard.

Section 405.380: Temporary Uses

Sub Section A. Purpose

This Section provides for the regulation of land uses or structures which are in place or needed for only a short period of time.

Sub Section B. General Provisions

1. No temporary use or portion of a temporary display or structure shall be located on publicly owned property or right-of-way unless approval has been granted by the City.

2. Unless otherwise specified in the following Sub Sections, any temporary use authorized in this Section shall not require that a temporary use permit be obtained from the City.

Sub Section C. Temporary Uses Permitted In Every District.

The following temporary uses of land are permitted in every zoning district subject to the specific regulations and time limits which follow and to the other applicable regulations of the district in which the use is permitted:

1. Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only for the duration of the project.
2. Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
3. Fund raising activities and events, such as craft sales, bazaars and Christmas tree sales, for non-profit organizations such as churches, libraries and schools in the districts where the non-profit organization use is permitted, provided that no more than six (6) such events per calendar year shall be permitted and each event shall not exceed a period of (five) consecutive days. Christmas tree sales shall be permitted for a period not to exceed thirty (30) consecutive days.
4. Garage or yard sales, provided that no more than three (3) sales per calendar year shall be permitted and each garage or yard sale shall not exceed a period of three (3) consecutive days.
5. Temporary wireless facilities towers for special events provided the temporary tower does not exceed sixty (60) feet in height and a permit shall not be issued for a period of time exceeding two (2) days preceding and following the special event. Temporary towers may also be located on the same site as an approved permanent tower during the period that the permanent tower is being constructed. A temporary use permit shall be obtained from the City.

Sub Section D. Temporary Uses Permitted In The "C-1" And "M-1" Districts.

The following temporary uses of land or structures are permitted in the "C-1" and "M-1" Districts, subject to the limitations in this Sub Section and the other applicable regulations in the district or districts in which the temporary use is permitted:

1. Christmas tree sales for a period not to exceed thirty-five (35) days. Display of Christmas trees need not comply with the yard and setback requirements of this Chapter provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets or any sight triangle required in this Chapter.
2. Retail business may display merchandise that is for sale within a building in the area immediately adjacent to the building subject to the following conditions:
 - a) No food or drink may be displayed outside the building except in accordance with the standards of the Polk County Department of Public Health and approval of the City.
 - b) These provisions shall in no way be deemed to authorize the outdoor display or the sale of used furniture, appliances, plumbing, housewares, automobiles or other vehicles, trailers and equipment rental or other second-hand merchandise in those districts which do not otherwise permit such uses.
3. Temporary promotional activities sponsored by retail merchants may be conducted outside of enclosed buildings for a period of not more than two (2) consecutive weeks in any three (3) month period. Any temporary promotional use shall be subject to the following conditions:
 - a) The merchant sponsoring the temporary promotional use shall obtain a temporary use permit from the City. No permit for a temporary promotional use shall be granted where the promotional activities, lighting, noise or increased traffic associated with the temporary use will unreasonably disturb adjacent residential properties.
 - b) Temporary promotional uses shall not occupy more than ten percent (10%) of any paved parking area.
 - c) No more than two (2) temporary promotional uses on the same property shall be conducted during any six (6) month period.
4. Temporary outdoor seasonal sale of garden plants, fruits and vegetables and incidental supplies. Such uses shall not exceed a period of six (6) months in one (1) calendar year, including time to erect and dismantle any temporary greenhouse or stand.

Sub Section E. Temporary Vendors.

1. *Location restricted.* Temporary vendors are permitted only in the "C-1", "M-1" and "M-2" Districts and are required to conform to all applicable regulations of the district, including allowed temporary uses.
2. *Temporary vendor permits.* A temporary vendor is required to obtain a permit from the City for each temporary vendor site. The application for a temporary vendor permit shall include the following information:
 - a) Address or other property description of the site.
 - b) Plot plan showing the proposed location of the temporary vendor site on the lot or tract. The plot plan shall show required setbacks, indicating that the temporary vendor does not encroach into the required setbacks or sight triangles.
 - c) Description of use or activity to be conducted by the temporary vendor on the site.
 - d) Written verification from the property owner indicating the temporary vendor is authorized to use the site for the stated purpose.
 - e) If applicable, the following information is required to erect a temporary structure on an existing parking lot (excluding vehicles or trailers on wheels with a license to operate on roadways):
 - 1) Written permission from the property owner to authorize erection of a temporary structure on the site.
 - 2) The plot plan shall show the location of the temporary structure, indicating the temporary structure does not encroach upon required setbacks.
 - 3) Written verification the temporary structure conforms to the requirements of the City's Building Code.
3. *Limitations.*
 - a) A temporary vendor shall be limited to six (6) months occupation on the same property within a calendar year, including time taken to erect and remove all necessary temporary structures.
 - b) No more than two (2) permits for a temporary vendor use on the same property shall be issued by the City during any six (6) month period.
4. *Licenses required.* A temporary vendor shall not occupy a temporary vendor site or sell merchandise within the City without first obtaining a business license from the City. A business license may be issued to a temporary vendor for a specific vendor site for the period of time approval has been granted for the vendor site. A copy of this license must be on display, in full view of the public, on the approved site. No property owner shall allow any temporary vendor to occupy any part of his/her premises without a permit being issued by the City for the actual location of the temporary vendor business and a City business license being issued and in effect for the temporary vendor.

Section 405.390: Exceptions to Height Regulations

The following structures are not subject to the height limitations in this Chapter:

1. When they are an integral part of a building: elevator machinery, stairways, tanks, ventilating fans or similar equipment required for operating and maintaining the buildings and fire or parapet walls, skylights, towers (excluding radio, television and telecommunications towers), steeples, flagpoles, silos, chimneys and smokestacks. No space above the height limit shall be used to provide additional floor space for the use being conducted on the premises.
2. When they are a separate structure: water standpipes, water ground storage tanks or similar structures.

Section 405.400: Supplemental Yard and Open Space Regulations

Sub Section A. Front Yard Regulations

All property shall have a front yard of not less than prescribed in Article V, Zoning District Regulations, except that the following provisions shall apply:

1. Where the front yard setback of existing buildings on platted lots of record fronting the same street is less than the required front yard specified in this Chapter, any building or structure hereafter erected or structurally altered or enlarged shall conform to the following:
 - a) On interior lots, where the frontage is located between two (2) intersecting streets, the front yard

setback line shall be at least the average setback of the two (2) adjacent developed lots fronting the same street.

- b) On interior lots, where the frontage is located between two (2) intersecting streets and only one (1) adjacent lot is developed, the setback line shall be at least the average between the setback of the existing building and the minimum required front yard setback on the vacant lot.
 - c) On corner lots, where the frontage is located at the intersection of two (2) streets and the zoning district requires a setback, the front yard setback line shall be the average of the adjacent existing building setback and the required minimum setback fronting the same street. However, no structure shall be located in an area formed by a triangle measured twenty-five (25) feet along the right-of-way lines from the intersection of adjacent street right-of-way lines.
- 2. Where property on one (1) side of the street between two (2) intersecting streets is located in a non-residential district adjacent to a residential district, the front yard setback required in the residential district shall also apply to the non-residential district. This requirement shall apply only to the first one hundred (100) linear feet of frontage zoned non-residential. No parking shall be permitted within the required front yard setback.
 - 3. On cul-de-sacs, the front yard setback line shall be located on the lot so that it is parallel to a line drawn tangent to the cul-de-sac right-of-way line at the center of the lot frontage. The front yard setback line shall be located at a distance from the cul-de-sac right-of-way line where the length of the front yard setback line is equal to the minimum lot width required in the zoning district and the resulting front yard setback is at least equal to the minimum required in the zoning district.

Sub Section B. Yards Open

Except as otherwise specified in this Chapter, required yards shall be open and unobstructed to the sky.

Sub Section C. Exceptions To Yard Regulations.

The following exceptions shall be permitted to yard and area regulations:

- 1. *Peculiar shape of yard.* Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape, such regulations may be modified or determined by the Board of Adjustment, as provided in Section 405.110 through 405.220.
- 2. *Variations from Major Street plan.* Where the Board of Aldermen has adopted right-of-way of greater or lesser width from those established by the City's Major Street Plan, the right-of-way established by the Board of Aldermen shall apply. Such right-of-way width shall be used in determining yard requirements.
- 3. *Modification of lot width.* Where an odd-shaped lot has more than the required area for its particular zoning district, the width of such lot may be computed in the most buildable portion having minimum area requirements, provided that it complies with all bulk and open space requirements for the zoning district.
- 4. *Parking area in rear yard.* A parking area may occupy a required rear yard or any part thereof, if in conformance with Section 405.490 through 405.530.
- 5. *Loading space in rear yard.* A loading space may occupy a required rear yard or any part thereof, if in conformance with Section 405.490 through 405.530.

Sub Section D. Vision Clearance Requirements

- 1. *Sight triangles.* Unless otherwise permitted by this Chapter, no wall, fence, other structure, hedge, tree, shrub, other vegetation or landscaping materials over two (2) feet in height shall be placed within the sight triangle formed by the intersection of two (2) public streets, as defined in Section 405.540 through 405.620 or within the sight triangle formed by the intersection of a public street and driveway, as defined in Section 405.540 through 405.620. However, a single tree having a single trunk shall be allowed in a sight triangle provided the tree is pruned to a height of seven (7) feet above the yard grade.
- 2. *When front yard not required.* On any lot on which a front yard is not required by this Chapter, no wall, fence, other structure, hedge, tree, shrub, other vegetation or landscaping materials over two (2) feet or under seven (7) feet in height above the lowest grade of two (2) or more intersecting streets shall be placed within the street intersection sight triangle; the two (2) sides of which are defined by measuring twice the pavement width of each intersecting street, as classified in the City's major street plan, along its centerline from the center of the intersection.

Section 405.410: Telecommunications Facilities

Sub Section A. Telecommunication Towers

1. *Federal jurisdiction.* The Federal Communications Commission (FCC) has exclusive jurisdiction over:
 - a) The regulation of the environmental effects of radio frequency emissions from telecommunications facilities.
 - b) The regulation of radio signal interference among users of the radio frequency spectrum.
2. *Purposes.* The general purpose of this Section is to regulate the placement, construction and modification of towers and telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Pleasant Hope. More specifically, the purposes are:
 - a) To protect residential areas and land uses from potential adverse impacts of towers and telecommunications facilities;
 - b) To minimize adverse visual impacts of towers and telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques;
 - c) To promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
 - d) To avoid potential damage to adjacent properties caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed.
 - e) To the greatest extent feasible, ensure that towers and telecommunications facilities are compatible with surrounding land uses.
 - f) To create a licensing process that allows the City to more efficiently administer this Section.
3. *Applicability.*
 - a) All towers, antenna support structures and telecommunications facilities, any portion of which are located within the City are subject to this Chapter. All towers within the City at the effective date of this Chapter or that are annexed at a later date, shall be registered with the City Clerk within sixty (60) days from the effective date thereof together with the height, width and location thereof and a registration fee established by the Board of Aldermen. Failure to register an existing tower shall raise a presumption that said tower was not a legal use on the date of passage of this Chapter. However, this Chapter shall not apply to tower structures used or to be used, solely for services provided pursuant to a broadcast radio or television license issued by the Federal Communications Commission or to towers and antennas used for private telecommunications services when the equipment is located on the premises of the entity using said private telecommunication service or the towers and antennas, support structure or masts are located on the primary business premises of a provider of communications services if used to monitor the provider's services and the equipment used by the broadcaster, private telecommunicator or provider is in compliance with any Federal, State or local laws.
 - b) Except as provided in this Chapter, any current legal use being made of an existing tower or antenna support structure on the effective date of this Chapter (herein "non-conforming structures") shall be allowed to continue, even if in conflict with the terms of this Chapter.

Sub Section B. Definitions

For the purposes of this Section, the following terms, phrases, words and their derivations shall have the meanings given herein:

ACT: The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 and as may from time to time be amended.

ANTENNA SUPPORT STRUCTURE: Any building or other structure other than a tower that can be used for location of wireless telecommunications facilities.

APPLICANT: Any person that applies for a Tower license pursuant to this Chapter.

COMMUNICATIONS OR TELECOMMUNICATIONS: The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received, by wire, radio, optical cable, electronic impulses or other similar means.

As used in this definition, "*information*" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds or any other symbols.

FCC: The Federal Communications Commission and any legally appointed, designated or elected agent or successor.

LICENSEE: Any person who has lawfully obtained a Tower license pursuant to Sub Section (E).

PERSON: Any natural person, firm, partnership, association, corporation, company or other legal entity, private or public, whether for profit or not-for-profit.

SITE: The actual location of a tower and may be only part of a larger parcel or premise.

STEALTH: Any towers or telecommunications facilities that are designed to blend into the surrounding environment.

TELECOMMUNICATIONS FACILITIES: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the wireless transmission or reception of wireless telecommunications as authorized by the FCC which a person seeks to locate or has installed upon a tower or antenna support structure. However, the term "*telecommunications facilities*" shall not include:

- a) Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned and used for industrial or commercial purposes.
- b) Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category.
- c) Any satellite earth station in excess of two (2) meters in diameter which is utilized for the reception of broadcast television, video or radio signals and which is an ancillary use to a structure on the premises of the holder of the broadcast license.

TOWER: A self-supporting lattice, guyed or monopole structure constructed from grade which supports wireless telecommunications facilities. The term "*tower*" shall not include amateur radio operators' equipment, as licensed by the FCC. The term "*tower*" does not include: utility poles that are utilized for the support of electrical, telephone, cable television or other similar cables and wires; are located on public rights-of-ways or easements for that purpose; and are a part of a system of such poles throughout the City.

Sub Section C. Permitted and Conditional Uses

1. *Generally.* The use of towers and placement of telecommunications facilities are allowed as either permitted uses or conditional uses in the zoning districts shall be as set forth herein and in Article V. Multiple locations may be approved in one (1) application process.
2. *Tower types.* Wireless facilities and telecommunications towers shall be of the following types:

TYPES	
	Wireless facilities and antennas mounted on buildings or other structures, including existing towers, public buildings and structures, school buildings and structures and churches.
	Cell towers of a stealth design that are not greater than 60 feet in height, located on the same premise or parcel as public buildings and structures, school buildings and facilities, church buildings and non-commercial, not-for-profit residential neighborhood facilities and approved by ordinance.
	Cell towers of a monopole or stealth design that are less than 100 feet in height.

	Cell towers of a monopole or stealth design that are more than 100 feet in height.
	Cell towers not of monopole or stealth design, 100 feet or taller and not able to collocate additional facilities.

3. In no event shall a licensee be required to allow collocation of facilities if to do so would result in technical interference with the delivery of licensee's service. Failure to permit collocation or joint use on a tower which has been built in accordance with setbacks and special conditions permitted for towers designed for collocation may result in any enforcement action as permitted in this Chapter.
4. *Same tower type.* A tower which is modified to accommodate the collocation of additional telecommunications facilities shall be of the same tower type as the existing tower. However, a different type of tower may be permitted by the approval of the City if it is demonstrated that permitting a different tower type will not exceed the height permitted in Sub Section C(2) and will permit the collocation of more carriers than could be accomplished by the modification of the same tower type as the existing tower.
5. *Movement of tower.* No towers shall be relocated without going through the appropriate permitting and licensing procedure.
6. *Appeal process.* Any applicant who is denied a tower application or who is determined by the City to be in violation of this Section shall have the right of a hearing before an administrative hearing examiner appointed by the Mayor and mutually agreeable to the applicant or tower owner. The Hearing Examiner shall set the hearing date no later than twenty (20) days following the denial of an application or the determination of a violation and shall consider, in addition to a determination of whether or not a violation exists or the application was improperly denied, the question of the technical or economic feasibility of compliance with this Section. In the event the Hearing Examiner finds that the tower was constructed in accordance with setback and other provisions relating to towers designed for collocation and said tower is not being made available for joint use or collocation as indicated at the time of application, the Hearing Examiner shall order utilities disconnected until such time as the tower is used jointly for collocation as originally stated in the application. The Hearing Examiner's final decision shall be subject to review pursuant to Chapter 536, RSMo. Any appeal under said Chapter shall be filed within thirty days (30) from the date of the Hearing Examiner's decision. Enforcement of the decision of the Hearing Examiner may be stayed by the posting of a supersedes bond in an amount determined by the Hearing Examiner to be sufficient under the facts of the case to protect the interests of the public and any third party in the matter whose rights would be adversely affected by such a stay as demonstrated during any hearing on a request for said bond.

Sub Section D. Construction Standards

1. *Setbacks.*
 - a. All towers shall be set back a distance equal to:
 - (1) Fifty percent (50%) of the height of the tower up to one hundred (100) feet, plus one (1) foot for each foot over one hundred (100) feet in height; or
 - (2) The distance between the tower base and guy wire anchors, whichever is greater, with the guy wire anchors set back at least twenty-five (25) feet from adjoining residential districts, public property or a street or at least the rear yard setback from adjoining land in other districts, unless the tower is designed for collocation.
 - (3) In the event a tower is capable of being used for collocation for at least two (2) additional carriers, the setbacks for structures in the zoning district where the tower is located shall be complied with for the tower base and any guy wire anchors.
 - b. Setback requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located.

2. Structural requirements. All towers must be designed and certified by an Engineer to be structurally sound and, at minimum, in conformance with the City's Building Code, any applicable State and Federal laws and other standards outlined in the City Code. A building permit must be obtained before construction may begin.

3. Separation or buffer requirements.

a. Towers shall be separated from the types of areas and comply with the minimum standards established in the table set forth below unless: (1) constructed on the same site as another tower designed for the same purpose and (2) the height of the second tower does not exceed the height permitted in the zoning district where the tower is to be located:

DESIGNATED AREA	SEPARATION DISTANCE
Single-family or two-family residential units in a residential district ¹	300 feet. If the Tower ¹ is of a stealth design or is designed for collocation of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant single-family or two-family residentially zoned land which is either platted or has preliminary subdivision plat approval which is not expired	300 feet. If the Tower ¹ is of a stealth design or is designed for collocation of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant unplatted residentially zoned land and residential units in non-residential zoned districts ¹	200 feet or 100% of tower ² , whichever is greater.
Existing multi-family residential units greater than two-family units	100 feet or 100% height of tower, whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply
¹ Includes modular homes and mobile homes used for living purposes. Separation from a unit for purposes of this table is to be measured from the edge of the building or structure itself.	
² Separation measured from the center of the tower to closest building setback line.	

b. The minimum tower separation distances above listed shall be calculated and applied irrespective of City and County jurisdictional boundaries.

c. Measurement of tower separation distances for the purpose of compliance with this Section shall be measured from the center of a tower to the closest point of a designated area as specified in the above table.

d. Separation distances from other uses set forth in this Sub Section may be reduced for towers designed for the collocation of telecommunications facilities of other carriers by obtaining a conditional use permit which will require demonstrating that the separation distances will:

- (1) Have the effect of preventing service to an area of the City; or
- (2) Constitute a barrier to entry into the market place by the applicant; or
- (3) Will constitute a technical or economic hardship on the applicant.

Additionally the applicant must demonstrate that the location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located and that landscaping techniques will be used to screen the tower from any adjacent residential use.

e. Proposed towers must meet the following minimum separation requirements from towers existing at the time a License is granted unless constructed for the purpose of providing collocation capacity on the same site as another tower designed for the same purpose and the height of the second tower does not exceed the height permitted in the zoning district. However, an exception from separation distances between towers may be obtained from the Board of Aldermen if the applicant demonstrates that such an exception is necessary for the engineering design of the system the tower is to be a part of or that no other option is available to provide coverage for the service area.

PROPOSED TOWERS TYPES	EXISTING TOWER TYPES

	Lattice or guyed 150 feet in height or greater	Lattice or guyed less than 150 feet in height	Monopole towers 75 feet in height or greater	Monopole towers less than 75 feet in height
Lattice	3,000 feet	2,500 feet	1,500 feet	750 feet
Guyed	3,000 feet	2,500 feet	1,500 feet	750 feet
Monopole 75 feet in height or greater	1,500 feet	1,500 feet	1,500 feet	750 feet
Monopole less than 75 feet in height	750 feet	750 feet	750 feet	750 feet
The separation distances shall be measured by drawing or following a straight line between the center of the existing tower and the center of the proposed tower.				

4. Method of determining tower height. The height of the tower shall be measured as follows: the vertical distance between the highest point of the tower and the natural grade below this point.

5. Illumination. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). At time of construction of a tower dual mode lighting shall be requested from the FAA in cases where there are residential uses located within a distance from the proposed tower that is equal to three (3) times the proposed height of the tower.

6. Finished color and tower markings. Towers not requiring FAA painting or marking shall have either a galvanized steel finish or be painted an off-white, light gray, silver or white finish. No commercial signs or advertising shall be allowed on any towers or telecommunications facilities.

7. Fencing and screening. Fences must be constructed around or upon parcels containing towers, antenna support structures or telecommunications facilities and shall be constructed in accordance with this Article.

8. Bufferyard and landscape. All landscaping on parcels containing towers, antenna support structures or telecommunications facilities shall be in accordance with the landscaping and bufferyard requirements of this Chapter. Existing vegetation shall be maintained to the extent possible. However, the City may require additional landscaping if to do so would make the tower, antenna support structure or telecommunications facility more reasonably compatible with the surrounding area. All vegetation used in the landscaping shall be located outside any fenced area.

9. Security. All towers must be secured to protect against trespass or unauthorized use of the property, tower or telecommunications facilities.

a. If high voltage is necessary for the operation of a tower or telecommunications facilities and it is presented in a ground grid or in the tower, warning signs shall be permanently attached to the exterior side of the perimeter fence and located every twenty (20) feet. The signs shall display in bold letters at least eight (8) inches high the following: "HIGH VOLTAGE: DANGER".

b. Identification tags or signs shall be posted on all communications towers and telecommunications facilities in accordance with FCC and OSHA requirements. The tags shall include the FCC tower registration number, the latitude and longitude of the tower and the name, address and telephone number of the tower owner. The identification tags shall be posted on the perimeter fence and shall be constructed of durable materials.

10. Access. All parcels upon which towers are located must provide adequate on-site parking. Traffic associated with the facility shall not adversely affect traffic on adjacent streets.

11. Interference with public safety radio services. In order to ensure that the City's public safety radio services will be free from objectionable technical interference, all applicants requesting a permit to site a tower or telecommunications facilities shall agree:

- a.** To demonstrate compliance with good engineering practices;
- b.** To provide the City a copy of all intermodulation studies submitted to the FCC;

- c. Not to induce objectionable technical interference to the City's public safety radio services;
- d. To comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements and any and all other Federal statutory and regulatory requirements relating to radio frequency interference (RFI);
- e. In the case of co-location of telecommunications facilities either in the same location or on the same tower as the City's, to not cause or permit to be caused by its transmissions or other activities on the premises, objectionable technical interference of any kind whatsoever to the broadcasting transmission, reception or electromagnetic communications of the City;
- f. To pay for any studies requested by the City to determine if the applicant's telecommunications facilities are causing objectionable technical interference;
- g. Upon notification by the City, if the operations of the applicant are causing objectionable technical interference, to immediately undertake all steps necessary to determine the cause of and eliminate such interference at the cost of the applicant. If said interference continues for a period in excess of forty-eight (48) hours after notice from the City, the City shall have the right to cause the applicant to cease operating the equipment that is causing the objectionable technical interference or to reduce the power sufficiently to mitigate the objectionable technical interference until the condition causing said interference has abated.

12. *Certifications and inspections.*

- a. All towers shall be certified by a structural engineer to be structurally sound and in conformance with the requirements of the City Building Code and all other construction standards set forth by the City's Code and Federal and State law. For new towers, such certification shall be submitted with an application pursuant to Sub Section E (4) and every ten (10) years thereafter. For an existing tower annexed into the City; such certification shall be submitted within sixty (60) days of the date of annexation and then every ten (10) years thereafter. The tower owner may be required by the City to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is or has been jeopardized.
- b. The City and its agents shall have authority to enter onto the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for the purpose of determining whether it complies with the City's Building Code and all other construction standards provided by the City's Code and Federal and State law.
- c. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. All expenses related to such inspections by the City shall be borne by the tower owner.

13. *Maintenance.*

- a. Licensees shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.
- b. Licensees shall install and maintain towers, telecommunications facilities, wire, cables, fixtures and other equipment in compliance with the requirements of all FCC, State and local regulations.
- c. All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition order and repair so that the same shall not menace or endanger the life or property of any person.

14. *Stealth design.* All licensees shall make every reasonable effort to design and construct new towers and telecommunications facilities to blend into the character and environment of the area in which they are located, including the use of camouflage techniques, path array antennas and side mounting antennas unless such use shall create a hazard for the traveling public or it is not technically feasible to use such design and collocate other facilities on the tower.

Sub Section E. Licensing Requirement

1. *License required.* No person may own or operate a tower or place wireless telecommunications facilities on a tower, without first obtaining from the City a license to do so pursuant to this Section (herein referred to as "tower license" or "license"). This requirement applies both to new towers and to existing towers. Unless otherwise expressly provided elsewhere in this Section, the license required by this Section is in addition to all other applicable provisions of the zoning district and requirements for a

building permit to construct the tower itself. A license may be denied if the applicant is not in compliance with any other provision of the Pleasant Hope Zoning Regulations regarding the use or provision of towers and telecommunications services. The license required under this Section shall not be in lieu of a license to conduct business in the City of Pleasant Hope, Missouri. A license shall be for a term of not more than five (5) years. A renewal must be made in compliance with this Sub Section.

2. Applications for towers. The following applications shall be submitted for the construction and operation of a tower:

a. License application. Prior to the construction of any tower, a license application and fee shall be submitted to the City Clerk. This is an initial license application fee and an additional fee shall be due from the applicant should the City's actual costs of review of the application exceed the fee. The City reserves the right to employ an outside consultant to review any application. All tower license applications shall include the following information and documentation:

(1) The name, address and telephone number of the applicant. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner and the name, address, telephone number of the owner.

(2) A statement of whether or not the applicant will be developing the tower for its own use or for the use of others.

(a) If for applicant's use, the following is required:

(i) A description of the use.

(ii) A description of the network the proposed tower will be part of.

(iii) A description of the technological design proposed and description of alternatives.

(iv) Evidence of drive-by tests or other studies relating to the proposed tower which support location on the proposed property.

(v) Construction date or schedule.

(3) The legal description and address of the parcel of land upon which the tower is to be situated.

(4) The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures which are capable of providing a location to construct the telecommunications facilities that are planned to be housed or located on the tower within a three thousand (3,000) foot radius of the proposed new tower site, including City-owned property.

(5) Written documentation that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's telecommunications facilities on City-owned towers or useable antenna support structures or made diligent, but unsuccessful efforts to install or collocate the applicant's telecommunications facilities on towers or useable antenna support structures owned by other persons.

(6) Written documentation containing the following information:

(a) Whether the applicant's telecommunications facilities are technically capable of being installed or collocated on another person's tower or useable antenna support structure.

(b) If the applicant asserts that its telecommunications facilities are economically or technically infeasible of being installed or collocated on another person's tower or useable antenna support structure, a written statement from the applicant setting forth the reason(s) why such installation or collocation is technically or economically infeasible.

"Technically infeasible", for the purpose of this Sub Section, means that the collocation or installation of applicant's telecommunications facilities on another person's tower or useable antenna support structure would not comply with sound engineering principles, would materially degrade or unreasonably impair the tower or useable antenna support structure's current or planned use or interfere operationally with applicant's planned use.

"Economic infeasibility", for purposes of this Section, shall mean that the cost of collocation is not a reasonable business decision from an economic standpoint when all factors are considered.

(c) If the tower is designed to accommodate one (1) or more additional carriers or capacity for the location of telecommunications facilities other than that of the applicant and, if so, the application shall designate the nature, quality and location of the collocation that will be accommodated.

(d) An affidavit submitted with written technical evidence from a radio frequency engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another persons' tower or usable antenna support structure located within the search area and must be located at

the proposed site in order to avoid prohibiting or effectively prohibiting the provision of personal wireless service by the applicant.

(e) Written technical evidence from a structural engineer that the proposed structure meets the standards set forth in this Section and the applicable requirements of the Building Code of the City.

(f) A certification submitted with written technical evidence from a qualified agent of the applicant that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire or other danger due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas or corrosive or other dangerous chemicals.

(g) Written technical documentation of any Federal Aviation Administration (FAA) approvals and lighting requirements and, if applicable, documentation of approval or denial of dual mode lighting as provided in this Section and a statement whether an FAA "Determination of No Hazard to Aviation" is required by 47 C.F.R. Part 17 of the tower. If such a determination is required, no building permit for the tower shall be issued until a copy of the determination is filed with the City.

(7) A map of the City and the first (1st) half (½) mile of all bordering communities showing the design of the applicant's entire existing or proposed wireless telecommunications network. Such map shall, at minimum, indicate the exact location of all proposed or existing tower and antenna sites, their dimensions, specifications and signal area coverage.

(8) A site plan drawn to scale specifying the location of tower(s), its planned height, guy anchors (if any), transmission building(s), all telecommunications facilities, accessories, parking access plans, landscaping plans (specifying size, spacing and plant material proposed), fences and zoning designation of adjacent land.

(9) The names of all adjacent property owners.

(10) A bond or irrevocable letter of credit in an amount determined by the City to ensure that, should the tower be abandoned pursuant to this Section, removal of said tower will be guaranteed and to insure the tower and property are maintained.

(11) An applicant shall only be required to maintain one (1) maintenance bond and one (1) removal bond pursuant to subparagraph (10) for all of the applicant's towers in the City; provided however, the applicant must maintain the initial level of such bonds if drawn upon by the City for any reason.

(12) Proof of general liability insurance for claims for injury or death and property damage in an amount approved by the City, but not less than three hundred thousand dollars (\$300,000.00) per occurrence for personal injury and three hundred thousand dollars (\$300,000.00) per occurrence for property damage with the City listed as an additional insured.

(13) An acknowledgment that, by signing a permit application, the applicant agrees to indemnify and hold harmless the City consistent with indemnification language in the application.

(14) The tower and/or landowner shall promptly notify the City by certified or registered mail of the sale, transfer or assignment of any tower or telecommunications facility. Each sublease shall be conditioned upon the sublease obtaining the necessary approvals for the subject facility or site from the City prior to siting such facility.

Within forty-five (45) days after a license application for a tower location is filed with the City Clerk, the Planning and Zoning Commission shall determine whether the applicant meets all the requirements of this Section; and, accordingly, shall recommend approval or denial of the application. The forty-five (45) day limit may be extended should the City find it requires additional information or additional study and the applicant agrees to said continuance. The application shall be presented to the Board of Aldermen following Planning and Zoning Commission recommendation. If the application is approved, the City Clerk shall issue the license.

b. Conditional use permit application. If the zoning district in which the tower is proposed to be located requires a Conditional Use Permit, a Conditional Use Permit application shall be submitted to the City in accordance with the provisions of Section 405.110 through 405.220.

c. Applications for wireless facilities on towers. No person shall construct or maintain a wireless facility on a tower without first obtaining a license from the City for such wireless facilities. An application shall include the name and address of the applicant, a statement by a qualified engineer or other professional that the addition of such wireless facilities meets all conditions of the City Code, the location of the tower and the location on the tower itself where the wireless facilities will be located, the location on the site for any supporting equipment and utility for said wireless facility and the approximate length of time the applicant plans to use the tower to locate its wireless facilities. The fee for this license shall be

renewable every five (5) years in accordance with Sub Section (E)(6).

3. Inspections. By applying for a permit or license for a tower location, an applicant grants the City authority to enter onto its property to inspect the tower for the purpose of determining whether it complies with the applicable State law and all other construction standards provided by the City codes and Federal law. The City reserves the right to conduct such inspections at any time.

4. Filing requirement. A licensee shall certify in writing that its tower is structurally sound and conforms to the requirements of the applicable State law and all other construction standards set forth by the City codes, Federal and State law every five (5) years by filing, by January first (1st) of every fifth (5th) year following the date of the grant of its tower license a sworn statement by the licensee or his/her representative to that effect. Together with this statement, every licensee shall provide a certificate of liability insurance for no less than three hundred thousand dollars (\$300,000.00) coverage for injury to persons or and an additional three hundred thousand dollars (\$300,000.00) coverage for property as a result of any tower failure or malfunction or defect which lists the City as an additional insured. Licensee shall list City as a party who must be notified should this insurance be canceled or discontinued for any reason thirty (30) days before the expiration of coverage.

5. Discontinuance of use. In the event the licensed use of a tower is discontinued by the licensee, the licensee shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.

6. License renewal fee. On or by January first (1st) of every fifth (5th) year following the granting of an initial tower or wireless telecommunications facilities license for a new or existing tower or facilities placed on a new or existing tower, each licensee shall submit a license renewal fee. In no event shall a license be revoked or considered expired for failure to pay the fee unless the licensee has received at least thirty (30) days' written notice of the proposed action.

Sub Section F. Revocation of License

The City may at any time revoke a tower license for failure to comply with the provisions of this Section or any other City Code or State or Federal law. To properly revoke a tower license, the City must comply with the procedures set forth below:

1. The City Clerk shall provide licensee with written notice of all causes for revocation and the intent to revoke and shall allow licensee sixty (60) days subsequent to receipt of the notice in which to correct the violations or to provide adequate assurance of performance in compliance with this Section. Together with the notice required herein, the City Clerk shall provide licensee with written findings of fact which are the basis of the revocation.
2. The City shall provide the licensee with the right to a public hearing before the Hearing Examiner appointed for that purpose by the Mayor and mutually agreed to by the parties, which public hearing shall follow the sixty (60) day notice required herein. All interested parties shall be allowed an opportunity to be heard at the public hearing and present evidence.
3. After the public hearing, the Hearing Examiner shall, within thirty (30) days after the public hearing date, issue a written order setting forth his/her findings of fact and conclusions of law forming the basis for his/her decision.
4. Upon written determination by the Hearing Examiner to revoke a license, the licensee may appeal the decision to a court of competent jurisdiction pursuant to Chapter 536, RSMo. The Hearing Examiner may provide for a supersedeas bond in an amount deemed by said examiner to be sufficient to protect the interests of the public and such third (3rd) parties whose interests were identified during any hearing on such a request to post a bond, to permit the stay of enforcement of any revocation or enforcement action by the City.
5. Upon satisfactory correction by licensee of the violation upon which said notice was given as determined in the City's sole discretion, the initial notice shall become void.
6. Upon licensee's failure to correct a violation as found by the Hearing Examiner, the City may issue an order to disconnect utilities to said tower to any utility company providing same unless a supersedeas bond in an amount determined by the Hearing Examiner under Sub Section F (4). As long as said bond is in full force and effect and an appeal is pending under Chapter 536, RSMo, no order to disconnect utilities shall be made. Said order shall not be issued prior to thirty (30) days from the date of the Hearing Examiner's written determination. Said order shall be served upon the chief executive officer thereof, together with the licensee at the last known address and have attached to it the findings of the Hearing Examiner.

Sub Section G. Transfer of License

A tower license may not be sold, transferred, leased or assigned to any other person, without the consent of the City, such consent not to be unreasonably withheld.

Sub Section H. Abandonment of Tower

1. In the event the use of any tower has been discontinued for a period of one (1) year or in the event that a licensee has taken no action within ninety (90) days after the revocation of a tower license pursuant to Sub Section (F) to appeal the decision of the Hearing Examiner or to remedy or correct the violations resulting in the revocation, such tower shall be deemed abandoned.
2. The City shall provide the tower owner three (3) months' notice and an opportunity to be heard before a Hearing Examiner appointed by the City Administrator for the purpose and agreeable to the tower owner if he/she may be located, before initiating such action. After such notice has been provided, the City shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the then fair market value, to approve the sale of the tower to a third (3rd) party or in the alternative order the demolition of the tower and all appurtenances.
3. The City shall provide the tower owner with the right to a public hearing before the Hearing Examiner, which public hearing shall follow the three (3) months' notice required in Sub Section (H)(2). All interested parties shall be allowed an opportunity to be heard at the public hearing.
4. After a public hearing is held pursuant to this Section, the Hearing Examiner may order the forfeiture to the City or demolition of the tower. The City may draw upon any maintenance bond or performance bond or letter of credit as provided in Sub Section (E)(2)(a)(11) to pay for all expenses necessary to acquire or demolish the tower. The tower owner may stay such a draw or enforcement of an order of abandonment if he/she posts a supersedeas bond in an amount set by the Hearing Examiner sufficient to protect the interests of the public. However, in no event shall the removal of a tower which is determined to create a danger to the public or adjacent property be stayed due to the filing of such a bond.

Sub Section I. Location of Towers on City-Owned Property

The City may authorize any person to locate a tower, antenna support structure or telecommunications facilities on publicly-owned property, subject to the application process set forth in Sub Section (E)(2) and subject to the terms and conditions of any lease agreement executed between the City and such person. (Ord. No. 06-04-01 §607, 4-25-06)

Section 405.420: Home Occupations - Intent

The provisions in this Section are intended to allow for the use of portions of residential structures or accessory structures in residential districts for economic gain. It is not the intent of this Chapter to subvert the commercial zoning districts contained in the zoning regulations nor to allow any use which is detrimental to the use of the property for residential purposes.

Section 405.430: Home Occupations - Performance Standards

Performance standards are as follows:

1. Home occupations shall involve no more than one (1) employee outside the resident family.
2. Home occupations shall not alter the residential appearance of the residence in which they are conducted and no home occupation may be continued in a residence that is otherwise vacant.
3. A home occupation may display one (1) sign that meets the following conditions:
 - a) The sign may not exceed four (4) square feet in effective area.
 - b) The sign must be attached to the structure in which the home occupation takes place.
 - c) The sign may not be illuminated, either directly or indirectly.
4. Home occupations should not involve more than occasional client or customer visits and the construction of additional parking to serve the home occupation is prohibited.
5. No home occupation shall necessitate regular truck deliveries, nor shall a commercial vehicle be allowed as a part of the home occupation.
6. There shall be no outside storage of materials that are used in the home occupation.
7. The total area used for the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling.
8. There shall be no offensive noise, dust, smoke, odors, heat or glare noticeable at or beyond the property line.
9. The following uses shall not be permitted as home occupations:
 - a) Animal hospitals, veterinary clinics or kennels.
 - b) Nursing homes.
 - c) Restaurants.
 - d) Automobile and other motor vehicle repair.
 - e) Antique shops.
 - f) Group day care homes.
 - g) Boarding or lodging of three (3) or more people for remuneration.
 - h) Dance, art or other instructional occupations with more than six (6) students at any one (1) session.
 - i) Physicians, dentists, chiropractors.
 - j) Barber and beauty shops.

Section 405.440: Home Occupations Business License Required

All home occupations are required to obtain a business license issued by the City of Pleasant Hope before such home occupation may commence.

Section 405.450: Non-Conforming Uses, Buildings and Structures

Sub Section A. Authority to Continue

The lawful use of any building, structure or land existing at the effective date of this Section may be continued although such use does not conform with the provisions of this Section.

Sub Section B. Repairs and Maintenance

Repairs and alterations necessary for the general maintenance of a building or structure may be made to a non-conforming building or structure, provided that no structural alteration shall be made and further provided that this Section shall never be construed to allow an addition to a non-conforming building or structure. Structural alterations and/or additions may be allowed in the event that the entire use, building or structure is brought into conformance.

Sub Section C. Damage or Destruction

Any non-conforming building or structure which is damaged, partially or fully destroyed by fire, flood, wind, explosion, earthquake or other calamity or act of God, shall not be repaired or rebuilt or used for the same purpose if the expense of such repair or rebuilding exceeds sixty percent (60%) of the replacement costs of the building or structure at the time such damage took place. Any repair or replacement of a building or structure damaged in excess of sixty percent (60%) of its replacement cost at the time of such damage shall conform to all regulations of the zoning district in which it is located.

Sub Section D. Change in Use

When no structural alterations are made in any building or structure devoted to a non-conforming use, the use of the building or structure may change from one (1) use to another use permitted in the zoning district in which the non-conforming use is allowed, provided that the uses are similar to one another and the proposed use is not more intense in terms of activity, traffic generation and impacts on surrounding property. At such time a non-conforming use changes to a conforming use, it shall not thereafter be changed back to a non-conforming use.

Sub Section E. Abandonment or Discontinuance

When a non-conforming use of land or of a building or structure is abandoned or vacant for a period of one (1) year, no portion of the building or structure may be used except in conformity with the regulations. This provision shall not apply to non-conforming buildings or structures that are for sale with the intent of same or similar use, nor shall it apply to buildings or structures which are being repaired in accordance with Sub Section (B) above and further provided that such work proceeds and is completed in a timely fashion.

Sub Section F. Expansions and Enlargement

No building or structure devoted in whole or part to a non-conforming use shall be enlarged or added to in any manner unless such building or structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

Section 405.460: Farm Animals in Residential Zones

Except as hereinafter specified, farm animals maintained on any residential zoned property at the time of the effective date of the City of Pleasant Hope Zoning Regulations may continue as a legal, non-conforming use, subject to the following provisions:

1. The number of farm animals shall not be increased, nor shall any existing farm animal be replaced by a different species of farm animal.
2. When the resident at the time of the effective date of the Zoning Regulations no longer occupies the property, the maintenance of farm animals on the property shall cease and the property shall not be used except in conformity with the provisions of the residential zoning district in which it is located.

Section 405.470: Changes in Districts or Regulations

Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one (1) district to another district of a different classification or when boundaries or districts are changed as a result of annexation of new territory or changes in the regulations or restrictions of the zoning regulations, the foregoing provisions shall also apply to any uses existing therein which may so become non-conforming.

Section 405.480: Unlawful Use Not Authorized

Nothing in this Article shall be interpreted as authority for or approval of a continuance of the use of a structure, building or land in violation of the regulations in effect at the time of the effective date of this Chapter, or previously adopted ordinance.

Section 405.490: Parking and Loading Area - General Requirements

Sub Section A. All developments in all districts shall provide sufficient off-street parking spaces to

accommodate vehicles that are likely to be attracted to the development.

Sub Section B. All parking spaces required herein shall be located on the same lot with the principal building or use served, except as provided in this Article. If the off-street parking spaces required by this Article cannot reasonably be provided on the lot on which the principal use is located, such parking space may be provided on a lot within two hundred (200) feet of the principal use or building. The principal use shall be permitted to continue only as long as its parking requirements are met.

Sub Section C. Whenever a building constructed or a use established after the effective date of this Chapter is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Chapter is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

Sub Section D. Off-street parking facilities shall comply with the requirements of the Americans with Disabilities Act.

Sub Section E. Where fractional spaces result in computation of parking space requirements, the parking spaces required shall be computed to the nearest whole number.

Sub Section F. The parking space requirement for a use not specifically listed in Section 405.500 shall be the same as required for a use of similar nature as determined by the Commission.

Section 405.500: Minimum Number of Parking Spaces Required

LAND USE	PARKING SPACE REQUIREMENT
Single-family dwellings	2 spaces per dwelling
Two-family dwellings	2 spaces per dwelling
Multi-family dwellings	1.5 spaces per dwelling unit with ground floor entry and living space; 1 space per dwelling unit for multi-family units limited to the elderly; all other multi-family require 1 space per bedroom in each unit plus 1 additional space per unit in the development. Rooming house 1 space per bedroom
Tourist home, hotel, motel	1 space for each room to be rented plus additional space for restaurant or other facilities, in accordance with other Sections of this table.
Home occupations	2 spaces for attorneys; 1 space for all others
Appliance, furniture, general discount, wholesale stores	1 space per 400 square feet of gross floor area.
Convenience and miscellaneous sales	1 space per 200 square feet of gross floor area.
Offices, banks and similar institutions	1 space per 200 square feet of gross floor area.
Manufacturing	1 space for each employee on the largest shift and 1 space for each company vehicle.
Nursery school, day care	1 space per 200 square feet of gross floor area.
Education (elementary and secondary)	1 space for each staff member and employee; in the case of the secondary schools, 5 spaces per classroom.
Churches	1 space for every four seats in the principal place of assembly.
Community centers, libraries, museums, clubs	1 space per 300 square feet of gross floor area.
Bowling alleys	1 space per 200 square feet of gross floor area.
Stadiums and movie theaters	1 space for every 3 seats.
Golf courses	2 spaces for each hole plus 1 space for each employee on the maximum shift; If the course also includes a restaurant/lounge

	facility add 1 space per 100 square feet of gross floor area.
Hospital, clinics	2 spaces per bed or 1 space per 150 square feet of gross floor area, whichever is greater.
Nursing or rest homes, similar resident care facilities	3 spaces for every 5 beds; Multi-family units require 1 space per unit plus 1 space for each employee.
Funeral homes	1 space per 100 square feet of gross floor area.
Restaurants, bars	1 space for every 3 fixed seats; 1 space for every 2 employees on the largest shift.
Vehicle sales, mobile home sales	1 space per 200 square feet of gross floor area.
Vehicle repair, body work	1 space per 200 square feet of gross floor area.
Service stations	2 spaces for each gas pump plus 3 spaces for each grease rack.
Car wash	2 spaces for drying and cleaning purposes per stall plus 2 reservoir spaces in front of each stall.
Storage and parking	1 space for every two employees on the largest shift but not less than 1 space per 5,000 square feet of area devoted to storage (inside or outside).
Dry cleaners	1 space per 200 square feet of gross floor area.
Emergency services	1 space per 200 square feet of gross floor area.
Open air markets	1 space per 1,000 square feet of area used for display, storage or sales.
Greenhouses	1 space per 200 square feet of gross floor area.
Animal services	1 space per 200 square feet of gross floor area.
Salvage yards	1 space per 200 square feet of gross floor area.
Mixed uses	Spaces required shall equal the sum of the various uses computed separately.

Section 405.510: Joint Use of Parking Facilities

Recognizing that different land uses may have differing peak activity periods, joint use of parking facilities shall be permitted subject to the following:

1. Up to fifty percent (50%) of the parking spaces required for theaters, public buildings, bowling alleys, night clubs, cafes and up to one hundred percent (100%) of the parking spaces required for a church or school auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed herein.
2. Where such parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed two hundred (200) feet from any use served.
3. In any case where the required parking spaces are collectively or jointly provided and used, a written agreement thereby assuring the retention of the parking spaces for such use, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

Section 405.520: Parking Space Dimensions and Design Requirements

Sub Section A. Minimum dimensions for parking spaces according to the angle of parking shall conform to the requirements in the following table:

	PARKING ANGLE			
45°	60°	90°	Parallel	
Width of parking space	12'	10'	9'	9'
Length of parking space	19'	19'	19'	23'
Width of driveway aisle, one-way traffic	13'	18'	24'	12'
Width of driveway aisle, two-way traffic	21'	23'	24'	19'
Width of access driveway	18'	14'	14'	14'

Sub Section B. Parking areas shall be designed so that vehicles may exit without backing onto a public street. This requirement does not apply to driveways that provide parking space for single-family and two-family dwellings, although backing onto an arterial street is discouraged.

Sub Section C. Parking areas shall allow for reasonable access and movement by emergency, sanitation and other public service vehicles.

Sub Section D. Parking spaces in commercial, industrial, institutional and public parking lots shall be clearly marked with painted lines or dividers.

Section 405.530: Loading and Unloading Areas

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, funeral home or any other similar use, involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain off-street loading spaces on the site in accordance with the following:

1. One (1) loading space for each ten thousand (10,000) square feet of gross floor area or fraction thereof.
2. Loading space area shall have a minimum dimension of twelve (12) feet by fifty-five (55) feet, with an overhead clearance of fourteen (14) feet from the street grade.
3. No area allocated to loading and unloading facilities may be used to satisfy the requirements for off-street parking, nor shall any portion of any off-street parking area be used to meet the requirements for loading and unloading.

Section 405.540: Screening, Buffering and Landscaping - Purpose

The purposes of the screening, buffering and landscaping requirements contained in this Section are to:

1. Enhance the environmental and visual character of the City through landscaping.
2. Protect and enhance property values by promoting quality living and working environments which integrate landscaping as part of the development design.
3. Reduce or mitigate the negative effects of air and noise pollution through natural plantings which absorb dust, carbon monoxide and which screen the glare of lighting.
4. Provide for the use of green buffers and/or structural buffers to reduce the negative impacts of potentially incompatible land uses.

Section 405.550: Applicability

The requirements of this Article shall apply to all public, private and institutional developments approved after the effective date of this Chapter with the following exceptions:

1. Previously approved developments which have been issued a building permit or have received final plat approval shall not be subject to the landscaping, screening or buffering requirements.
2. Individual single-family homes built on existing lots of record or lots platted after the effective date of this Chapter shall not be subject to the landscaping, buffering or screening requirements.
3. Single-family subdivisions platted after the effective date of this Chapter shall not be subject to the landscaping requirements. However, such subdivisions may be subject to the screening and buffering requirements herein.

Section 405.560: Approval Process

Sub Section A. No building permits shall be issued for the improvement of any site, the construction of any building or the establishment of any use for which a landscaping plan is required until such plan has been submitted and approved by the City Building Inspector.

Sub Section B. A certificate of occupancy shall not be issued for any building or structure until all screening, buffering and/or landscaping is in place in accordance with the approved landscape plan.

Sub Section C. In any case in which a certificate of occupancy is sought during a season of the year which the City Building Inspector determines that weather conditions make it impractical to plant trees, shrubs or other required landscaping, a temporary certificate of occupancy may be issued, provided that the applicant posts a letter of credit or deposits cash in an escrow account in the amount of the estimated cost of such landscaping. Such letter of credit or escrow deposit shall contain the following conditions:

1. The installation of all landscaping required by the landscape plan shall be completed within six (6) months of the date of the application for the temporary certificate of occupancy.
2. The City shall have the right to draw upon the letter of credit or escrow account to complete said landscaping if the applicant fails to do so.

Section 405.570: Landscape Plans

Sub Section A. Where a site plan is required, the landscape plan may be submitted concurrently with the site plan. The City Building Inspector shall review the landscape plan and shall approve them if the plans are in accordance with the requirements of this Article. If the plans are not in accord, a written statement shall be provided to the applicant setting forth the changes necessary to bring the plan into compliance.

Sub Section B. Landscape plans shall include the following information:

1. The location of all trees or other vegetation to be preserved.
2. The location of all plant and landscaping materials to be used, including plants, paving or other landscape features.
3. The types of all plant material (canopy, understory, ornamental, evergreen, shrub, etc) to be used.
4. Common names, quantity, spacing and size of all proposed material at the time of planting.
5. Location and description of other landscaping improvements, such as berms, walls, fences, screens, paved area, street furniture, etc.
6. The name and address of the person responsible for preparation of the landscape plan.

Sub Section C. Wherever possible, the landscape plan shall provide for the preservation of existing trees. A landscape plan which includes the clear cutting of existing trees shall be approved only if the developer establishes through convincing evidence that the prohibition of clear cutting would substantially and unreasonably restrict his/her ability to develop the property and that the development will not be economically viable unless clear cutting is permitted.

Section 405.580: Landscape Planting Standards

The following standards and criteria shall apply to landscape materials and installation.

1. *Quality.* All trees and shrubs installed in conformance with this Article shall have well-developed leaders and tops, roots characteristic of the species and shall show evidence of proper pruning. All plant materials shall be free of insects, diseases or mechanical injury.
2. *Coverage.* Grass, ground cover or other living landscape material shall be used to cover all open ground. Mulch, bark or other landscaping materials may be incorporated in the landscape plan where appropriate.
3. *Maintenance.* The applicant is required to guarantee the plants for one (1) year or they must be replaced by the owner. Property owner shall maintain all trees and vegetation planted in accordance with this Chapter.
4. *Shrubs and hedges.* Shrubs shall be a minimum of eighteen (18) inches in height when measured immediately upon planting. Where installed, hedges shall be planted so as to form a continuous, solid visual screen which will be at least three (3) feet high within one (1) year of planting.
5. *Trees.* Trees referred to in this Article shall be of a species common to or adapted to the climate and soil conditions of this area. The selection of trees should take into consideration the ease of maintenance, tolerance of City conditions and availability from area nurseries. Caliper

measurements shall be taken six (6) inches above grade. Trees shall meet the following minimum standards:

- a) Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity. All canopy trees shall have a caliper width of two (2) inches at time of planting.
 - b) Understory trees shall be deciduous trees that have a maximum height of less than thirty (30) feet at maturity. All understory trees shall have a caliper width of one and one-half (1½) inches at time of planting.
 - c) Ornamental trees shall be flowering deciduous trees. All ornamental trees shall have a caliper width of one (1) inch at time of planting.
 - d) Evergreen or conifer trees shall have a minimum height of twenty (20) feet at maturity. All evergreen trees shall be at least four (4) feet high at time of planting.
6. *Credit for existing trees.* Any existing trees preserved on a site in required bufferyards, interior or perimeter landscaped areas and meeting the specifications in this Section may, at the determination of the City Building Inspector, be credited towards meeting the tree requirements of this Chapter. Any tree for which credit is given shall be in a condition that allows for long term survival and shall be in a location that conforms to the intent and standards of this Chapter. The following conditions shall apply:
- a) Existing trees for which credit is given shall be protected during construction. A temporary fence shall be constructed around the root zone and no heavy equipment or building materials shall be used or stored within the temporary fence area.
 - b) Existing trees for which credit is given but which subsequently die within one (1) year of issuance of certificate of occupancy, shall be replaced with the required number of living trees in accordance with the standards of this Chapter.

Section 405.590: Landscape Requirements--Parking and Vehicle Use Areas

The perimeter and interior of parking lots and vehicular use areas shall be landscaped in accordance with the following requirements. Areas used for parking or vehicular storage which are located under or within buildings are exempt from these requirements.

1. *Perimeter landscaping--parking and vehicle use areas.*
 - a) Perimeter landscaping shall be provided where an off-street parking lot or vehicular use area is within fifty (50) feet of a public right-of-way and there is not an intervening building.
 - b) Whenever an off-street parking lot or vehicular use area abuts a public right-of-way, a perimeter landscaped area at least ten (10) feet in depth shall be maintained between the abutting right-of-way and the parking lot or vehicular use area.
 - c) Perimeter landscaping shall contain one (1) canopy tree, one (1) understory ornamental or evergreen tree and four (4) shrubs per one hundred (100) linear feet of frontage. Where a perimeter landscaped area is less than fifty (50) linear feet, four (4) shrubs and one (1) canopy tree or two (2) understory ornamental or evergreen trees shall be required. Where utility lines, easements or other conditions not under the control of the developer limit the planting of canopy trees, each required canopy tree may be replaced by two (2) understory ornamental or evergreen trees.
 - d) Required trees and shrubs may be clustered to allow for the most effective use of landscaping. All other areas shall be landscaped with grass, groundcover or other appropriate landscape treatment.
2. *Interior landscaping--parking and vehicle use areas.*
 - a) For developments containing parking and vehicular use areas totaling twenty (20) or more parking spaces, a minimum of five percent (5%) of the parking or vehicular use area shall be landscaped. Gross parking area shall be determined by calculating the total area used for parking, including circulation aisles. Landscaped areas outside of the parking lot may not be used to meet interior landscaping requirements.
 - b) Interior landscaped areas shall be protected from damage by vehicles through appropriate wheel stops or curbs.
 - c) Interior landscaping shall contain one (1) canopy or understory tree or two (2) ornamental trees for each twenty (20) parking spaces or fraction thereof.
 - d) Interior trees shall be planted within a planting island, with one (1) planting island required for

every twenty (20) parking spaces. Planting islands shall be located so as to best relieve a continuous expanse of paving. Planting islands for canopy trees shall be at least one hundred (100) square feet for each understory tree and at least two hundred (200) square feet for each canopy tree. Islands shall be dimensioned in such a way as to be suitable for planting and to prevent damage to plantings from opening car doors.

Section 405.600: Residential Landscaping Requirements

Except where exempt in accordance with Section 405.550, landscaping requirements for residential uses shall be in conformance with the following table:

RESIDENTIAL TYPE	MINIMUM NUMBER CANOPY OR UNDERSTORY TREES*	MINIMUM NUMBER ORNAMENT OR EVERGREEN TREES*
Town houses, two-family, three-family	1 per dwelling	1 per dwelling
Multi-family dwellings	0.5 per dwelling	1 per dwelling
* Total number of trees to be located on lots and in common open space.		

Section 405.610: Screening and Bufferyard Requirements

Sub Section A. This Section establishes requirements for screening and buffering to minimize the negative impacts of incompatible land uses on adjoining properties. Whenever the installation of a bufferyard is required, the requirement shall be in addition to any other applicable landscaping requirements in conformance with this Chapter.

Sub Section B. Screening shall be provided between uses in accordance with the following table:

PROPOSED USE	ADJACENT EXISTING USE					
	Single Family	2-3 Family Town House	Multi-Family	Manufactured Housing Park	Commercial	Industrial
Single-family	None	A	A	A	B	C
2--3-family town house	A	None	A	A	B	C
Multi-family	B	A	None	None	A	C
Manufactured housing park	A	A	None	None	A	C
Commercial	B	B	A	A	None	A
Industrial	C	C	C	C	A	None
() Buffer required when permitted non-residential uses locate adjacent to existing residential uses.						
"A" Bufferyard category required. See Sub Section D for definition and standards.						

Sub Section C. The following specific uses will also be required to provide screening. Such developments shall be required to meet Bufferyard "C" standards.

1. Feedlots and dairies adjacent to residential uses; and
2. Residential uses adjacent to feedlots, dairies and riding academies.

Sub Section D. Bufferyard/Screening Standards.

The developer of the proposed use shall be responsible for providing the screening when required in accordance with Sub Section (B) and the following standards:

1. **Bufferyard A.** This screen is intended to partially block visual contact between adjacent uses and to create a strong impression of separation of spaces. The following buffer area and plantings are required per one hundred (100) linear feet.
 - a) Minimum width of bufferyard area shall be fifteen (15) feet.

- b) One (1) canopy tree, and
 - c) One (1) understory tree, and
 - d) Six (6) shrubs.
- 2. *Bufferyard B.* This screen is intended to provide more intensive visual block between adjacent uses and to create a stronger sense of separation of spaces. The following buffer area, plantings and/or other structural screening are required per one hundred (100) linear feet.
 - a) Three (3) canopy trees, and
 - b) Two (2) understory trees, and
 - c) Two (2) evergreen trees, and
 - d) Fifteen (15) shrubs, and
 - e) Six (6) foot solid wood fence or six (6) foot solid masonry/brick wall or six (6) foot solid evergreen hedge.
 - f) As an option, the requirement for a six (6) foot fence, wall or evergreen hedge may be replaced with a three (3) foot earthen berm with required plantings and perennial groundcover sown on the berm.
 - g) Minimum width of bufferyard area shall be twenty-five (25) feet.
- 3. *Bufferyard C.* This screen is intended to provide an opaque visual screen that excludes visual contact between adjacent uses and creates a very strong impression of separation. The following buffer area, plantings and/or other structural screen are required per one hundred (100) linear feet.
 - a) Four (4) canopy trees, and
 - b) Four (4) understory trees, and
 - c) Five (5) evergreen trees, and
 - d) Twenty (20) shrubs, and
 - e) Six (6) foot solid wood fence or six (6) foot solid masonry/brick wall or six (6) foot solid evergreen hedge.
 - f) As an option, the requirement for a six (6) foot fence, wall or evergreen hedge may be replaced with a three (3) foot earthen berm with required plantings and perennial groundcover sown on the berm.
 - g) Minimum width of bufferyard area shall be forty (40) feet.

Sub Section E. Maintenance

Maintenance of the bufferyard/screening shall be the responsibility of the following:

- 1. The property owner on which the screening is located. If this option is chosen, it shall be stated as a deed restriction placed on the property.
- 2. A homeowner's association with the authority to collect dues in an amount sufficient to provide for such required maintenance. If this option is chosen, a copy of the homeowner's association bylaws must be filed with the Planning and Zoning Commission.

Section 405.620: Substitution of Smaller/Fewer Plantings

The number and size of plantings required by this Chapter may be reduced upon the approval of the Planning and Zoning Commission where the applicant establishes that the location of driveways or the physical characteristics of the property would not allow the plantings required.

Section 405.630: Standard for Placement and Maintenance of Signs

This Section establishes standards for the erection and maintenance of signs. The purpose of these standards is to protect the safety of persons and property, to promote the efficient communication of information, to protect the public welfare and to preserve and enhance the appearance and economy of the City of Pleasant Hope. Except as otherwise provided, no sign shall be erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Chapter.

Section 405.640: Definitions associated with signs

Unless otherwise provided, the words and phrases defined in this Section shall have the meanings

indicated when used in this Article.

SIGN: Any words, numbers, figures, devices, designs or trademarked by which anything is made known, such as are used to designate an individual, a firm, profession, business or a commodity and which are visible from any public street.

SIGN, ATTACHED: Any sign substantially and permanently attached to, applied on, structurally connected to, painted on, etched on, or supported by any part of a building.

SIGN, DETACHED (FREESTANDING): Any sign other than an attached sign and including any inoperable vehicle or any trailer located for the primary purpose of advertising.

SIGN, OFF-PREMISES: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, ON-PREMISES: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at the located where the sign is located.

SIGN, TEMPORARY (PORTABLE): A sign which either; Is not permanently attached to any structure, building, motor vehicle or the ground; or Is intended for a limited display period covering a special event; or is designed and constructed to be movable from one location to another.

SIGN, VEHICULAR: Any sign permanently attached to a motor vehicle.

Section 405.650: General Provisions for Signs

The following provisions shall apply to all signs in the City:

Sub Section A. Sign illumination:

All illuminated signs shall be designed, constructed and located to eliminate or minimize glare. Such signs shall not increase the lighting intensity upon adjoining properties.

Sub Section B. Signs painted on building walls:

Signs painted on building walls must be previously approved by the Board of Aldermen.

Sub Section C. Sign condition. All signs, including supports, braces and anchors, shall be kept in good repair. Unsafe signs in danger of falling or breaking apart shall be removed or repaired by the sign owner. All signs shall be installed and maintained in accordance with the Building Codes of the City of Pleasant Hope.

Section 405.660: Allowed Signs

Sub Section A. Signs Not Requiring A Permit.

The following signs shall not require a sign permit, but must be in conformance with any other sign regulation of the City of Pleasant Hope.

1. *Address numbers and name plates.* Address numbers not exceeding one (1) square foot in area per character and name plates not exceeding two (2) square feet in area per dwelling unit or business. Such signs may be attached to a mailbox or curb if they do not alter the size or shape of the mailbox or curb.
2. *Banner signs.* Signs, consisting of a flexible lightweight material, such as a banner, not exceeding four (4) square feet of area. One (1) sign per business premise is permitted, posted for not more than thirty (30) business days per year.
3. *Construction site signs.* Construction site identification signs, exceeding no more than one (1) sign per site, with such sign exceeding no more than thirty-two (32) square feet in area.
4. *Directional signs.* Signs directing and guiding traffic on private property that do not exceed four (4)

square feet each and that contain no advertising.

5. *Flags.* Flags, pennants or insignia of any government or non-profit organization when not displayed in connection with a commercial promotion.
6. *Governmental signs.* Signs erected by, or on behalf of, or pursuant to the authorization of a governmental body, including legal notices, identification and information signs, traffic and directional signs or regulatory signs.
7. *Neighborhood identification signs.* Neighborhood identification signs, such as a masonry wall, landscaping or other similar materials which are combined to display neighborhood identification. The message of such signs shall display only the name of neighborhood, tract or historic district.
8. *Non-commercial signs.* Signs proclaiming religious, political or other non-commercial messages that do not exceed one (1) per abutting street and sixteen (16) square feet in area and that are not internally illuminated.
9. *Official signs.* Official signs of a non-commercial nature erected by public utilities. Real estate sale or lease signs. Detached or attached, non-illuminated, temporary on premise signs pertaining to the sale or lease of the premise. Such signs shall not exceed four (4) square feet in area. For lots exceeding five (5) acres and having street frontage in excess of four hundred (400) feet, a second sign may be erected with the area of such sign not to exceed thirty-two (32) square feet. Such signs shall be removed within fourteen (14) days of sale or lease of the premises.
10. *Sandwich board signs.* Sandwich board signs shall be permitted only in the Business District, provided that such signs are displayed on the premises of the business only during the hours of business operation.
11. *Temporary special event signs.* Temporary signs not exceeding thirty-two (32) square feet in area, erected to advertise a special event of a civic, educational, philanthropic, religious, political or similar nature. Such signs may be erected no sooner than two (2) weeks before the event and shall be removed no later than five (5) days after the event.
12. *Vehicular signs.* Signs painted on or permanently attached to vehicles. Vehicular signs may not contain flashing or blinking lights, nor any animation.
13. *Window signs.* Any sign, symbol or picture, designed to provide information about a business, activity, service or event that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Window signs shall not exceed fifty percent (50%) of the glass.

Sub Section B. Signs Requiring a Permit:

1. According to residential district. Dwelling units in single-family, two-family and manufactured housing park districts are allowed to use any non-business sign as proscribed in Sub Section A, but no other signs shall be allowed.
2. According to specific sign type.
 - a) Detached (freestanding) signs.
 - i. Each premise containing multi-family use, permitted non-residential use or legal non-conforming use shall be permitted one (1) detached sign in accordance with the following provisions:
If a development is located on a corner lot that has at least one hundred (100) feet of frontage on each of the two (2) intersecting streets, the development may have one (1) detached sign along each street frontage.
 - ii. Premises with more than seven hundred fifty (750) feet of frontage along a public street may have one (1) additional detached sign; however, a minimum of three hundred (300) feet of separation shall be maintained between signs and a minimum setback of twenty-five (25) feet from adjacent property lines is maintained for both signs.
 - iii. The surface area of a detached sign may not exceed three-tenths (0.3) square feet for every linear foot of frontage along the street to which the sign is oriented. However, in no case shall a single side of a detached sign exceed fifty (50) square feet in surface area if the lot has less than two hundred (200) feet of frontage on the street towards which the sign is oriented, seventy-five (75) square feet on lots

with frontage of two hundred (200) feet or more but less than four hundred (400) feet and one hundred (100) square feet on lots with four hundred (400) or more feet of frontage.

- b) Off-premise signs. Off-premise signs (billboards) shall be permitted only in the "M-I" Industrial District. The surface area of a detached, off-premise sign shall be subject to the provisions of Sub Section B(2)(a)(3) if the sign is oriented towards a street classified as an arterial, collector or local street. Where the street towards which the sign is oriented is classified as a highway, a single side of a detached off-premise sign may not exceed seventy-five hundredths (0.75) square feet in surface area for every linear foot of street frontage. In no case may a single side of such sign exceed two hundred fifty (250) square feet in surface area.

Section 405.670: Prohibited Signs

The following signs are specifically prohibited.

1. Signs which advertise or promote unlawful activity.
2. Signs which may be confused with a traffic control signal sign or device the light of an emergency or road equipment vehicle or any other governmental agency sign.
3. Signs which hide from view any traffic or street sign, signal or similar traffic control or directional sign.
4. Signs that use searchlights, strobe lights or that are animated to attract the attention of the public.

Section 405.680: Legal Non-Conforming Signs

1. Any sign lawfully erected before the effective date of this Chapter, but which does not comply with the requirements and restrictions of this Article, shall be considered a legal, non-conforming sign and may be continued subject to the provisions of this Section.
2. A non-conforming sign shall not be expanded in size or effective area or altered in any manner so as to increase the degree of non-conformity. Illumination shall not be added to any non-conforming sign.
3. A non-conforming sign shall not be moved or replaced except to bring the sign into complete conformance with this Article.
4. Except for safety requirements, a non-conforming sign shall not be structurally altered so as to prolong the life of the sign. Non-conforming signs may be repaired so long as the cost of materials and labor for such work does not exceed within any twelve (12) month period fifty percent (50%) of the value (tax value if listed for tax purposes) of the sign.
5. If a non-conforming sign is destroyed, it may not be repaired, reconstructed or replaced except in conformity with the provisions of this Article. A non-conforming sign is considered "destroyed" if damaged to an extent where the cost of materials and labor to restore the sign or replace it with an equivalent sign exceeds seventy-five percent (75%) of the value (tax value if listed for tax purposes) of the damaged sign.
6. Abandoned or discontinued non-conforming signs shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located or other party having control over the sign. A sign shall be considered abandoned or discontinued if:
 - a) For a period of six (6) consecutive months the sign advertises a service, product or activity that is no longer operating, being conducted or offered.
 - b) For a period of twelve (12) consecutive months the sign is blank or is maintained without an advertising message. For purposes of this Section, a sign is considered blank if:
 - i. The advertising message displayed becomes illegible in whole or substantial part.
 - ii. The message on the sign contains no advertising other than the name, address, telephone number or other identification of the sign owner or message intended solely to advertise the sign for rent or sale.

Section 405.690: Total Sign Surface Area Permitted

1. In Residential Districts. The maximum sign surface area permitted on any lot in the "R-I", "R-2" and "R-MP" residential districts shall not exceed four (4) square feet and the maximum sign

surface area on any lot in the "R-3" and "R-4" residential districts shall not exceed thirty-two (32) square feet.

2. In Commercial Districts. The maximum sign surface area permitted on any lot in any commercial district shall be determined by:
 - a) A maximum of one-half (0.5) square feet of sign surface area per linear foot of lot street frontage up to two hundred (200) feet of frontage, provided however, that any lot shall be permitted at least six (6) square feet of total sign surface area.
 - b) A maximum of seventy-five hundredths (0.75) square feet of additional sign surface area per linear foot of lot street frontage in excess of two hundred (200) feet.
3. In Industrial Districts. The maximum sign surface area permitted on any lot in the "M-I" Industrial District shall be determined by multiplying the number of linear feet of street frontage of the lot by one (1.0) foot.
4. Multiple Frontages. If a lot has frontage on more than one (1) street, the total sign surface area permitted on that lot shall be the sum of the sign surface area allotted to each street on which the lot has frontage. However, the total sign surface area oriented towards a particular street may not exceed the surface area allocation determined from the frontage on that street.

Section 405.700: Sign Surface Area Calculations

1. A sign shall be considered a single display containing elements related, organized and composed to form a unit. Where information is displayed in a random manner without any organized relationship, each element shall be considered a single sign.
2. Two-sided and multi-sided signs shall be considered as one (1) sign, provided that:
 - a) The distance between the backs of each face of a two-sided sign does not exceed three (3) feet.
 - b) The distance between the backs of a "V" (multi-sided) type sign does not exceed five (5) feet.
3. The sign surface area shall be calculated by adding the entire area within a single continuous perimeter, enclosing the writing, emblem or other display, together with the material forming the background of the sign, but excluding supporting framework or bracing that is incidental to the sign. If a sign consists of more than one (1) section or unit, all of the area, including the spacing between units, shall be included in the calculation of the sign surface area.
4. The sign surface area of two-sided or multi-sided signs shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one (1) time from one (1) vantage point. The following shall apply:
 - a) The surface area of a two-sided, back to back sign shall be calculated by totaling the area of only one (1) side of the sign, as long as the distance between the backs of the signs does not exceed three (3) feet.
 - b) The surface area of a double faced sign constructed in the form of a "V" shall be calculated by totaling the area of the largest side, as long as the angle of the "V" does not exceed thirty degrees (30°) and the distance between the backs of the signs does not exceed five (5) feet.

Section 405.710: Sight Triangles

1. Signs at street intersections.

Street intersection sight triangles shall reflect the street classification as identified in the City of Pleasant Hope Comprehensive Plan. Minimum requirements for sight triangles shall be in accordance with the following table.

The sight triangle shall be measured along the right-of-way as illustrated in Figure 1101. The City may require additional triangle area for clear sight and safety as may be warranted by special condition or the recommendation of City Council.

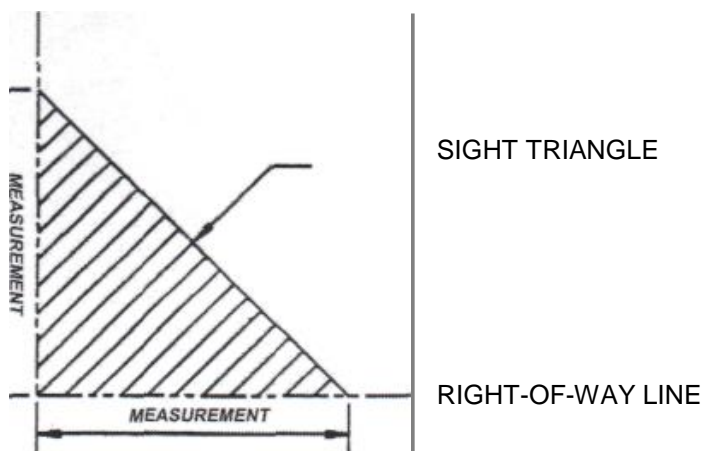
Signs may be erected in the street intersection sight triangles. However, any such sign must be at least ten (10) feet above street grade except for supports, which may not exceed one (1) foot in width or

diameter or be spaced less than ten (10) feet apart from any other stationary object.

STREET SIGN TRIANGLE REQUIREMENTS:

INTERSECTING STREET	HIGHWAY	ARTERIAL	COLLECT OR SINGLE-FAMILY RESIDENTIAL	COLLECTOR ALL OTHERS	LOCAL RESIDENT SINGLE-FAMILY	LOCAL RES MULT FAMILY
Highway	A	A	B	B	B	B
Arterial	A	A	B	B	C	C
Collector—single-family residential	B	B	C	C	C	C
Collector-all others	B	B	C	C	C	C
Local residential single-family	B	C	C	C	C	C
Local residential multi-family	B	C	C	C	C	C
Key:	A- B- C-	100' x 100' Sight Triangle 30'x30' Sight Triangle 10' x 10' Sight Triangle				

FIGURE 1101. SIGHT TRIANGLES FOR STREET INTERSECTIONS



2. Signs at street/driveway intersections.

Signs may be erected in the street/driveway sight triangles. However, any such sign shall be at least ten (10) feet above street grade except for supports, which may not exceed one (1) foot in width or diameter or be spaced less than ten (10) feet apart from any other stationary object. Figure 1102 illustrates the measurement of a street/driveway sight triangle.

A street/driveway sight triangle shall be measured as follows:

A triangle formed by the intersection of a public street and a driveway where the triangle area is that area encompassed within two (2) intersecting lines formed by the edge of the pavement, curb, roadway or projection thereof and extending forty (40) feet down the street from the right edge of the driveway when standing in the driveway facing the street and extending twelve (12) feet from the edge of the street extending up the driveway pavement and a third imaginary line connecting the other two (2) lines without overlaying the pavement. On the left side of the driveway, the triangle is determined by measuring sixty-five (65) feet down the street pavement from the edge of the driveway and measuring twelve (12) feet down the driveway pavement from the edge of the street and an imaginary third line connecting the other two (2) lines without overlaying the pavement.

3. Location. Height and Setback Requirements.

- a. No sign or supporting structure, other than a government sign, shall be located in or over any public property or right-of-way, unless the sign is attached to a structural element of a building and permission has been obtained from the City.
- b. No sign shall extend beyond a parapet or be located upon a roof. For the purposes of this Section, roof surfaces constructed at an angle of seventy-five degrees (75°) or more shall be considered wall space. This Section shall also not apply to displays, including animated displays, erected on roofs of structures in connection with the observation of holidays.
- c. Wall signs attached to a building shall not extend past the edge of the wall and shall not project more than eighteen (18) inches from the building wall. A wall sign is a sign in a parallel plane to and attached upon a structure's wall.
- d. Projecting signs shall have a minimum clearance often (10) feet above the highest level of the ground under the sign at the sign's lowest point and shall not project more than twenty-four (24) inches from the wall to which it is attached.
A projecting sign is a sign which is attached to and projects from the building surface or face.
- e. No part of a detached sign may exceed a height, measured from ground level, of twenty-five (25) feet in the "C-I" and "M-I" districts and fifteen (15) feet in all other districts.

Detached signs shall meet the setback requirements as established in the following table:

STREET CLASSIFICATION	MINIMUM SETBACK FROM STREET RIGHT-OF-WAY LINE
Highway	15 feet
Arterial	15 feet
Collector— single-family residential	10 feet
Collector—all others	10 feet
Local residential—single-family	10 feet

Local residential— multi-family	10 feet
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Section 405.720: Sign Permits and Inspection

Permits Required. Except as otherwise provided in this Chapter, no sign shall be erected, moved, enlarged, illuminated or substantially altered without first obtaining a sign permit for each sign from the City in accordance with the provisions of Section 405.220. Repainting or changing the message on a sign shall not be considered a substantial alteration and shall not require a sign permit.

