

Amended Substitute Bill No. 5101-B Ordinance No. _____

Requested by: Joe Brazil, Dave Hammond

Sponsored by: Joe Brazil, Dave Hammond

AN ORDINANCE AMENDING SECTIONS 405.060 REGARDING DEFINITIONS OF CAMPGROUNDS; 405.080.C.11, REGARDING CONDITIONAL USES IN A, AGRICULTURAL DISTRICTS AND 405.500.D REGARDING SEWAGE DISPOSAL FOR CAMPGROUNDS

WHEREAS, Art. II, Section 2.529 of the St. Charles County Charter provides that the Council may exercise legislative power pertaining to public health and welfare, police and traffic, building construction, and planning and zoning in the unincorporated part of St. Charles County; and

WHEREAS, Sections 405.060 and 405.080 are being revised to clarify campground regulations, including camping, camping cabins, cottages and dwellings, to be consistent with the St. Charles County Building Code and permits, and limiting the number of camping cabins in Agricultural zoning districts to no more than one per five (5) acres of the parcel size; and

WHEREAS, Section 405.500 is being revised to delete Paragraph D regarding sewage disposal for campgrounds.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 405.060, OSCCMo, is hereby amended as follows (added text shown in **bolded typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 405.060: DEFINITIONS

ACCESSORY BUILDING

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

ACCESSORY STRUCTURE

See APPURTENANT STRUCTURE.

ACCESSORY USE

A use customarily incidental to the main use of the property.

ADMINISTRATOR

The Federal Insurance Administrator.

ADULT ARCADE

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

ADULT BOOKSTORE—ADULT NOVELTY STORE—ADULT VIDEO STORE

A commercial establishment that has as a substantial or significant portion of its stock-in-trade and offers for sale, for any form of consideration, any one (1) or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or disks, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
2. Instruments, devices, or paraphernalia that are designed or marketed for use in connection with specified sexual activities.

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

ADULT CABARET

A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes or disks, slides, or other photographic reproductions in which a substantial or

significant portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

ADULT DAY CARE

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

ADULT MOTEL

A hotel, motel or similar commercial establishment which:

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

Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten

(10) hours creates a rebuttable presumption that the establishment is an adult motel.

ADULT MOTION PICTURE THEATER

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

ADULT THEATER

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

AGRICULTURAL AND FARM BUILDINGS

Any building which is necessary or incidental to the normal conduct of a farm as defined herein (see Farm), including, but not limited to, residence of the operator, residence of full-time farm employees; barns, buildings and sheds for housing livestock, poultry and farm machinery; buildings for the storage or shelter of grain, hay and other crops; silos, windmills and water storage tanks.

AGRICULTURAL COMMODITIES

Agricultural products and livestock.

AGRICULTURAL STRUCTURE

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

AGRICULTURE OR FARMING

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

AIRPORT

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

ALLEY

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

ALTERATION

As applied to a building or a structure, a change or rearrangement in the structural parts; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

AMUSEMENT GAME MACHINE

A coin or token-operated machine or device which, whether mechanical, electrical, or electronic, shall be ready for play by the insertion of a coin or token, and

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

AMUSEMENT GAME MACHINE COMPLEX

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

ANIMAL, EXOTIC OR WILD

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

ANIMAL FEEDLOT

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

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

ANIMAL, PET
See PETS.

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

ANIMAL UNIT

Unit of measure used by the Environmental Protection Agency and the State of Missouri in the regulation of animal feedlots. The average weight of animal divided by one thousand (1,000) pounds equals animal units. The following animals are rated in terms of animal units and adopted by the State of Missouri and St. Charles County.

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

ANTENNAS

Any device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communications services (PSC) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as

panels, microwave dishes and satellite dishes and omnidirectional antennas, such as whips.

APARTMENT

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

APPEAL

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

AREA, GROSS

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

AREA, NET

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

AREA OF LOT

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

AREA OF SPECIAL FLOOD HAZARD

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

ARTERIAL

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

BAR OR TAVERN

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

BASE AREA OF MAIN STRUCTURE

The square feet of floor space within the outside line of walls and includes the total of all finished space on the main floor of a building. It does not include porches, garages or rooms without heating and/or air-conditioning.

BASE FLOOD

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

BASEMENT

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

BED AND BREAKFAST INN

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

BED AND BREAKFAST RESIDENCE

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

BENCHMARK

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

BILLBOARD

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

BLACKSMITH SHOP

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

BLOCK

A piece or parcel of land entirely surrounded by public or private highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the

Director of the Division of Planning and Zoning shall determine the outline of the block.

BOARDING HOUSE OR LODGING HOUSE

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

BOARD OF ZONING ADJUSTMENT (BZA)

A body of persons which may determine and vary the regulations contained within the ordinance in accordance with the provisions within Part 7, Sections 405.590 et seq.

BOAT

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

BOAT BROKERAGE

An agent who negotiates contracts of purchase and sale of boats.

BODY PIERCING

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

BREWERY

An industrial use that brews ales, beers, meads and/or similar beverages for sale and consumption off premises.

BREWHOUSE

One (1) or more buildings, structures and open spaces utilized for brewing of beer, or cider and/or distilling of spirits for both on-site and off-site sale and consumption, with or without subsidiary accessory uses including but not limited to the preparation of food, sale and service of prepared food indoors and outdoors, conducting of weddings and/or wedding receptions or other private parties, and tours of the brewhouse.

BROADCAST FACILITY

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

BUILDING

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

BUILDING LINE, FRONT

A line which establishes the required front yard and is generally parallel with the front property line.

~~[CABIN~~

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

CALIPER

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

CAMPING: Use of open land for travel, recreation, and vacation and which includes shelter(s) or sites for shelter(s) designed and used for temporary occupancy and not as dwellings.

CAMPING CABIN: A structure within a campground, not greater than 120 square feet in area, designed and used as shelter for temporary occupancy for camping. A camping cabin shall not be designed as a dwelling nor used for residential occupancy.

CAMPGROUNDS

~~[Land used or intended to be used, let, or rented for temporary occupancy for recreational purposes by one (1) or more persons for camping.]~~ **Open land under single ownership where camping accommodations are advertised or furnished for pay, and which includes temporary occupancy in shelters limited to tents, trailers, travel trailers, recreational vehicles, camping cabins, and/or cottages. The definition of campground shall include travel trailer park.**

CANOPY

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

CENTRALIZED YARD WASTE COMPOSTING FACILITY

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

CHANNEL

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

CHURCH

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

CLEAN FILL

Uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinder blocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the Missouri Department of Natural Resources for fill, reclamation, or other beneficial use. This definition does not include the use of clean fill for

raising any residentially zoned property above the existing grade unless the purpose of the clean fill is to raise the first (1st) floor of a structure one (1) foot above the 100-year floodplain. The exclusion of clean fill in residentially zoned subdivisions above the existing grade would only be applicable after the completion of an interim grading and sediment and erosion control plan by the developer.

CLEARING

Any activity that removes, cuts down or covers up vegetative cover of land.

CLINIC

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

CLUB (private)

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

CLUSTER DEVELOPMENT

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

COLLECTOR

See STREET, COLLECTOR.

COMMERCIAL VEHICLE

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

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

COMMISSION

The Planning and Zoning Commission of St. Charles County.

COMMON GROUND

That land set aside for open space or recreational use for the owners of the residential lots in a subdivision, which land is conveyed by the developer to trustees whose trust indenture shall provide that said common ground be used for the sole benefit, use, and enjoyment of the lot owners present and future. No lot owner shall have the right to convey interest in the common ground, except as an incident of the ownership of a regularly platted lot.

COMMUNITY

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

COMPOSTING FACILITY

See CENTRALIZED YARD WASTE COMPOSTING FACILITY.

CONDITIONAL USE

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

CONDOMINIUM

A form of ownership in which the interior space of a living unit is held by an individual owner, with all individual owners sharing in the ownership of common areas.

CONFERENCE/EVENTS/LODGING CENTER

A facility with meeting rooms and places for conferences, meetings, weddings and other public assemblies, which may include a hotel or motel to accommodate either persons attending such public assemblies or travelers.

CONIFEROUS TREES

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

CONCEPT PLAN

A drawing or plan illustrating the intended use of the property, and any proposed improvements, prepared in accordance with the requirements in Section 405.523 of the Unified Development Ordinance.

CONSTRUCTION, EXISTING (for the purpose of determining rates)

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

CONSTRUCTION, NEW

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

CONSTRUCTION PLANS

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

CONSTRUCTION, START OF

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured or mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the

erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first (1st) alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. This term applies to the "FW" and "FF" Overlay Districts.

COTTAGE: A structure within a campground, not greater than 350 square feet in area, designed and used as shelter for temporary occupancy for camping. A cottage shall not be designed as a dwelling nor used for residential occupancy.

COUNTY

St. Charles County, Missouri.

COUNTY COUNCIL

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

COUNTY ENGINEER

The office established by Article IV, Section 4.700 et seq., of the St. Charles County Charter.

COUNTY EXECUTIVE

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

CO-USE

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

CUSTOM BUTCHERING

Custom butchering activity that is licensed by the Missouri Meat and Poultry Inspection Program as a custom exempt operation, with no retail or wholesale sales.

DAYCARE CENTER

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

DEBRIS OR SEDIMENT BASIN

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

DENSITY

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

DENSITY FLOODWAY

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

DESIGN CRITERIA FOR THE PREPARATION OF IMPROVEMENT PLANS

St. Charles County's "Design Criteria for the Preparation of Improvement Plans" last published February 2002, as amended thereafter in the most recent update dated January 2021, and as amended hereinafter from time to time.

DETENTION BASIN

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

DEVELOPMENT

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

DEVELOPMENT SITE

A site in which one (1) or more lots, tracts or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units or structures included on a single site plan, conceptual site plan or preliminary plat.

DIRECTOR OF COMMUNITY DEVELOPMENT

The County officer responsible for the administration of the Department of Community Development pursuant to Chapter 132, Ordinances of St. Charles County, Missouri, who shall possess all other powers previously vested by order or ordinance in the former, and now

abolished, Departments of Planning and Building and in the Plan Review and Neighborhood Improvement District functions of the County Highway Department.

DIRECTOR OF THE DIVISION OF BUILDING AND CODE ENFORCEMENT

The County officer appointed pursuant to Chapter 132 to direct the work of the Division of Building and Code Enforcement of the Department of Community Development and to enforce the provisions of this Chapter and Chapter 410.

DIRECTOR OF THE DIVISION OF DEVELOPMENT REVIEW

The County officer appointed pursuant to Chapter 132 to direct the work of the Division of Development Review of the Department of Community Development and to perform the functions assigned to the Division's Director by Chapter 132, this Chapter and Chapters 410 and 412.

DIRECTOR OF THE DIVISION OF PLANNING AND ZONING

The County officer appointed pursuant to Chapter 132 to direct the work of Division of Planning and Zoning of the Department of Community Development and to enforce the provisions of this Chapter and Chapter 410.

DISTRICT

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

DIVERSION

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

DRIP LINE

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

DRY-FLOODPROOF

To protect against flood-damage as provided in 44 C.F.R. Sections 60.3(c) and 78.12(e).

DUPLEX

See DWELLING, TWO-FAMILY.

DWELLING

~~[A building, or portion thereof, designed and used exclusively for residential occupancy.]~~ **A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.**

DWELLING, MULTIPLE

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

DWELLING, ONE-FAMILY

A detached building arranged, intended, or designed for occupancy by one (1) family.

DWELLING, TWO-FAMILY

A building designed exclusively for occupancy by two (2) families living independently of each other, including a duplex (one (1) dwelling unit above the other), or a semi-detached dwelling (one (1) dwelling unit beside the other).

EASEMENT

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

EASEMENT OF ACCESS

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

ENGINEER

A registered professional engineer licensed by the State of Missouri.

EROSION

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

ESCORT

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

ESCORT AGENCY

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

ESTABLISHMENT (SEXUALLY ORIENTED)

Any of the following:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

3. The additions of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

EXCAVATION OR CUT

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

EXEMPTED QUANTITY

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

EXISTING CONSTRUCTION

See CONSTRUCTION, EXISTING.

EXISTING GRADE

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

EXTREMELY HAZARDOUS SUBSTANCE
See **REGULATED SUBSTANCE**.

FAMILY

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

FARM

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

FARM STAND

A temporary structure and/or land area not to exceed a gross floor and/or ground area of five hundred (500) square feet from which agricultural products produced on the premises are sold to the general public.

FARM STAND, COMMERCIAL

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

FEMA

Federal Emergency Management Agency.

FENCES

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

FILL OR FILLING

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

FINAL PLAT

See PLAT, FINAL.

FINISHED GRADE

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

FLOOD OR FLOODING

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

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

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

FLOOD ELEVATION DETERMINATIONS

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

FLOOD ELEVATION STUDY

An examination, evaluation, and determination of flood hazards.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS)

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD PROOFING

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

FLOOD PROTECTION SYSTEM

Those physical structural works for which funds have been authorized, appropriated, and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depth of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN MANAGEMENT

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

FLOODPLAIN OR FLOOD PRONE AREA

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

FLOODWAY

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

FLOODWAY FRINGE

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

FLOOR AREA

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

FLOOR AREA RATIO

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

FREEBOARD

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

FRONTAGE

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

GARAGE, COMMUNITY

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

GARAGE, PRIVATE

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

GARDEN CENTER

A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels and other lawn and garden variety tools, lawn and garden supplies, water gardens, outdoor furniture, irrigation equipment, mulch and yard ornaments.

GENERAL SERVICE OR REPAIR ESTABLISHMENT

Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops or repair of musical instruments but excludes those classified more specifically by definition.

GOVERNING BODY

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

GRADE

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

GRADE LEVEL, FINISHED

The final elevation of the ground surface after development.

GRADE LEVEL, NATURAL

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

GRADING

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

GREENBELT

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

GREENHOUSES

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

GROUP HOME FACILITY

A non-medical facility providing shelter, counseling and, where necessary, other rehabilitative services, supervision or assistance to no more than eight (8) unrelated persons who, due to mental or physical disability, pregnancy or status as a minor who is unable to live with parents or guardians, reside together in a family-type environment as a single, housekeeping unit. Such a group home facility shall have the appearance of a conventional single-family residence with a single kitchen facility. Homes recognized as Oxford Homes shall be considered group homes. Excluded from the definition of group home facility are homes established for or occupied by residents who are permitted to live in "halfway houses" including residences in which the residents are criminal offenders in work-release sentence or on parole or probation, or persons who use or are addicted to a controlled substance. A group home facility shall be a permitted use only if it has received administrative approval from the Director of the Division of Planning and Zoning as set out in Section 405.078(8) and is operated in conformance with

conditions and standards specified in that Subsection and all other applicable governmental regulations and requirements.

GUYED TOWER

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

HALFWAY HOUSE

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

HANDICAPPED PARKING SPACE

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

HAZARDOUS SUBSTANCE

See REGULATED SUBSTANCE.

HEIGHT OF BUILDINGS

The vertical distance from the average grade of the front yard to the highest roof surface.

HIGH PRESSURE PIPELINE

A pipeline for the transmission of any substance, including, but not limited to, crude oil, highly volatile liquids (including anhydrous ammonia), petroleum

products, carbon dioxide, jet fuel, natural gas or any other derivative product thereof, any of which products are under pressure of more than three hundred fifty (350) pounds per square inch and regulated by the United States Department of Transportation.

HIGHEST ADJACENT GRADE

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

HIGHWAY

See ARTERIAL.

HISTORIC SITE

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

HISTORIC STRUCTURE

Any structure that is (a) listed individually in the National Register of Historic Places (a) listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State Inventory of Historic Places in States with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a Local Inventory of Historic Places in communities with historic preservation programs that have been certified either (1)

by an approved State program as determined by the Secretary of the Interior, or (2) directly by the Secretary of the Interior in States without approved programs.

HOME OCCUPATION

An occupation or profession carried on by one (1) or more members of the household, residing on the premises, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and which conforms to the standards and provisions contained within Part 3, Article IV, Section 405.495 of this Chapter.

HOSPITAL

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

HOTEL

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

HOUSEHOLD

Any of the following groups of individuals provided the number of individuals in a home is further regulated by Title V Building and Construction of St. Charles County, Missouri:

1. Any number of persons related by blood, marriage or adoption, plus:
 - a. A domestic employee serving residents on the premises;

- b. Children under the age of eighteen (18) who may not be related to any or all of the other residents but who are under the guardianship or in foster care of an adult resident;
2. A group including not more than two (2) adults together with any number of children related by blood or legal adoption to at least one (1) of the adults; or
3. A group of not more than three (3) adults whether or not related to one another living together as a single housekeeping unit.

IMPROVEMENT PLANS

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

IMPROVEMENTS (LAND)

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

IMPROVEMENTS (STRUCTURAL)

See ALTERATION.

INSTITUTION

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

JUNK YARD

See SALVAGE YARD.

KENNEL

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

LAND DISTURBANCE

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

LAND SURVEYOR

A land surveyor registered in the State of Missouri.

LANDING FIELD

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

LANDSCAPE CONTRACTOR

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

LANDSCAPING

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

LARGE TREES

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

LAWN CARE SERVICE

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

LIQUID PETROLEUM PRODUCT

See REGULATED SUBSTANCE.

LIVESTOCK

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

LOADING SPACE

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

LOT

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

LOT AREA

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

LOT, CORNER

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

LOT, FLAG

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

LOT LINE, FRONT

The boundary line between a lot and the street right-of-way on which it borders.

LOT LINE, REAR

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

LOT LINE, SIDE

Any lot boundary line not a front or rear line thereof.

LOT LINES

The lines bounding a lot as defined herein.

LOT OF RECORD

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

LOT, THROUGH

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

LOT WIDTH

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

LOWEST FLOOR

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

MANUFACTURED HOME

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

MANUFACTURED/MOBILE HOME PARK SUBDIVISION, EXISTING

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

MANUFACTURED HOME SUBDIVISIONS

A subdivision designed and/or intended for the sale of all lots for sitting manufactured and/or modular structures.

MARINA

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

MARKET VALUE OR FAIR MARKET VALUE

An estimate of what is fair, economic, just, and equitable value under normal local market conditions.

MASSAGE PARLOR

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

MASTER PLAN

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

MEAN SEA LEVEL

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

MICROBREWERY

A restaurant that prepares handcrafted natural beer as an accessory use for consumption on the premises. Such accessory use may occupy up to thirty percent (30%) of the gross floor area of the restaurant.

MINING

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

MOBILE HOME

A residential dwelling unit that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards. Such structure has a chassis, axles and a hitch which are part of the structure and which may reasonably be

equipped with wheels for transporting the structure from place to place. (Does not include recreational vehicles or travel trailers.)

MODULAR STRUCTURE

A factory fabricated building unit, exclusive of manufactured homes and mobile homes, designed to be incorporated with one (1) or more similar units at a building site into a modular structure to be used for residential purposes. Such a modular unit is delivered with a seal issued by the Missouri Public Service Commission certifying the unit as a modular structure and also with a purchaser's certificate of compliance certifying that the unit as a modular structure has been constructed to applicable standards by the Missouri Public Service Commission for modular units.

MONOPOLE

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

MOTEL

Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.

NATIVE VEGETATION

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

NATURAL WATERCOURSE

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

NEW CONSTRUCTION

See CONSTRUCTION, NEW.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

See MANUFACTURED HOME SUBDIVISIONS.

NIGHTCLUB

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

NON-CONFORMING USE

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

NURSERY

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

NURSERY, DAY
See DAYCARE CENTER.

NURSERY SCHOOL
See PRESCHOOL.

NURSING HOME (CONVALESCENT CARE FACILITY)

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

OFF-PREMISE SIGN
See BILLBOARD.

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

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

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

OPEN SPACE
Area within a development which can be graded, landscaped or left in its natural state and is intended to be maintained for active or passive recreational use. Such areas shall be grassed and landscaped or covered

only for a recreational purpose. Roofs, driveways, parking areas, required landscaped areas and required setbacks shall not constitute open space.

OPEN STORAGE

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

OVERLAY DISTRICT

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

PARCEL OF LAND

A separately designated area of land delineated by identifiable legally recorded boundary lines.

PARKING SPACE

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

PASSENGER CAR

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

PERFORMANCE GUARANTEE

Escrow agreement, lender's agreement, certified check or standby letter of credit as required by Chapter 410 or 412, **including surety bond provided in Chapter 405**, and authorized by ordinance to secure installation of improvements or erosion and sediment controls.

PERMEABILITY TEST

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

PERSON

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

PERSONAL SERVICE ESTABLISHMENT

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

PET

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

of pet may be further regulated under Exhibit 1, Permitted Animal Regulations.

PET, DOMESTIC OTHER

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

PLANNED DEVELOPMENT DISTRICT

A planned development district is a comprehensively planned development containing residential, commercial, industrial, and/or other land uses on an area of land in single, partnership, or corporate ownership, and under unified control.

PLANNED UNIT DEVELOPMENT (PUD)

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

PLANNING AND ZONING COMMISSION

St. Charles County Planning and Zoning Commission.

PLAT

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

PLAT, BOUNDARY ADJUSTMENT

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

PLAT, FINAL

A map of land subdivision prepared in form suitable for filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas, and other dimensions of land.

PLAT, PRELIMINARY

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

PLAT, RESUBDIVISION

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

POLITICAL SIGN

A sign identifying and urging voter support for a particular election issue, political party or candidate for public office.

PRESCHOOL

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

PUBLIC HEARING

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

QUARRY

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

RECREATION, COMMERCIAL OUTDOOR

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

RECREATION, COMMERCIAL INDOOR

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

RECREATIONAL EQUIPMENT

Any recreational vehicle, motorized off-road vehicle, any watercraft regardless of propulsion, or any trailer designed or customarily used to transport such off-road vehicle or watercraft. See also RECREATIONAL VEHICLE.

RECREATIONAL USES

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

RECREATIONAL VEHICLE

A vehicle which is:

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

RECYCLING CENTER

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

RECYCLING COLLECTION FACILITY

A collection or drop-off facility designed to allow turn-in of recyclable or reusable materials. Such a facility may utilize outdoor collection receptacles, such as bins, boxes, cans, kiosks, and igloos, as well as collection vans and trailers. A recycling collection facility must be maintained free of litter, and all collected material must be secure from unauthorized removal. A recycling collection facility may not process or treat the collected material other than ordinary sorting, baling, and similar

preparation for shipment elsewhere. The total area utilized by a recycling collection facility shall not exceed five hundred (500) square feet.

REGULATED SUBSTANCE

Any hazardous substances, extremely hazardous substances, or liquid petroleum products which are more particularly defined as follows:

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

REGULATORY FLOOD ELEVATION

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

REGULATORY FLOOD PROTECTION ELEVATION

An elevation one (1) foot above the regulatory flood elevation.

RESIDENCE

Any single or multi-family living space containing kitchen and bathroom facilities and which is used, or intended by design to be used, by one (1) or more persons as a place of occupancy.

RESIDENTIAL STRUCTURE, PRIMARY

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

RESOURCE RECOVERY FACILITY

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

RESTAURANT

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

RESTAURANT, FAST-FOOD

Restaurants where customers order and are served their food at a counter or in a motor vehicle in packages

prepared to leave the premises, or able to be taken to a table or counter to be consumed.

RETENTION BASIN

A pond, lake or basin used for the permanent storage of water runoff without release except by means of evaporation, infiltration or emergency by-pass.

RIGHT-OF-WAY

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

RIVERBOAT GAMBLING VESSEL

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

ROAD BED

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

RURAL RECREATIONAL ACTIVITY

A permanent or seasonal commercial activity drawing clients or customers to a rural property either for such recreational purposes as picking produce for purchase (pick-your-own apple orchards or pumpkin farms, for

example), visiting pumpkin patches or corn mazes or petting farms, taking sleigh or hay-wagon rides.

SALVAGE YARD

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

SANITARY LANDFILL

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

SEDIMENT

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

SEMI-PUBLIC

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

SETBACK, FRONT

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

SETBACK LINE

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

SETBACK, SIDE/REAR

The distance between the property line and the building or any projection thereof.

SEXUAL ENCOUNTER ESTABLISHMENT

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

SEXUALLY ORIENTED BUSINESS

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

SHRUBS

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

SIGHT TRIANGLE

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

SIGN (OFF-PREMISE)

See BILLBOARD.

SIGN (ON-PREMISE)

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

SITE

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

SITE DEVELOPMENT

Altering terrain and/or vegetation and constructing improvements.

SITE PLAN

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

SKEET/TRAP SHOOTING CLUB

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

SMALL TREES/LARGE SHRUBS

Deciduous trees or shrubs with a mature height of ten (10) to thirty (30) feet.

SPECIFIED ANATOMICAL AREAS

Any of the following:

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

SPECIFIED SEXUAL ACTIVITIES

Any of the following:

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

STABLE, BOARDING

A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises where the owners of the horses on the property train the horses and the horses are not utilized for remuneration or hire.

STABLE, PRIVATE

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

STABLE, RIDING

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

START OF CONSTRUCTION

See CONSTRUCTION, START OF.

STEALTH TELECOMMUNICATION TOWER

Any telecommunication tower that is integrated as an architectural feature of a structure so that the purpose of supporting antennas is not readily apparent to a casual observer.

STORM WATER MANAGEMENT FACILITY

A facility designed and installed to intercept, detain, retain, infiltrate, evaporate, transpire, filter, and/or convey surface storm water runoff, including but not limited to such facilities as detention basins, storm water harvesting facilities, rain gardens, bio-swales, bio-retention basins, engineered wetlands, sand and other proprietary filter systems, pervious pavement, etc., for the purposes of removing pollutants, reducing or controlling storm water volume and rate, maintaining pre-development hydrology, and/or flood control.

STREAM BANK, TOP OF EXISTING

The top of the natural incline bordering a natural watercourse.

STREET

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

STREET, COLLECTOR

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

STREET, CUL-DE-SAC

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

STREET, MINOR

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

STREET RIGHT-OF-WAY LINE

The line separating a lot, tract, or parcel of land from the contiguous right-of-way of a street.

STRUCTURAL ALTERATIONS

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

STRUCTURE

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

SUBDIVIDER

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

SUBDIVISION

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

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

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of

the market value of the structure before the damage occurred.

SUBSTANTIAL ENLARGEMENT OF SEXUALLY ORIENTED BUSINESS

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

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure", or
3. An improvement that does not require a building permit under applicable codes enacted in Title V, Ordinances of St. Charles County, Missouri.

TATTOOING

Any method of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other

instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

TATTOOING AND BODY PIERCING

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

TATTOOING AND BODY PIERCING ESTABLISHMENT

Any place of business which performs tattooing and body piercing.

TELECOMMUNICATION FACILITY

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

TELECOMMUNICATION TOWER

A lattice-type, guyed or monopole structure that supports one (1) or more antennas.

TELECOMMUNICATION TOWER FARM

The placement of more than one (1) telecommunication tower on a lot.

TOWNHOUSE

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

TRAILERS

A vehicle standing on wheels, towed or hauled by another vehicle and used for carrying materials, goods or objects.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS

Any of the following:

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

TRASH TRANSFER STATION

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

TRAVEL TRAILERS

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

TRAVEL TRAILER PARK

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

TREE CANOPY

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

TREE PROTECTION AREA

All land within the canopy drip line of a tree.

TWINHOME

See DWELLING, TWO-FAMILY.

VARIANCE

Relief from or variation of the provisions of these regulations, other than use regulations, and as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter within Part 7 of this Chapter 405, Sections 405.590 et seq. Also, a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements

remain in place for any varied use or structure and cannot be varied by the community.

VEGETATED BUFFER

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

VEHICLE IMPOUND FACILITY

A parcel of land or a building that is used for the temporary storage of wrecked motor vehicles or vehicles towed due to a law enforcement directive. Vehicles stored at the facility are to be claimed by title holders or their agent. No vehicle shall remain on the property for a period to exceed ninety (90) days.

VILLA

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

VIOLATION

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

WAREHOUSE

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

WAREHOUSE, MINI

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

WIND TURBINE

Any mechanism or device designed for the purpose of converting wind energy into electrical or mechanical power.

WIND TURBINE FARM

The use of more than one (1) wind turbine on a parcel that converts wind energy into electrical power for the primary purpose of resale.

WINERY

Any establishment that makes more than two hundred (200) gallons of wine annually, including grape crushing, fermenting, and bottling, with or without subsidiary accessory uses, including, but not limited to, the sale of wine and related products, public wine tasting, sale and service of food, and tours of the winery. Any such establishment shall have five (5) acres or more of wine grapes cultivated on the premises. All wine produced at the winery must be produced under a State of Missouri domestic winery license. At least fifty percent (50%) of the grapes used in the wine produced on site must be grown within St. Charles County.

WINERY FARMERS' MARKET

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

WINERY LODGING

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

WOODLAND

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

WOODLAND CANOPY

Ultimate woodland tree canopy is determined by assigning two hundred (200) square feet for each tree within a designated woodland.

YARD

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

YARD, FRONT

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

YARD, REAR

A yard between the rear lot line and the rear line of the main building and the side lot lines.

YARD, REQUIRED FRONT

A yard across the full width of the lot extending from the minimum front yard setback distance to the front line of the lot.

YARD, SIDE

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

ZONING DISTRICT MAP

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

Section 2. Section 405.080, OSCCMo, is hereby amended as follows (added text shown in **bolded typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 405.080: Section 405.080 "A" Agricultural District.

A. *Statement Of Intent.* The intent of this district is to provide for agricultural, recreational, wildlife, open space, farming, river oriented uses and related uses and to discourage premature and disassociated urban development. The minimum lot size of five (5) acres is designed to support agricultural uses and home sites which require proper siting in a rural area.

B. *Permissive Uses.*

1. Except in platted subdivisions, agriculture, farming, dairy farming, livestock and poultry raising, forestry, farm stands and other uses commonly classified as agricultural with no restrictions to operation of such

vehicles and machinery that are customarily incidental to such agricultural uses, provided that no feedlot, feeding floor, or structure for housing of livestock or poultry shall be permitted within one hundred fifty (150) feet of any property line. The platted subdivision exception as indicated above does not apply to any of the other permissive or conditional uses of the "A" Agricultural District.

2. Apiaries, aviaries, fish hatcheries, and fur farming or the raising of fur-bearing animals.

3. Buildings and other structures used as barns, utility sheds, unattached carports, or unattached garages, provided that such structures:

a. Are not used, designed to be used, or intended to be used as residences, housing, business, commercial, industrial, or office purposes, either temporary or permanently; and

b. Comply with the size limits listed in Section 405.080(E), Accessory Structure below.

4. Cemetery. Cemeteries with a crematory as an accessory use shall be on a site of not less than twenty (20) acres.

5. Churches.

6. Exotic or wild animal on a site of not less than ten (10) acres, provided feeding areas are located one hundred fifty (150) feet from all property lines.

7. Ferry landings, boat docks and marinas.

8. Forest or wildlife reservations or small conservation uses.

9. Golf course and clubhouse, with a driving range (unlighted) as an accessory use.

10. Home occupations, as regulated in Part 3, Article IV, Section 405.495 of this Chapter.

11. Hunting, fishing, and propagation of wildlife.

12. Manufactured/mobile homes (except in subdivisions platted for residential use), modular structures.

13. Public building or facility erected by a governmental agency.

14. Public parks or playgrounds.

15. Public school (elementary, middle, and high), or private school having a curriculum equivalent to a public elementary, middle, or high school.

16. Railroad right-of-way.

17. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks with screening as approved on the site plan, for the purpose of providing services to the public.

18. Single-family/single household dwellings and modular homes.

19. Sod farms.

20. Stable, boarding and/or private, provided said stables are fifty (50) feet from all property lines (one (1) horse or pony per one (1) acre).

21. Utility substation or pumping station for electrical, water, gas or telephone utilities on a site of not less than ten thousand (10,000) square feet in size.

22. Accessory uses and buildings incidental to the above uses when located on the same lot; examples of which are vegetable and flower gardens, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.

C. Conditional Uses.

1. Adult day care.

2. Airport or landing field.
3. Animal feedlot in excess of one thousand (1,000) animal units.
4. Bed and breakfast residence.
5. Blacksmith operated only by a resident of the property.
6. Boat brokerage in conjunction with a marina.
7. Boats; the rental, sale, storage, and repair of boats, and boating supplies, including marine gas in conjunction with a marina.
8. Brewhouse, provided said brewhouse is located on a parcel forty (40) acres or larger in area, and subject to the agriculture or winery-related tourism development standards set forth in Sections 405.520(F)(2)(a, b, e) and 405.520(F)(4).
9. Broadcast facility, provided that the distance from the center of the base of the tower to the nearest property line shall not be less than the height of the tower.
10. Buildings, structures or open spaces for conducting weddings and/or wedding receptions or other private parties.
11. Campgrounds, **including cottages of up to 200 square feet in area and camping cabins. The number of camping cabins and cottages shall be limited to no more than one per five (5) acres of the parcel size.**
12. Centralized yard waste composting facility, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.
13. Custom butchering.
14. Extraction, quarrying, or mining of sand, gravel, top soil, or other material.
15. Farm stands, commercial.
16. General contracting services relating to building, electrical, heating and cooling, painting and plumbing, provided that materials, vehicles and trailers used in

connection with such services shall be stored within an enclosed building, and provided that any site occupied by services permitted under this provision shall be a compact site having at least one hundred fifty (150) feet of frontage on a public road and an area no greater than two (2) acres.

17. Historic sites.

18. Houseboats used as a residence.

19. Institution (hospital, nursing, rest, or convalescent home, and educational or religious), provided that not more than fifty percent (50%) of the site area may be occupied by buildings, and provided further that the building shall be set back from all required yard lines a minimum of fifty (50) feet. Hospitals may include a helicopter landing pad area as an accessory use.

20. Kennels, provided that the buildings and pens are one hundred fifty (150) feet from all property lines.

21. Lawn care service and all lawn care materials; any related equipment or vehicles are required to be stored within an accessory structure.

22. Logging operations, sawmills, and mill storage of lumber, not including any fabrication of timber structures.

23. Medical Marijuana Cultivation Facility, as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.

24. Nurseries.

25. Preschool, daycare, special, or other private school.

26. Private clubs, provided said private club is a minimum of one hundred (100) feet from all property lines.

27. Recreation, commercial outdoor.

28. Rural Recreational Activity.

29. Restaurant in association with any permitted or conditional use (except single-family residence).

Notwithstanding Section 405.510, any restaurant operating under a conditional use permit issued before November 27, 2012, and that has continuously operated as a restaurant from that date to July 14, 2014, shall be automatically eligible to reinstate the previous conditional use permit.

30. Single-family/single household dwellings and manufactured/modular homes utilized as a second (2nd) dwelling on a temporary basis not to exceed five (5) years.

31. Stable, riding.

32. Taxidermy.

33. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505.

34. Veterinary clinic.

35. Wind turbines and wind turbine farm.

36. Winery, subject to development standards set forth in Part 4, Section 405.520(F)(2-5).

D. *Height, Area And Lot Requirements.*

1. *Maximum height.* Forty (40) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).

2. *Minimum front yard.* Fifty (50) feet.

3. *Minimum side yard.* Forty (40) feet.

4. *Minimum rear yard.* Fifty (50) feet.

5. *Minimum lot width.* One hundred fifty (150) feet.

6. *Minimum lot area.* Five (5) acres unless otherwise specified in this Section.

a. Parcels or lots duly recorded in the County Recorder's office, as of, and unaltered since the date of adoption of this ordinance and those lots within subdivisions which have received preliminary plat approval prior to the date of adoption of this ordinance may be developed with any Agricultural District permitted use provided that all other requirements of the Unified Development Ordinance are met.

b. The owner of a lot improved by a residential structure existing prior to February 13, 2006, may record in the County Recorder's office a deed or deeds establishing a three (3) acre tract as the site of that residential structure while leaving the remainder as a separate tract, provided however that such division of land meets all other applicable requirements of this Unified Development Ordinance, except that if the lot to be divided is within a plat recorded on or before November 2, 1959, a re-subdivision plat is not required for such divisions.

7. *Minimum dwelling size (living space).* Eight hundred (800) square feet for single-family.

8. *Minimum front yard for lots of record less than one (1) acre in size.* Twenty-five (25) feet.

9. *Minimum side yard for lots of record less than one (1) acre in size.* Seven (7) feet.

10. *Minimum rear yard for lots of record less than one (1) acre in size.* Twenty-five (25) feet.

E. *Accessory Structure.*

1. Maximum total size of an accessory structure or of more than one (1) accessory structures on any given parcel may not exceed the following limits.

a. For parcels less than one (1) acre in size, up to one thousand two hundred (1,200) square feet.

b. For parcels at least one (1) but less than three (3) acres in size, two thousand four hundred (2,400) square feet.

c. For parcels at least three (3) but less than five (5) acres in size, three thousand six hundred (3,600) square feet.

d. For parcels at least five (5) acres but less than ten (10) acres in size, four thousand eight hundred (4,800) square feet.

e. For parcels at least ten (10) acres, or more, in size, no maximum square footage.

f. Any accessory structure that existed prior to the inception of the County Zoning Regulations by Order of the St. Charles County Court on November 2, 1959, shall be exempt from, and its size shall not be used in the calculation of, the maximum total size limitations provided in this Section 405.080(E)(1).

2. *Minimum front yard of accessory structure.* Fifty (50) feet.

3. *Minimum side yard of accessory structure.* Seven (7) feet.

4. *Minimum rear yard of accessory structure.* Seven (7) feet.

5. *Minimum distance from main structure to accessory structure.* Ten (10) feet (except swimming pools). Accessory structures that will be less than ten (10) feet from the main structure must meet the same setbacks as the main structure and meet applicable building code requirements. A detached garage may be located in the front yard, however, no part of the structure may be located directly in front of the main structure.

6. *Minimum setbacks for boarding and/or private stables.* Fifty (50) feet from all property lines.

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

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

H. *Solid Waste Disposal Screening Regulations.* Other than for agricultural uses and residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a

six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

Section 3. Section 405.500.D., OSCCMo, is hereby amended as follows (added text shown in **bolded typeface**, deleted text shown [~~bracketed and stricken~~]):

Section 405.500 Wastewater Disposal Regulations.

A. *Purpose.* The purpose of the wastewater disposal regulations shall be to provide minimum standards for the design, construction and operation and maintenance of wastewater treatment facilities to protect surface water and ground water from contamination by human sewage and waterborne household, commercial and industrial wastes; to protect public health and safety and to eliminate or prevent the development of public nuisances.

B. *Treatment System Requirements.* All residential structures, commercial and industrial buildings, public and semi-public facilities, and other uses of land having occupants in the unincorporated areas of St. Charles County shall hereafter be equipped with an adequate, safe and sanitary disposal system for all human, domestic, and industrial wastes. For purposes of this Chapter or Chapter 410, treatment of wastewater shall be by one (1) of the following methods:

1. An existing wastewater treatment facility approved by the Missouri Department of Natural Resources and owned and operated by an appropriate local wastewater regulatory authority as referenced below in Section 405.500(B)(2)(a—b).

2. A newly constructed wastewater treatment facility regulated by the Missouri Department of Natural

Resources and approved and operated as provided herein.

a. All newly constructed wastewater treatment facilities must meet the following requirements:

(1) Such facilities must meet not only the applicable effluent limitations imposed by the Missouri Department of Natural Resources, but also the following effluent limitations:

(a) Ten (10) milligrams or less per liter for biochemical oxygen demand ("BOD"); and

(b) Ten (10) milligrams or less per liter for total suspended solids (non-filterable residue); and

(c) Removal of ammonia nitrogen to two and one-half (2.5) milligrams per liter or less for September through March and to less than one (1) milligram per liter for April through August; and

(d) Removal of eighty percent (80%) of total phosphorus or removal of phosphorus to two (2) milligrams per liter, whichever is less; and

(e) Disinfection to achieve effluent fecal coliform counts of less than two hundred (200) counts or colonies per one hundred (100) milliliters.

(2) Such newly constructed wastewater treatment facilities must be Membrane Bioreactor (MBR) Technology Treatment Systems or

equivalent, cost-effective technology approved by the Director of Community Development. In each instance where a facility other than a MBR Technology Treatment System is proposed, that facility must be proven by actual (not bench scale) plant data to meet performance standards, reliability, and fail-safe design as determined and certified by a licensed professional engineer acceptable to the County. The licensed professional engineer acceptable to the County must also certify that in the event of system failure or malfunction, the facility will still perform such that untreated effluent will not be released into the adjacent watershed. Upon receipt of these certifications, the Director of Community Development shall make a determination as to whether or not the proposed facility is equivalent technology that will be acceptable to the County. Such systems must be owned, operated and maintained by one (1) of the following continuing authorities:

(a) A municipality or public sewer district which has been designated as the area-wide management authority under Section 208(c)(1) of the Federal Clean Water Act; or

(b) A municipality, public sewer district or sewer company

regulated by the Public Service Commission (PSC) which currently provides sewage collection and/or treatment services on a regional or watershed basis as outlined in 10 CSR 20-6.010(3)(C) and approved by the Clean Water Commission; or

(c) A municipality, public sewer district or sewer company regulated by the PSC other than one which qualifies under Sections 405.500(B)(2)(a)(2)(a) and (b) above or a public water supply district.

b. Design accommodations for such newly constructed wastewater treatment facilities shall include, but not be limited to, the following:

(1) The wastewater treatment facility shall be located in common ground, within an easement granted or reserved for the purpose of constructing and operating such a facility, or on land owned by a continuing authority.

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

3. A no-discharge facility approved by the Missouri Department of Natural Resources and St. Charles County Division of Building and Code Enforcement.

4. Private sewage disposal systems regulated by the St. Charles County Division of Building and Code Enforcement requiring a permit and all necessary inspections where there is no possibility for connection to a sanitary sewer according to the local wastewater regulatory authority. Such systems may be permitted as follows:

a. *New private sewage disposal systems.* Parcels upon which a new private sewage disposal system is to be installed shall contain a total of not less than three (3) acres per dwelling unit unless Division of Building and Code Enforcement approval is given for existing parcels less than three (3) acres on a case-by-case basis. The minimum area needed for a private sewage disposal system could be reduced to one (1) acre, with Division of Building and Code Enforcement approval, provided that all other requirements of this Chapter and Chapter 410 are met.

b. *Repair or replacement of existing private sewage disposal systems.* Existing private sewage disposal systems that serve existing residential structures may be repaired or replaced, provided those systems and structures are on parcels that contain a total of not less than three (3) acres per dwelling unless Division of Building and Code Enforcement approval is given for existing parcels less than three (3) acres on a case-by-case basis, and provided further:

(1) That the Division of Building and Code Enforcement determines that a functional private sewage disposal system can be installed on the parcel in question, and

(2) That all other requirements of this Chapter and Chapter 410 are met.

(3) That any appeal from an adverse determination by the Division of Building and Code Enforcement shall be to the Building Commission of St. Charles County, as provided by the Private Sewage Disposal Code of St. Charles County, Section 500.300, OSCCMo, notwithstanding any provision to

the contrary of this Unified Development Ordinance of St. Charles County, Missouri.

If possible, public water supply should be available to these lots. The owner of the property will be required to connect to sanitary sewers, if available, within the distance set by the applicable Building Code and the local wastewater regulatory authority.

C. All newly constructed residentially zoned subdivisions, and all new subdivisions of land or any division of land into parcels or tracts, having lots, tracts or sites of an area less than three (3) acres in size, must be served by a wastewater treatment facility meeting the requirements imposed by Section 405.500(B)(1) or (2) above, as applicable.

D. Reserved.

E. For floodplain areas, see Floodway, Floodway Fringe and Density Floodway Overlay Districts.

F. *Permits.*

1. *Building permit.* A building permit for a wastewater treatment facility shall not be issued by the Division of Building and Code Enforcement until a copy of an approved engineering report and an approved construction permit issued by the Missouri Department of Natural Resources is received for the construction of the facility and the Division of Building and Code Enforcement has determined that the requirements of Section 405.500(B)(2) are met or shall be met by the time the plant is operational and eligible for an operating permit from MDNR and for a certificate of occupancy from the Division of Building and Code Enforcement. Whenever the Division must determine whether those requirements shall be met in the future, the Division may do so upon an applicant's submission of evidence including documentation that a continuing authority

meeting the requirements of Section 405.500(B)(2) or an entity seeking certification by the PSC as such an authority has agreed to own, operate and maintain the permitted wastewater treatment system. Under such circumstances, any land use and building permit issued for such a wastewater treatment plant shall provide that no certificate of occupancy may be issued for it until it is owned, operated and maintained by such a continuing authority.

2. *Notice.* The following notice shall appear on all plats served by new wastewater treatment systems and be supplied by developer or seller to all buyers of lots within those plats: "Property within this plat is to be served by a new wastewater treatment plant that will not operate until the St. Charles County Division of Building and Code Enforcement issues a certificate of occupancy after confirming that it is owned, operated and maintained by an operating authority specified in Section 405.500 of the United Development Ordinance of St. Charles County, Missouri."

Section 4. This ordinance shall be effective from and after its passage and approval except that, for penal purposes, shall be effective only on the thirty-first day after publication of this ordinance pursuant to the St. Charles County Charter Article II, Section 2.603.1.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR