

VILLAGE OF INNSBROOK
ZONING REGULATIONS

2017 UPDATE

Ordinance No. 237
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1 INTRODUCTION

1.1 ZONING ORDINANCE PURPOSE

This Zoning Ordinance is adopted for the following purposes:

- To promote and protect the health, safety, comfort, morals, welfare, convenience and necessity of the public;
- To secure adequate light, pure air, privacy and convenience of access to property;
- To divide the area of municipality into zones, prescribing and regulating therein the location, erection, reconstruction, alteration, and use of buildings, structures and land for residential, business, manufacturing, and other specified uses;
- To regulate and limit the intensity of use of land;
- To protect against fire, explosions, noxious fumes, and other dangers;
- To avoid or lessen congestion in the public streets.
- To protect the physical and mental health of the public by reducing or abating objectionable smoke, noise or other objectionable materials, influences, or nuisances wherever possible;
- To establish setback lines along streets, trafficways, drives, parkways, and storm and flood water runoff channels or basins, and to regulate the location of structures relative to such lines;
- To otherwise avoid or decrease the hazards to persons or damage to property resulting from the accumulation or runoff of storm and flood water;
- To prevent the overcrowding of land and the undue concentration of structures by regulating and limiting the use and bulk of buildings in relation to the surrounding land;
- To protect the character and maintain the stability of residential, business and industrial areas within Innsbrook;
- To prohibit uses or structures which are incompatible with the character of other appropriate existing or intended development within zoning districts;

- To provide for the gradual elimination of those existing uses of land, buildings and structures, and of those buildings and structures that do not conform to the standards of the zone in which they are located;
- To conserve and enhance the taxable value of land and buildings;
- To promote the orderly development of Innsbrook, with an emphasis on harmony with nature, in accordance with the Comprehensive Plan;
- To facilitate the more efficient use of existing utilities and to make more feasible the development of public sewer and water; and
- To define and limit the powers and duties of the administrative officers and bodies as provided herein.

1.2 ZONING DISTRICT PURPOSE

The Village is divided into zoning districts as defined in this zoning order so as to achieve the objectives and desires expressed in the “Village of Innsbrook Comprehensive Plan”.

ZONING DISTRICTS

- | | |
|--|-------------|
| • Agricultural Forest Management Districts (AFM) | Chapter 3 |
| • R-L Residential – Low Density District | Section 4.1 |
| • R-M Residential – Medium Density District | Section 4.2 |
| • M-F Multi-Family Residential District | Section 4.3 |
| • C-N Neighborhood Business District | Section 5.1 |
| • C-H Highway Business District | Section 5.2 |
| • I Industrial District | Section 5.3 |
| • PD Planned Development | Chapter 10 |

1.3 ZONING MAP

The Village of Innsbrook Zoning Map, along with any supporting information and data required, is contained in Appendix C.

The first Village map reflected the zoning in effect at the time of incorporation as defined by Warren County. Since that time it has been modified by various Village ordinances, which are listed in Chapter 15, to where it is today. As the Village grows and changes it will be revised to reflect changes approved by the Village of Innsbrook Board of Trustees.

2 DEFINITIONS

2.1 APPLICABILITY

In the construction of this Ordinance and any subsequent amendment, the rules and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise.

2.2 RULES

- Words used in the present tense shall include the future tense.
- Words used in the singular number shall include the plural number and the plural number shall include the singular number.
- The words "shall" and "will" are mandatory and are not discretionary.
- The word "may" is permissive.
- The word "lot" shall include the words "place" and "parcel."
- The word "building" shall include the word "structure" and shall include all other improvements of every kind, regardless of similarity to buildings.
- The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- The word "person" shall include the words "individual," "corporation," "governmental agency," "trust," "estate," "partnership," "association," "ventures," "joint ventures," or any other legal activity.
- The masculine gender includes the feminine and neuter.
- All measured distances shall be expressed in feet and shall be to the nearest foot. If a fraction of one-half (1/2) foot or less, the next full number below shall be used. If a fraction of more than one-half (1/2) foot, the next full number above shall be used.
- Unless otherwise specified, all distances shall be measured horizontally.
- Word and terms shall have the meaning set forth, except where otherwise specifically indicated. Words and terms not defined herein shall be defined as in Webster's New Collegiate Dictionary.

2.3 DEFINITIONS

ABANDONED BILLBOARD

A Billboard which has carried no message for more than 180 days or which no longer identifies a bona fide business, lessor, service, owner, product, or activity date or time of past event, and/or which no legal owner can be found. The definition shall also include any billboard structure which no longer supports the billboard for which it was designed.

ABUTTING

Lying immediately next to, sharing a common wall or lot line, or separated only by a public roadway.

ACCESSORY BUILDING, STRUCTURE OR USE

An "accessory building," "accessory structure," or an "accessory use" is one which:

- a. - Is subordinate to and serves a principal building or principal use;
- b. - Is subordinate in area, extent or purpose to the principal use served;
- c. - Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served;
- d. - Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served; and
- e. - Complies with the provisions of Chapter 8, Section 8.5.

ACCESSORY USE

A use incidental and subordinate to the principal use of the premises.

ADJACENT

To lie near, close to, or in the immediate vicinity of.

ADMINISTRATOR

The designated government official whose responsibility it is to administer the provisions of this ordinance. These activities may include, but are not limited to, reviewing applications for billboard permits, corresponding and/or meeting with applicants, issuing and denying billboard permits, inspecting billboards, and interpreting and enforcing the provisions of this ordinance.

ADVERTISING STRUCTURE

Any structure which includes as part hereof, any sign as herein defined.

AGRICULTURE

The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Included are truck-farming, growing of nursery stock, raising of fruits and berries, bee-keeping and the retail sale of products grown or raised on the premises through one growing season.

"Agriculture" shall not include the commercial feeding of garbage or offal to swine or other animals or operating for the disposal of garbage, sewerage, rubbish or offal. Also, excluded from agriculture are mechanized industrial animal farms, commercially operated greenhouses, commercial milk farms and commercial dog kennels.

AGRICULTURAL BUILDING OR STRUCTURE

For the purposes of this Ordinance, an "agricultural building or structure" shall imply any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

AGRICULTURAL USE

The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal/poultry husbandry and the primary residence and accessory uses and structures customarily incidental to agricultural activities together with the operation of equipment, machinery, and vehicles to perform the above activities or uses. The term shall include incidental retail sales by the producer of products raised on the farm.

AGRICULTURE, GENERAL

The use of land for the production of livestock, dairy products, poultry or poultry products.

AGRICULTURE, LIMITED

The use of land for the production of row crops, field crops, tree crops or timber.

AIRPORT

Any area of land or water which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxi ways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

ALLEY

A public right-of-way which normally affords a secondary means of access to abutting property. An alley shall not be considered a street. Further, frontage on an alley shall not be construed as satisfying the requirements related to frontage on a dedicated street.

ALTERATION

Any change in size, shape, occupancy, or use of a building, lot or structure.

ANIMAL HOSPITAL

Any structure where animals or pets are given medical or surgical treatment. Use as a kennel, or for other boarding purposes, shall be limited to short-time and fully enclosed boarding and shall only be incidental to such hospital use. Also a Veterinary Clinic.

APARTMENT

One (1) or more rooms in a multiple-family dwelling arranged, intended or designed as living quarters for an individual, group of individuals, or a family.

ARCHITECTURAL, SCENIC, OR HISTORIC AREA

An area of special control that contains unique visual or historic characteristics or whose natural beauty requires special regulations to ensure that all features added or signs displayed within the area are compatible with the area.

AUTOMOBILE LAUNDRY (CAR WASH)

A building, or portion thereof, containing facilities for washing more than one (1) automobile at any one (1) time, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

AUTOMOBILE REPAIR GARAGE

An "automobile repair garage" is any building or premises whose primary use is for the general repair, engine rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender straightening and repair and painting of motor vehicles.

AUTOMOBILE SERVICE STATION

An "automobile service station" is any building or premises whose primary use is for the dispensing or sale at retail to the public of automobile fuels, lubricating oil or grease, tires, batteries and other minor automobile accessories. Services offered may include the installation of tires, batteries and minor automobile accessories, minor automobile repairs and greasing or washing of individual automobiles, but do not include major automobile repairs. See Automobile Repair Garage.

AWNING

A roof-like cover, temporary in nature, which projects from the wall of a building or other structure.

BASEMENT

That portion of a building at or having more than one-half (1/2) of its height below the established curb level, or above the mean elevation of the centerline of the lot when no curb level has been established.

BILLBOARD

A billboard is an object, device, display, sign or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location or to express a point of view by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.

BILLBOARD AREA

The facing of a billboard, including copy, insignia, background, structural supports, and border and trim. The measurement shall be determined by the smallest rectangle

inclusive of all letters and images. The structural supports shall be excluded if they do not constitute a major part of the billboard or if the structures is not used to identify or attract attention to the business or product.

BILLBOARD PLAZA

An area of special control which the Board of Trustees designates as appropriate for the display of billboards.

BLOCK

A tract of land bounded by streets, or a combination of streets and public parks, golf courses, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.

BOARD OF ADJUSTMENT

The Board of Adjustment is a five-member body of citizens appointed by the Chairman of the Village Board of Trustees, subject to confirmation by the Village Board of Trustees, which is authorized to hear appeals from landowners regarding the strict application of the regulations of the Village of Innsbrook's Zoning Ordinance and other related ordinances, as well as interpretations of requirements.

BORROW PIT

Any place or premises where dirt, soil, sand, gravel, or other material is removed by excavation or otherwise, below the grade of surrounding land, for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

BUILDING

Any structure built for the enclosure, protection, shelter, or support of persons, animals or property of any kind and which is permanently affixed to the ground. The term "building" shall not include fences.

BUILDING CODE

The Building Code of the Village of Innsbrook as specified in the Innsbrook Municipal Code.

BUILDING, COMPLETELY ENCLOSED

Any building separated on all sides from adjacent open space, or from other buildings, by a permanent roof and by exterior walls or party walls pierced only by windows and normal entrance or exit doors.

BUILDING, DETACHED

A building surrounded by an open space on the same lot.

BUILDING HEIGHT

The vertical distance from the curb level, or its equivalent, opposite the center of the front of a building to the top or the highest roof beams, in the case of a flat roof; to the deck

line of a mansard roof; and to mean level of the highest gable or slope of a gable, hip or gambrel roof. Where no curb level has been established, the height of a building may be measured from the mean elevation of the center line of the street fronting the lot.

BUILDING, RESIDENTIAL

Any building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to, the following types:

- a. - Single-family detached dwellings.
- b. - Two-Family dwellings.
- c. - Townhouse dwellings.
- d. - Multiple-family dwellings.

BUILDING, NON-RESIDENTIAL

Any building other than a residential building as defined by this Ordinance.

BUILDING SETBACK LINE

The line, perpendicular to the depth of the required front yard setback and parallel to a front lot line and/or street right-of-way line, whichever is greater, at which structures are permitted to be construed and where "lot width" is measured.

BUILDABLE AREA OF A LOT

That portion of a lot bounded by the required "rear" and "side yards" and the "building setback line."

BUILDING COVERAGE

A percentage figure referring to that portion of a lot covered only with principal and accessory buildings.

BULK

A composite term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

- a. - Size and height of buildings;
- b. - Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- c. - Floor area ratio of buildings;
- d. - All open spaces allocated to buildings; and
- e. - Amount of lot area provided per dwelling unit.

BUSINESS

An occupation, employment, or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

BY-PASS CHANNEL

A channel formed in the topography of the earth's surface to carry stormwater runoff through a specific area.

CAMP, DAY OR YOUTH

A camp providing facilities for groups of young people such as Y.M.C.A. camps, Boy Scout camps and Girl Scout camps.

CANOPY

Any overhanging shelter or shade or other protective structure constructed in such a manner as to allow pedestrians or vehicles to pass underneath.

CAPACITY IN PERSONS

The "capacity in persons" of an establishment or use is the maximum number of persons that can avail themselves of the services (or goods) of such establishment, at any one time, with reasonable comfort.

CARPORT

An open-sided roofed automobile shelter, usually formed by extension of the roof from the side of a building.

CAR WASH

See Automobile Laundry.

CERTIFICATE OF OCCUPANCY

The written approval of the Zoning Administrator certifying that a newly constructed structure, addition to an existing structure, or existing structure undergoing a change in use is in full compliance with the provisions of this Ordinance and that such structure is habitable and in conformance with all applicable Village building codes and regulations.

CHANGEABLE COPY

Copy that changes at intervals of more than once every six seconds.

CLINIC

A building, the principal use of which is for offices of health professionals, which contains facilities for the examination and treatment of patients but not for their lodging.

CLUB

An organization catering exclusively to members and their guests, or premises and buildings for social, recreational, or athletic purposes which are not conducted primarily for gain; provided that any vending stands, merchandising, or commercial activities are conducted only as required generally for the membership of such club.

CLUSTERING

The grouping of structures, courts, cul-de-sacs, or short streets--more closely than in conventional residential plans--in order to preserve natural site amenities and open space.

COLUMBARIUM

A vault with niches for storing funeral urns.

COMMERCIAL BILLBOARD

A billboard which identifies goods or services that are not sold on the premises where the billboard is located.

COMMON OPEN SPACE

Land and/or water unoccupied by structures, buildings, streets, rights-of-way and automobile parking lots and designed and intended for the use or enjoyment of residents of a Planned Development. Common open space may contain walks, patios and structures for recreational use. Areas used for individual open space, such as private courtyards and not available to all residents of the Planned Development, shall not be included as common open space.

COMMON ENTRANCE

Any access facility that provides passageway from the outside to a group of apartments in a garden apartment building or apartment house.

COMMUNITY RESIDENCE

A dwelling unit occupied on a permanent basis as a single housekeeping unit, in a family-like environment, by unrelated persons with disabilities, plus support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling. A community residence for persons with disabilities plus support staff shall be considered a residential use. The term "Community Residence" shall not include an alcoholism or drug treatment center, a work-release facility for convicts or ex-convicts, or any other housing facility serving as an alternative to incarceration. Nothing in this definition shall affect the right of persons who satisfy the definition of "family" to live as a "family" in appropriate zoning districts.

COMPATIBLE USE

Any property, use, or service which is capable of direct association with certain other uses because it is complementary, congruous, or otherwise undetrimental. Compatible use is further defined in Chapter 14, Section 14.7.2.

CONFORMING BUILDING OR STRUCTURE

A "conforming building" or "conforming structure" is any building or structure which:

- a. Complies with all the regulations of this Ordinance or of any amendment hereto governing bulk for the zoning district in which such building or structure is located; or
- b. Is designed or intended for a conforming use.

CONTIGUOUS

In contact, adjoining, or touching another object or item, as distinguished from being adjacent.

CONTROL STRUCTURE

A structure designed to control the volume of stormwater runoff that passes through it during a specific length of time.

CONVALESCENT HOME

See Nursing Home.

CURB LEVEL

The level of the established curb in the front of a building or other structure measured at the center of such front. Where no curb elevation has been established, the mean elevation of the center line of the street fronting the lot shall be considered the curb level.

CUTOFF

The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

CUTOFF ANGLE

The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

DAY CARE CENTER

An institution or place in which five (5) or more children, not of common parentage, are received and cared for apart from their parents or guardian, for part or all of a day, but not for overnight habitation. The term "day care center" includes nursery schools, child care centers, day nurseries, kindergartens, and play groups, but does not include bonafide kindergartens or nursery schools operated by public or private elementary or secondary school systems.

DECIBEL

A unit measuring the intensity or loudness of sound.

DENSITY, GROSS

The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This would include all non-residential land uses and private streets of the development, as well as rights-of-way of dedicated streets; the result being the number of dwelling units per gross acre of land.

DENSITY, NET

The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and associated recreational facilities within the area; the result being the number of dwelling units per net residential acre of land. Net density calculations exclude rights-of-way of publicly dedicated streets and private streets.

DETENTION

The temporary on-site restraining of storm water.

DIRECTIONAL SIGN

A sign erected and maintained by local officials within the public right-of-way, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest. Such signs shall conform to all applicable state regulations regarding the placement of billboards in public rights-of-way.

DISTRICT

A portion of the territory of the Village of Innsbrook within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

DRIVE-IN AND/OR TAKE-OUT ESTABLISHMENT

A place of business operated for the retail sale and purchase of food and other goods, services, or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles, or which allows the consumption of food or beverages in automobiles on the premises or elsewhere on the premise, but outside any completely enclosed structures. If, in addition to the consumption of any food or beverages in automobiles or elsewhere on the premises outside any completely enclosed structure, an establishment also allows for the consumption of such products within a completely enclosed structure, it shall be considered a drive-in and/or take-out establishment.

DRIVEWAY

A pathway for motor vehicles from a street to a parcel of land used only for service purposes or for access to the parcel.

DRY BOTTOM STORMWATER STORAGE AREA

A facility that is designed to be normally dry and contains water only when excess stormwater runoff occurs.

DWELLING

A building, or portion thereof designed or used exclusively for human habitation, including single-family dwellings, two-family dwellings, townhouse dwellings, and multiple-family dwellings, but not including mobile homes, hotels or motels.

DWELLING, MULTIPLE-FAMILY

A building designed exclusively for human habitation containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY

A building designed exclusively for human habitation containing one (1) dwelling unit and intended for occupancy by one (1) family.

DWELLING, TOWNHOUSE

A building designed exclusively for human habitation containing two (2) or more dwelling units where each dwelling unit is attached to another dwelling unit by a vertical wall, with each dwelling unit having an individual entrance, not accessible from the entrance of any other dwelling unit and not overlapping any part of another dwelling unit.

DWELLING, TWO-FAMILY

A building designed exclusively for human habitation containing two (2) dwelling units.

DWELLING UNIT

One (1) or more rooms, including individualized bathroom or kitchen facilities, which are arranged, designed, or used as living quarters for one (1) family or household.

EDUCATIONAL INSTITUTIONS

Any public, parochial, private or charitable, or non-profit school, junior college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees.

EFFICIENCY UNIT

A dwelling unit consisting of one (1) principal room exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing such dining alcove.

ELEEMOSYNARY INSTITUTION

Any building or group of buildings devoted to and supported by charity.

ESTABLISHMENT, BUSINESS

Any place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

EXCESS STORMWATER

That portion of stormwater runoff which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.

EXPRESSWAY OR FREEWAY

A highway to which access is restricted except by ramps or interchanges.

EXTERIOR LIGHTING

The illumination of an outside area or object by any man-made device that produces light by any means.

FALLOUT SHELTER

An accessory building and use specifically designed for the protection of life from radioactive fallout.

FAMILY

A "family" consists of one (1) or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of no more than three (3) unrelated persons, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with said family; such servants or guest shall be included in the unrelated persons attained by this definition and shall not be in addition thereto.

FAMILY COMMUNITY RESIDENCE

A dwelling unit occupied on a permanent basis in a family-like environment by a group of no more than six (6) unrelated persons with disabilities, plus support staff provided by an applicant, either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling; and complied with the zoning regulations for the district in which the site is located.

FARM

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

FENCE OR WALL

A structure used as a boundary, screen, separation, means of privacy, protection or confinement, and is constructed of wood, plastic, metal, wire mesh, masonry or other similar material and is used as a barrier of some sort.

FENCE OR WALL (CLOSED)

A structural fence or wall that is constructed so that more than fifty percent (50%) of the superficial surface consists of regularly distributed apertures.

FENCE OR WALL (SEMI-OPEN)

A structural fence or wall that is constructed so that no more than fifty percent (50%) of the superficial surface consists of regularly distributed apertures.

FIXTURE

The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

FLASHING ILLUMINATION

A light source which, in whole or in part, physically changes in light intensity or gives the appearance of such change at intervals of less than six seconds.

FLOOD OR SPOT LIGHT

Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

FLOOR AREA (FOR DETERMINING FLOOR AREA RATIO)

For the purpose of determining the floor area ratio, the "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall include basement floor area when more than one-half (1/2) of the basement height is above the established curb level or above the mean elevation of the centerline of the street fronting the lot where curb level has not been established, elevator shafts and stairwells at each floor, floor space for mechanical-equipment except equipment, open or enclosed, located on the roof-penthouses, attic space having headroom of seven feet, six inches (7'6") or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in "floor area." The "floor area" of structures devoted to bulk storage of materials-including but not limited to, grain elevators and petroleum storage tanks-shall be determined on the basis of height in feet; i.e., ten (10) feet in height shall equal one (1) floor.

FLOOR AREA RATIO (F.A.R.)

The "floor area ratio" of the building or buildings on any zoning lot is the floor area of the building or buildings on the zoning lot divided by the gross lot area of such zoning lot, or, in the case of planned developments, by the gross site area, exclusive of dedicated streets. The "floor area ratio" requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

FOOTCANDLE (FC)

A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) standard candle.

FOOTCANDLE - HORIZONTAL MEASUREMENT (HFC)

The measurement of foot candles utilizing a direct reading, portable light meter mounted in the horizontal position.

FOOTCANDLE - VERTICAL MEASUREMENT (VFC)

The measurement of foot candles utilizing a direct reading, portable light meter mounted in the vertical position.

FOREST LAND

Land primarily devoted to forest management activities.

FOREST MANAGEMENT

Activities conducted on or directly pertaining to forest land relating to the growing, managing, harvesting, and interim storage of merchantable timber for commercial value.

FRONTAGE

The length of all the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

FRONTAGE, ZONING LOT

The length of all the property of a zoning lot fronting on a street, measured between side lot lines.

GARAGE, COMMERCIAL

A building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor vehicles. The term repairing shall not include an automotive body repair shop or the rebuilding, dismantling, or storage of wrecked or junked vehicles, unless expressly authorized.

GARAGE, PRIVATE

A detached accessory building or portion of a principal building, designed, arranged, used or intended to be used for the storage of motor vehicles owned and operated exclusively by the occupants of the premises and their guests.

GLARE

Light emitting from a luminaire with an intensity great enough to reduce a viewers' ability to see, cause discomfort and, in extreme cases, cause momentary blindness.

GRADE

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GRADING

The reshaping of natural land contours, using natural land materials such as soil, gravel, sand, black dirt, etc., for the purpose of eliminating erosion or sedimentation problems, creating or improving surface drainage, providing for the natural aesthetic contouring of property, or to accommodate a building plan by making minor changes in land elevation.

GROUNDWATER RECHARGE

Replenishment of existing natural underground water supplies.

HEIGHT

The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the billboard.

HEIGHT OF LUMINAIRE (INCLUDING TOTAL HEIGHT)

The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire. The total height shall be the height of the pole, including the base and any mounting arms or other attachments to which the luminaire is attached, as measured from the ground directly below the highest part of the pole or any of its attachments, to the top of the pole or luminaire, whichever the case may be.

HEIGHT OF STRUCTURE

The "height of a structure," other than that of buildings (for height of buildings see Building Height), is the vertical distance from the ground level measured at a ninety (90) degree angle from the highest point of said structure.

HOME OCCUPATION

Any occupation or profession conducted within a dwelling unit and its permitted accessory buildings which is clearly incidental and secondary to the use of such buildings and which complies with all the regulations of this Ordinance. "Home occupations" are further defined in Section 8.5.3 of this Ordinance.

HOME OCCUPATION

A home based business (home occupation) is an occupation or profession which is customarily carried on entirely within the dwelling unit by a member of the family residing in the dwelling unit, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes. In most cases, home based business result in home offices, where business is done via the U.S. Mail, phone, fax and/or computer. Typically, home occupations have limited customer traffic coming to the residence, do not require or possess equipment supplies which are not customarily found in a residence, and are characterized by business being done off-site. Any occupation or profession conducted within a dwelling unit and its permitted accessory buildings which is clearly incidental and secondary to the use of such buildings and which complies with all the regulations of this Ordinance. "Home occupations" are further defined in Section 8.5.3 of this Ordinance

HOSPITAL OR SANITARIUM

A "hospital or sanitarium" is an institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty-four (24) hours in any week, of three (3) or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used in this Ordinance does not apply to institutions operating primarily for treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients and the term "hospital" shall not include convalescent, nursing, shelter or boarding houses.

HOTEL

An establishment which provides lodging for transient guests in return for monitorial reward and which provides customary hotel services, such as maid service, the furnishing and laundering of linen, telephone and desk service, the use and upkeep of furniture, and bellboy service.

ILLEGAL BILLBOARD

A billboard that was constructed in violation of regulations that existed at the time it was built.

ILLUMINATION SYSTEM

The totality of the equipment installed to provide exterior lighting on a developed property. The illumination system shall include all building, canopy, pole and ground mounted luminaires including all wiring, circuitry, and other devices installed to create exterior lighting.

INCOMPATIBLE USE

A use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous, or discordant.

INDIRECT ILLUMINATION

A light source not seen directly.

INDUSTRIAL PARK

A special or exclusive type of planned industrial area designed and equipped to accommodate a variety of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

INORGANIC MATERIAL

An "inorganic material" is one made from substances composed of matter other than plant, animal, or certain chemical compounds or carbon. Examples are metals and glass.

INTERNAL ILLUMINATION

A light source that is concealed or contained within the billboard and becomes visible in darkness through a translucent surface.

JUNK CAR

An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power and will require major repairs before being made usable or such a vehicle which does not comply with State, County or Village laws or ordinances.

JUNK YARD

An open area where junk, waste, scrap, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. "Junk yard" includes

automobile wrecking or salvage yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but does not include uses established entirely within enclosed buildings.

KENNEL

Any place in or at which any number of dogs are kept for the purpose of sale or in connection with boarding care or breeding, for which any fee is charged; or any place or at which more than four dogs over age four (4) months are kept for any purpose.

LAKE

Any natural or man-made body of water surrounded by land.

LAMP

The component of a luminaire that produces the actual light.

LAMP WATTAGE

The amount of power of a lamp expressed in watts.

LANDFILL, DUMP

A site where refuse is deposited in a haphazard manner without adequate control of the operation.

LIGHT, DIRECT

Light emitted directly from the lamp, off a reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

LIGHT, INDIRECT

Direct light that has been reflected or has scattered off of other surfaces.

LIGHT LOSS FACTOR

A factor applied to lamps, which estimates the lumen output of a lamp sometime after installation. (For example, a lamp with an initial lumen rating of 10,000, which has a light loss factor of 0.7, is estimated to put out 7,000 lumens. A lamp with an initial lumen rating of 10,000, which has a light loss factor of 1.0, is estimated to put out 10,000 lumens.)

LIGHT TRESPASS

The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

LOT

A single parcel of land under unified ownership or control. A lot can be either a lot of record or a zoning lot.

LOT AREA, GROSS

The area of a horizontal plane bounded by the front, side and rear lot lines.

LOT, BUILDABLE AREA

The space remaining on a zoning lot after the minimum open space requirements of this Ordinance have been complied with.

LOT, CORNER

A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees. On a "corner lot," the front lot line shall be the lot line having the shorter dimension along the street line.

LOT COVERAGE

The "lot coverage" of a lot is the area of a lot occupied by the principal and accessory buildings.

LOT DEPTH

The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT FRONTAGE

That boundary of a lot along a public or private street.

LOT, INTERIOR

A lot other than a corner or reversed corner lot.

LOT LINE

A property boundary line of any lot. When a lot extends to an abutting street or alley, the lot line shall be the closest street or alley line.

LOT LINE, FRONT

That boundary of a lot along an existing or dedicated public street, or where no public street exists, along a public way; where such public way is not a dedicated street the right-of-way of such public way shall be deemed to be sixty (60) feet, unless otherwise provided.

LOT LINE, REAR

That boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line.

LOT LINE, SIDE

Any boundary of a lot which is not a front lot line or a rear lot line.

LOT OF RECORD

A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the Warren County Recorder of Deeds; or a parcel of land which was lawfully recorded prior to the adoption and enactment of this Comprehensive Amendment to the Village of Innsbrook Zoning Ordinance.

LOT, REVERSED CORNER

A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT, THROUGH

A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot.

LOT WIDTH

The horizontal distance between the side lot lines of a lot measured within the lot boundary at the building setback line.

LOT, ZONING

A single tract of land located within a single block, which is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

LUMEN

A unit of luminous flux. One footcandle is one lumen per square foot. For the purpose of this Section, the lumen value shall be the initial lumen output rating of a lamp.

LUMINAIRE

A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts. (See Figure A for examples of luminaires with and without cutoffs.)

LUMINAIRE, CUTOFF TYPE

A luminaire containing elements such as shields, reflectors, or refractor panels that direct and cutoff a direct view of the light source at a cutoff angle.

MANUFACTURED HOME (ALSO REFERRED TO AS A MOBILE HOME)

A factory-built structure or structures sealed by the U.S. Department of Housing and Urban Development which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, contains three hundred twenty (320) or more square feet equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating and air conditioning and electrical systems contained therein, and which is built in accordance with the standards of the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401, et seq. The term also includes manufactured houses and mobile homes not built to the standards of that Act, but otherwise meeting this definition. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner. A title is issued for a manufactured ho

MARQUEE OR CANOPY

A roof-like structure of a permanent nature which projects from the wall of a building.

MEZZANINE

An intermediate or fractional story between the floor and ceiling of a main story, used for a purpose accessory to the principal use. A mezzanine is usually just above the ground or main floor and extending over only part of the main floor. The floor area of a "mezzanine" is included in calculating the floor area ration (F.A.R.) of a structure.

MICRON

A unit of measurement, equal to one thousandth part of one millimeter (.001 millimeter).

MOBILE HOME OR MOBILE HOME STRUCTURE

A movable or portable vehicular structure designed and constructed for permanent occupancy for one (1) or more persons, having integral plumbing, electrical and mechanical systems, and so designed and constructed as to permit its transport on wheels, temporarily or permanently attached to its own chassis, from the place of its construction to the location or subsequent locations at which it is intended to be occupied, connected to utilities for year-round occupancy, and having no need for a permanent foundation. (Does not include recreational vehicles or travel trailers.) Even if structure rests on a permanent foundation, with wheels, tongue, hitch and axle or lug bolts permanently removed, it shall be construed as a mobile home. A mobile home may be with or without mechanical power. This definition applies to units constructed prior to June 15th, 1976. A title is issued for mobile home.

MOBILE HOME DEVELOPMENT

Any tract of land zoned "MHDD" Mobile Home Development District, where upon manufactured, modular or mobile homes may be divided into lots through a recorded subdivision plat for the purpose of sale, designed and developed as a residential neighborhood.

MOBILE HOME, DEPENDENT

A mobile home, or travel trailer, which does not have a flush toilet or a bathtub or shower.

MOBILE HOME, INDEPENDENT

A mobile home, or travel trailer, having a flush toilet and a bathtub or shower.

MOBILE HOME LOT

Any area, tract, site or plot of ground within a mobile home community or mobile home park designed to accommodate one (1) mobile home as herein defined and the accessory uses thereto.

MOBILE HOME PARK

An area of land or lands upon which two (2) or more independent mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. A mobile home park shall not include a sales lot or unoccupied mobile homes for the purpose of inspection and sale.

MODULAR BUILDING OR MODULAR BUILDING STRUCTURE

A completely assembled and erected building designed and constructed in a factory for permanent occupancy, composed of two (2) or more prefabricated modules arranged and united together at the building site into one (1) integral structure, having need of a perimeter permanent foundation; characteristic of modular buildings, the roofing and siding are applied at the building site concealing the junction or union of the modules and when completed and ready for occupancy the exterior appearance is such that the building is superficially and indistinguishable from a conventionally built building. The building once arranged and joined as one (1) integral structure shall be virtually incapable of being separated again into the component module parts for repeated transport to subsequent locations. It shall meet building codes and be considered real property. The term shall include buildings, designed and intended for dwelling, business, educational or industrial uses; the term shall exclude "*double-wide mobile homes*" which, in brevity, are by design and construction movable or portable vehicular structures having no need of a permanent foundation and are capable of being separated again for repeated towing. If title is issued it shall be classified as a manufactured home.

MODERATE BURNING MATERIAL

A material which in itself does not support combustion and which is consumed slowly as it burns.

MONUMENT

A permanent marker to be made of materials and placed by a land surveyor at locations specified in Chapter 9.2.1.5.

MOTEL

An establishment which provides lodging for transient guests, arriving in motor vehicles, in return for monetary reward and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and desk service, the use and upkeep of furniture and bellboy service. A typical motel consists of a number of bedrooms united under one (1) roof, but having individual entrances and with adequate parking available nearby.

MOTOR FREIGHT TERMINAL

A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate shipment by motor truck.

MOTOR VEHICLE

Any passenger vehicle, motorcycle, recreational vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.

MOVEMENT

Physical movement or revolution up or down, around, or sideways that completes a cycle of change at intervals less than six seconds.

NAMEPLATE

A sign indicating the name and address of a building; or the name of an occupant thereof and the practice of a permitted occupation therein.

NATURAL DRAINAGE

Channels formed by the existing surface topography of the earth prior to changes made by unnatural causes.

NON-CONFORMING BILLBOARD

A billboard which was lawfully erected and maintained at the effective date of this Ordinance, April 3, 1999, or any amendment thereto, that does not conform to the regulations of the district in which it is located.

NON-CONFORMING BUILDING OR STRUCTURE

Any building or structure and the use thereof or the use of land that does not conform with the regulations of this Ordinance or any amendment hereto governing use in the district in which it is located, but conformed with all of the codes, ordinances and other legal requirements applicable at the time such building or structure was erected, enlarged, or altered, and the use thereof or the use of land was established.

NON-CONFORMING USE

Any use of land, buildings, or structures which use is not permitted in the zoning district in which such use is located.

NON-PUTRESCIBLE MATERIAL

A material or substance not subject to decomposition or decay.

NURSING HOME OR REST HOME

A home for the aged, chronically ill, care of children, infirm or incurable persons, or a place of rest for those suffering bodily disorders in which three (3) or more persons, not members of the immediate family residing on the premises, are received, kept or provided with food, shelter and care; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

OCTAVE BAND

A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

OCTAVE BAND FILTER

An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

ODOROUS MATTER

Any matter that yields an odor which is offensive in any way.

OPEN SPACE

That portion of land and/or water not devoted to buildings or other structures, parking or loading areas, driveways, or any principal or accessory use.

OPERATING HOURS

The period of time from one hour prior to opening to one hour after closing of a non-residential establishment.

ORDINANCE

The Village of Innsbrook Zoning Ordinance

ORGANIC MATERIAL

A material or substance composed of chemical compounds of carbon in combination with other chemical elements (often hydrogen) and generally manufactured in the life processes of plants and animals. Organic substances include paper, wood, food and plastic, as well as the waste products of these and similar materials.

PARTICULATE MATTER

Material, other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

PERMITTED USE

A use which is permitted administratively (without approval by the governing body) in any zoning district.

PERSONS WITH DISABILITIES

For the purposes of this definition, "persons with disabilities" shall include a person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities so that such person is incapable of living independently, (2) has a record of having such an impairment, or (3) is regarded as having such an impairment. However, "persons with disabilities" shall not include any person involved in the current illegal use of or addicted to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. Sec. 902) or alcohol, nor shall it include any person whose residency in a group home would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

PLANNED DEVELOPMENT

A tract of land which is developed as a unit under single ownership or unified control, which includes one (1) or more principal buildings or uses and is processed under the Planned Development provisions of this Ordinance. Also, a parcel of land planned as a single unit, rather than as an aggregate of individual lots, with design flexibility from traditional siting regulations (such as side yards, setbacks and height limitations) or land use restrictions (such as prohibitions against mixing land uses within a development). The greater flexibility in locating buildings and in combining various land uses often makes it possible to achieve certain economics in construction, as well as the preservation of open space and the inclusion of many amenities.

PLANNED DEVELOPMENT PLAT

A drawing or map made to measurable scale upon which is presented a description and definition of the way in which the design requirements of the Planned Development are to be met and intended for recording with the County Recorder of Deeds.

PLAN COMMISSION

The Plan Commission of the Village of Innsbrook.

POLITICAL BILLBOARD

A billboard that advertises a candidate or an issue which is to be voted on in a local, state or federal election.

POSITIVE GRAVITY OUTLET

The drainage of an area by means of natural gravity so that it lowers the free water surface to a point below the existing grade or invert of storm drains within the area.

PREFABRICATED MODULE (PREFABRICATED HOME)

A built up combination of building sub-assemblies (consisting of at least the floor, walls, and ceiling) constructed and arranged forming an attachable cell or set of rooms which is of closed construction, designed and intended to be transported without need of its own chassis from the place of its manufacture to the building site where it is to be arranged and united with one (1) or more other such cells or units of rooms forming a modular building.

PREMISES

The contiguous land in the same ownership or control which is not divided by a street.

PRINCIPAL BUILDING

The main building upon a lot, or the building which houses the principal use of the premises.

PRINCIPAL USE

The primary use of land or structures as distinguished from a secondary or accessory use. A house is a principal use in a residential area; a garage or pool is an accessory use.

RECOGNIZED AGENCY

An agency or governmental unit that has statistically and consistently examined local, climatic and geologic conditions and maintained records as they apply to stormwater runoff, e.g., Missouri Department of Natural Resources, U.S. Weather Bureau, etc.

RECORDING (OF A DOCUMENT)

To officially record a document in the Office of the County Recorder of Deeds.

RECREATIONAL AREA (PARK)

An area, usually natural in state, set aside the enjoyment of residents and guests, having facilities for rest and recreation.

RECREATIONAL VEHICLE

Any unit designed primarily for living or sleeping purposes, equipped with wheels or placed upon a wheeled device for the purpose of transporting from place to place. This term shall include, but not be limited to, camping trailers, campers, tent trailers, motor coaches, tent campers and shall also include those wheeled devices upon which they are placed.

RESERVOIR PARKING

Those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

RESTAURANT

Any establishment whose principal business is the sale of food for consumption, in non-disposable containers, at tables located on the premises.

RESTAURANT, CARRY-OUT

Any business establishment where food is prepared primarily for the sale and consumption, in edible or disposable containers, off the premises of the establishment.

RETENTION

The permanent on-site maintenance of storm water.

RIGHT-OF-WAY, PUBLIC

An access way dedicated to public use.

RINGELMANN NUMBER

The number appearing on the Ringelmann Chart ascribed by the observer to the density of the smoke emission. Where the density of light obstructing capacity of the smoke as observed falls between two (2) consecutive Ringelmann Numbers, the lower Ringelmann Number shall be considered the density of the smoke observed.

ROADSIDE STAND, ACCESSORY

A structure erected for the display and sale of agricultural products no more than one (1) story in height and five hundred (500) square feet in retail floor area and located on a zoning lot where the principal use is agricultural.

ROADSIDE STAND, COMMERCIAL

A structure erected for the display and sale of agricultural products and may or may not be located on a zoning lot where the principal use is agricultural. A "commercial roadside stand" requires appropriate commercial zoning; it must comply with all site and structure provisions of the applicable zoning district and may sell up to five (5) products not of an agricultural nature. Products sold at a "commercial roadside stand" are generally grown off the zoning lot where such stand is located.

SAFE STORM DRAINAGE CAPACITY

The quantity of stormwater runoff that can be transported by a channel or conduit without having the water surface rise above the level of the earth's surface over the conduit, or adjacent to the waterway.

SCENIC ROADSIDE

Scenic roadsides include those land areas within the municipal limits which lie within the viewshed of either side of the outermost edge of any of the roads, which are of uncommon visual importance or scenic attractiveness.

SECURITY HOURS

The period of time from one hour after closing to one hour prior to opening of a non-residential establishment.

SENIOR HOUSING

Multiple-Family residential development, the occupation of which shall be limited to persons 62 years of age or more provided that if two or more persons occupy a single dwelling unit, at least one shall be 62 years of age or more.

SETBACK

The minimum horizontal distance between a lot line and the nearest side of a building or other structure, located on a particular zoning lot, to such lot line.

SIGN

Any identification, description, illustration, or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, temporary sign, lights, balloons, billboard, or other device designed to attract attention, advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

SIGN, ABANDONED

A sign which has carried no message for more than 180 days or which no longer identifies a bona fide business, lesser, service, owner, product, or activity, date and time of past event, and/or for which no legal owner can be found. The definition shall also include any sign structure which no longer supports the sign for which it was designed.

SIGN, ADVERTISING

A sign which directs attention to a profession, business, activity, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

SIGN AREA

The area of the smallest square or rectangle that enclose the sign face or if a sign has more than one (1) face, the total area of all faces. Customary trim, molding, supports or screening which do not serve as special attention attracting devices shall not be included in the sign area calculation. Peripheral sign elements which serve as special attention attracting devices for the sign including lights, arrows, designs intended to focus special attention to the sign, and others, as well as lettering or special attention attracting devices on screening or enclosures for sign structures, shall be included in the sign area calculations.

SIGN, BILLBOARD

A very large advertising board erected by the roadside or attached to a building, used for displaying advertisements.

SIGN, BUSINESS

A sign which directs attention to a profession or business conducted, or to a commodity, service, activity, or entertainment other than one conducted, sold or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

SIGN, CONSTRUCTION

Any sign identifying individuals or companies involved in design, construction, wrecking, financing or development when placed upon the premises where work is under construction, but only for the duration of construction or wrecking.

SIGN FACE

The surface area of a plane which would cover a sign when viewed from one side or direction. When more than one sign is located on the same sign structure or building and is separated by less than five (5) feet, the 'Sign Face' shall be considered the total surface area of the plane which would cover all signs when viewed from a single direction. The total sign face area must not exceed the restrictions for Maximum Sign Size Per Sign Face as presented in Table 1 of this Sign Ordinance.

SIGN, FLASHING

Any illuminated sign on which the artificial light or lights are not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this Ordinance, any moving illuminated sign shall be considered a flashing sign. A sign whereon the time, temperature, or other written message is indicated by intermittent lighting shall not be deemed to be a flashing sign if the color or intensity of light is constant, except for periodic changes, limited to the numerals indicating the time and/or temperature, which occur not more frequently than once every three (3) seconds, but shall require a Special Use Permit.

SIGN, GROSS AREA OF

The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign, not forming an integral part of the display, whose primary function is that of support.

SIGN, GROUND

Any sign or other advertising structure, supported by a pole, pylon, upright, or brace, or placed upon the ground and not attached to any building or structure.

SIGN, HEIGHT

The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign.

SIGN, ILLEGAL

A sign that was constructed in violation of regulations that existed at the time it was built.

SIGN, ILLUMINATED

A sign where the source of illumination of such sign is a fundamental part of the sign.

SIGN, INDIRECTLY ILLUMINATED

A sign where the source of illumination is accessory to the sign, but where such source of illumination is intended to indirectly illuminate such sign.

SIGN, INSTRUCTIONAL

Any sign which notifies or instructs the public as to limitations or regulations relating to designated uses of certain parcels or property or public or private streets or rights-of-way, and including warning signs, exit signs, traffic signs and directional signs for parking or parking restrictions.

SIGN, MOVING

Any sign which revolves, rotates, swings, undulates or otherwise attracts attention by moving parts, whether operated by mechanical equipment or by natural sources, but not including flags or banners.

SIGN, NON-CONFORMING

A sign which was lawfully erected and maintained at the effective date of this Ordinance, or any amendment thereto, that does not conform to the regulations of the district in which it is located.

SIGN, OFF-PREMISE ADVERTISING

A sign which directs attention to a profession, business, activity, commodity, service or entertainment other than one conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

SIGN, PORTABLE

Any sign not permanently attached to the ground, building or other structure that is not readily movable. Any sign attached to a sign structure which has wheels will be considered a portable sign, as well as any sign attached to a frame or other sign structure that is not permanently attached to the ground or a building.

SIGN, PROJECTING

Any sign which is attached to a building or other structure and extends beyond the line of said building or structure or beyond the surface of that portion of the building or structure to which it is attached by more than eighteen (18) inches.

SIGN, ROOF

Any sign erected, constructed, and maintained upon or over the roof or top of the wall, wall tower, or turret of any building with the principal support on the roof structure.

SIGN STRUCTURE

Any structure which supports, has supported, or is capable of supporting a sign, including decorative cover.

SIGN, TEMPORARY

Any sign, banner, pennant, valance or advertising display that by intent is not permanent, constructed of cloth, canvas, lightweight fabric, cardboard, wallboard, or other lightweight materials with or without frames, intended to be displayed for a short period of time only.

SIGN, WALL

Any sign attached to and supported by the exterior surface of the wall of a building or structure in a place substantially parallel to that of the supporting wall.

SITE COVERAGE

A percentage figure indicating that portion of a sign covered by principal and accessory buildings, parking area, private streets, access drives, etc. Normally, land not considered in the site coverage computation is classified as open space.

SLOW BURNING OR INCOMBUSTIBLE MATERIALS

Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five (5) minutes at a temperature of twelve hundred (1200) degrees Fahrenheit, shall be designated "incombustible."

SMOKE UNIT

The number obtained when the smoke density in a Ringelmann Number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it was observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

SOUND LEVEL

The intensity of sound, measured in decibels, produced by an operation or use.

SOUND LEVEL METER

An instrument designed to measure sound pressure levels and constructed in accordance with the requirements for General Purpose Sound Level Meters published in the American National Standards Institute Standard No. S1.4-1971 or its latest revision.

SPACING

Spacing of billboards shall be the minimum distance between outdoor advertising billboard structures measured along the nearest edge of pavement between points directly opposite the billboards along each side of the highway and shall apply to outdoor advertising billboard structures located on both side of the highway involved.

SPECIAL USE (AKA CONDITIONAL USE)

The following items will be considered in approving a "special use":

- A tendency to generate excess traffic;
- A potential for attracting a large number of persons, thus creating noise of other pollutants;
- A potential for accidents or danger to the public health, safety, or welfare.

STABLE, PRIVATE

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

STABLES AND/OR RIDING ACADEMIES, COMMERCIAL

The grounds and buildings where horses are bred, raised, boarded, or kept for remuneration, hire or sale.

STORMWATER RUNOFF

Water that results from precipitation which is not absorbed by the soil or plant material.

STORMWATER RUNOFF RELEASE RATE

The rate at which stormwater runoff is released from dominant to servient land.

STORMWATER STORAGE AREA

Areas designated to store excess stormwater.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above.

STREET

A public or private right-of-way which affords a primary means of vehicular access to abutting property, but does not include alleys or driveways to buildings.

STREET FRONTAGE

For the purposes of this Ordinance only, a lot line or the length of a lot line which is also the line of any public street right-of-way other than an alley. The street frontage of a lot or parcel that is legally created or described as extending to the center line of a street shall be measured along the line which denotes the edge or boundary of the easement established for the street. The street shall exist or have been created for street purposes and may be a limited access or controlled access roadway but shall not be a utility right-of-way, drainage way, park or railroad and shall not be an alley.

STRUCTURE

Anything constructed, erected or placed, which requires location in or on the ground or is attached to something having a location on the ground.

STRUCTURE, RESIDENTIAL

Any structure associated with a residential building or use including any accessory uses to a principal residential use.

STRUCTURE, NON-RESIDENTIAL

Any structure associated with a non-residential building or use including any accessory uses to a principal non-residential use.

STRUCTURAL ALTERATION

Any change, other than incidental repairs, which would prolong the life of supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

SURFACE WATER ELEVATION

The normal water level elevation of a lake, stream, or stream bed as depicted on United States Geological Survey (U.S.G.S.) flood plain topographic maps. If "surface water elevation" datum specified by the State of Missouri is more current than U.S.G.S. flood plain topographic maps, State of Missouri water resources information may be used.

TEMPORARY EXTERIOR LIGHTING

The specific illumination of an outside area or object by any man-made device that produces light by any means, consistent with the requirement for Temporary Uses in Section 8.6.

TENT

Any structure or enclosure, the roof of which and/or one-half (1/2) or more of the sides, are constructed of silk, cotton, canvas, fabric, or a similar light material.

THREE-COMPONENT MEASURING SYSTEM

Denotes instrumentation which can measure earth-borne vibrations in three (3) directions, that is, vibration occurring in a horizontal as well as a vertical plane.

TOURIST HOME

A private home with rooms for rent, usually for one night, to tourists, travelers, etc. These homes are often called bed and breakfasts.

TOXIC OR NOXIOUS SUBSTANCES

Any solid, liquid or gaseous matter, including but not limited to, gases, vapors, dusts, fumes and mists containing properties which by chemical means are inherently harmful and likely to destroy life and impair health, or capable of causing injury to the well-being of persons or damage to property.

TRAILER

Any vehicle, house car, camp car, recreational vehicle, or any portable or mobile vehicle on wheels, jacks, horses, skids, or blocks, and with or without automotive power; which is used, adapted, or designed for living, sleeping, business, trade, occupation or storage purposes. Normally, such occupancy is on a temporary or transient basis.

TRAILER-CAMPER PARKS

A residential facility designed, used, or intended to be used to accommodate the overnight or temporary location, hook-up, or use of its facilities for travel trailers, camp trailers and recreational vehicles.

TRANSITION

A strip of land located between incompatible land uses which is subject to private use restrictions or is dedicated to public uses as open space for the purpose of protecting the built environment of a development or to enhance street right-of-way, or both.

TRIBUTARY WATERSHED

All of the area that contributes stormwater runoff to a given point.

UNIFIED CONTROL

The combination of two (2) or more tracts of land wherein each owner has agreed that his tract of land shall be developed as part of a Planned Development and shall be subject to the control applicable to the Planned Development.

USE

The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this Ordinance.

VARIANCE

A device which grants a property owner relief from certain provisions of this Zoning Ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship, as distinguished from a mere inconvenience or a desire to make more money, or a practical hardship owing to circumstances which do not occur generally to land or buildings in the neighborhood.

VENDING MACHINE

A machine for the dispensing of merchandise for monetary remuneration, designed to be operated by the consumer.

VIBRATION

The periodic displacement of earth caused by an oscillating movement, and measured in inches.

VIBRATION FREQUENCY

The number of oscillations per second of a vibration.

VIEWSHED

An area visible from the road that provides vistas over water or across expanses of land, such as farmland, woodlands, costal wetlands, mountaintops or ridgelines.

VILLAGE BOARD

The Chairman and Trustees of the Village of Innsbrook.

WAREHOUSE

A structure, or part thereof, or area used principally for the storage of goods and merchandise.

WATER SUPPLY SYSTEM, INDIVIDUAL

The "water supply system" of a building or premises consists of the water service pipe, the water distribution pipes and the necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.

WATER SUPPLY SYSTEM, PUBLIC

A "public water supply system" means collectively all property involved in a water utility including land, water sources, collection systems, dams and hydraulic structures, distribution systems and other appurtenances, pumping stations, treatment works and general properties, or any parts thereof.

WELL

An underground source of water made accessible by drilling or digging to the level of the water table.

WET BOTTOM STORMWATER STORAGE AREA

A facility that is designed to be maintained as free water surface or pond.

WHOLESALE ESTABLISHMENT

A business establishment principally engaged in selling to retailers or distributors rather than consumers.

YARD

An open area on a lot extending along a lot line and to a depth or width specified in the yard requirements of the zoning district in which such lot is located.

YARD, CORNER SIDE

A side yard which adjoins a public street.

YARD, FRONT

A yard bounded by the front lot line and the side lot lines to a depth specified as the front yard requirement in each zoning district.

YARD, INTERIOR SIDE

A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

YARD, PERIMETER

A yard abutting the inside of the boundaries of a Planned Development.

YARD, REAR

A yard bounded by the rear lot line and the side lot lines, to a depth specified as the rear yard requirements in each zoning district.

YARD, SIDE

A yard extending along a side lot line from the front yard to the rear yard to a width specified as the side yard requirements in each zoning district.

YARD, TRANSITIONAL

A "transitional yard" is that yard which must be provided on a zoning lot, in a business district, which adjoins a zoning lot in a residence district, or that yard which must be provided on a zoning lot, in an industrial district, which adjoins a zoning lot in either a residence or business district.

ZERO LOT LINE RESIDENCE

A detached single-family dwelling unit which is built to one of the side lot lines; generally constructed within a Planned Development or when clustering residential units.

ZONING ADMINISTRATOR

A person appointed by the Village Chairman and Trustees, subject to the majority consent of the Village Board, who is vested with certain defined administrative responsibilities regarding the implementation and enforcement of this Ordinance.

ZONING DISTRICT (ZONE)

A section or sections of the land area incorporated within the Village of Innsbrook for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

2.4 UNDEFINED TERMS, WORDS AND PHRASES

Terms, words and phrases not defined herein, but in need of definition, shall be processed under the interpretation provisions of Section 14.7.1.

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3 AGRICULTURAL FOREST MANAGEMENT DISTRICT (AFM)

3.1 PURPOSE

The intent of this district is to reduce the impact of urban development on agriculture, forestry, and rural areas located outside the sanitary sewer service area by designating these areas for agricultural operations and forestry uses and low density residential development. It is also intended to preserve rural character, reduce the demand for urban services, and reduce service delivery costs for local government, while also providing an opportunity for large lot or estate developments. Standards of the district mandate a lot size for each dwelling unit large enough to accommodate individual wells and sewage disposal (septic) systems (**3 acres minimum or larger**). The minimum district size shall be 9 acres.

3.2 PERMITTED USES

Permitted uses of land or buildings, as hereinafter enumerated, shall be permitted in the AFM Forest Management District only in accordance with conditions specified. Only those uses specifically listed in Appendix F shall be considered permitted uses, and no building or lot shall be devoted to any use other than a use permitted hereunder, with the exception of uses lawfully established prior to the effective date of this Ordinance or special uses in compliance with the provisions of Section 3.3.

3.3 SPECIAL USES

Special uses, as listed in Appendix F, may be allowed subject to the issuance of special use permits in accordance with the provisions of Chapter 14. The uses itemized under "Major Category Groupings" in Appendix F constitute the only special uses in the AFM zoning district.

Special uses may be required to meet more restrictive site and structure provisions if the Planning and Zoning Commission determines that such requirements are necessary to the public health, safety and general welfare.

3.4 MINIMUM SIZE OF DWELLING

Each single-family dwelling occupied for residential purposes shall contain a minimum of thirteen hundred-fifty (1,350) square feet of livable floor area, exclusive of basement or garage space.

3.5 SITE AND STRUCTURE PROVISIONS

Each permitted or special use lawfully established in the AFM zoning district shall meet the requirements specified in Section 3.2 unless otherwise indicated, where a major category is named it shall be deemed to include all uses itemized thereunder in Appendix F.

3.6 OTHER PROVISIONS

The following provisions apply to Agricultural Forest Management zoning district.

3.6.1 DISTANCE FROM A RESIDENTIAL BUILDING

Accessory structures on AFM zoning lots shall be located not less than twenty-five (25) feet from a structure on a zoning lot used for residential purposes.

3.6.2 SIMILAR AND COMPATIBLE USES

Similar and compatible uses to those allowed as "permitted uses" in this District shall be made in accordance with Section 14.7.2.

3.6.3 ACCESSORY USES AND TEMPORARY USES

Uses accessory and incidental to the operation of an approved use listed heretofore, shall be allowed if in compliance with Section 8.5.

Temporary uses of property may be allowed if in compliance with Section 8.6.

3.6.4 PARKING AND LOADING REQUIREMENTS

All uses shall conform to the applicable requirements for Off-Street Parking and Loading set forth in Chapter 11.

3.6.5 SIGN REQUIREMENTS

All uses shall conform to the applicable requirements for signs set forth in Chapter 12.

3.6.6 TENTS

Tents shall not be used as a place of permanent residence, and shall not be erected used or maintained on any lot, except for a limited period of time. Tents shall not be used for the permanent storage of vehicles and other equipment.

3.6.7 TRUCKS

Commercial vehicles shall not be parked or stored on a zoning lot in a AFM district for an extended period of time, except when

- a) located in a garage or a fully enclosed structure; or
- b) in such a manner as not to be visible from adjacent rights-of-way; or
- c) from the windows of structures; or
- d) legally controlled by the residents or occupants of the principal use.

Small pick-up trucks and/or vans are excluded from this requirement.

3.6.8 SEWER AND WATER

All dwellings and uses requiring sanitary facilities shall be served by either a municipal sewer and water system, a private community sewer and water system, or a private individual sewage disposal system and water supply system approved by the Village of Innsbrook. [See Appendix A for minimum construction standards]

3.6.9 EXTERIOR LIGHTING

All exterior lighting shall be shaded or inwardly directed so that no direct lighting is cast upon adjacent zoning lots.

3.7 MODULAR BUILDINGS

Modular buildings shall require a special use permit approved by the Village of Innsbrook Planning and Zoning Commission. Modules used in such construction shall be supplied by a source approved by the Village of Innsbrook Planning and Zoning Commission.

3.8 USES SPECIFICALLY PROHIBITED

The following uses are specifically prohibited in all AFM zoning districts:

3.8.1 MANUFACTURED HOMES.

3.8.2 MOBILE HOMES.

3.8.3

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4 RESIDENTIAL DISTRICTS

Residential district regulations are intended to govern the location, intensity and method of development for the residential areas of Innsbrook. The residential districts provide for a variety of housing types and price ranges, while at the same time maintaining the character and integrity of homogeneous residential types and existing neighborhoods. The regulations of each district are designed to provide protection to existing developments, while allowing new growth in accord with specific development standards and objectives. Petitioners for residential zoning are encouraged to apply for such zoning only in areas designated as residential in the Innsbrook Comprehensive Plan. Residential uses are grouped into three (3) residential zoning classifications.

- RL - Residential-Low Density District
- RM – Residential-Medium Density District
- MF – Multifamily

4.1 R-L RESIDENTIAL - LOW DENSITY DISTRICT

4.1.1 PURPOSE & INTENT

The R-L Low Density Residential District is established to provide for semi-rural environment of single-family homes on relatively large lots. Standards of the district mandate a lot size large enough to accommodate individual wells and sewage disposal (septic) systems (3 acres minimum or larger). Compatible uses to the residential character of the district are allowed, such as schools, recreation and social facilities, religious and institutional uses, agricultural uses, and certain public facilities. All business activities are prohibited except for selected recreation and institutional uses as designated hereinafter. Normally, areas are classified R-L when:

- 1) There is little likelihood that public water and sewer systems will be available to a site in the near future,
- 2) Areas have already developed to R-L densities and it is beneficial to those areas, as well as the community, to maintain the existing character, or
- 3) Land is or was used for a purpose other than--but not compatible with--residential, and the likelihood exists that the use occupying said land will eventually lapse and the property will need to be put to other uses.

4.1.2 PERMITTED USES

A building or premises shall be used only for the uses specifically listed as “permitted” or “special” in Appendix F, with the exception of uses lawfully established prior to the effective date of this Ordinance. Special uses shall be subject to approval by the Village Trustees in accordance with the Special Use procedures and requirements contained in Chapter 14 and subject to such other restrictions and conditions deemed necessary.

4.1.3 BULK REGULATIONS

Bulk Regulations for Individual Lots (R-L)		
Minimum Lot Area	3 acres	
Minimum Lot Width	One hundred (150) feet	
Minimum Dwelling Size	1,350 Square Feet	
Yard/Setback	Front	25 feet
	Side	25 feet
	Rear	25 feet
Maximum Height	No more than two (2) stories; up to a maximum height of forty (40) feet, measured from the grade at the front entrance of such building or structure.	

4.1.4 SUPPLEMENTAL REGULATIONS

As set forth in Section 4.4.

4.1.5 PARKING & LOADING

As set forth in Chapter 11.

4.1.6 SIGNS

Signs shall conform to the applicable requirements set forth in Chapter 12

4.2 R-M RESIDENTIAL - Medium Density DISTRICT

4.2.1 PURPOSE & INTENT

The R-M Medium Density Residential District serves as a transition zone between the semi-rural (R-L) residence zone and the (MF) Multifamily residential district. The character of the zone is semi-urban with community or public sewer and water required as a prerequisite to development.

4.2.2 PERMITTED USES

A building or premises shall be used only for the uses specifically listed as “permitted” or “special” in Appendix F, with the exception of uses lawfully established prior to the effective date of this Ordinance. Special uses shall be subject to approval by the Village

Trustees in accordance with the Special Use procedures and requirements contained in Chapter 14 and subject to such other restrictions and conditions deemed necessary.

4.2.3 BULK REGULATIONS

Bulk Regulations for Individual Lots (R-M)		
Minimum Lot Area	Single Family: 20,000 Square Feet Attached Single Family: 24,000 Square Feet	
Minimum Lot Width	One hundred (150) feet	
Minimum Dwelling Size	Single Family: 1,350 Square Feet Attached Single-Family: 1,200 Square Feet (per unit)	
Yard/Setback	Front	25 Feet
	Side	25 Feet
	Rear	25 Feet
Maximum Height	No more than two (2) stories; up to a maximum height of forty (40) feet, measured from the grade at the front entrance of such building or structure.	

4.2.4 SUPPLEMENTAL REGULATIONS

As set forth in Section 4.4.

4.2.5 PARKING & LOADING

As set forth in Chapter 11.

4.2.6 SIGNS

Signs shall conform to the applicable requirements set forth in Chapter 12

4.3 M-F Multifamily REsidenTial DISTRICT

4.3.1 PURPOSE & INTENT

The M-F Multifamily Residential District provides for a variety of residential building types and densities. Public utilities, usable open space and buffer or transition zones between less intense residential districts are required.

4.3.2 PERMITTED USES

A building or premises shall be used only for the uses specifically listed as “permitted” or “special” in Appendix F, with the exception of uses lawfully established prior to the effective date of this Ordinance. Special uses shall be subject to approval by the Village Trustees in accordance with the Special Use procedures and requirements contained in Chapter 14 and subject to such other restrictions and conditions deemed necessary.

4.3.3 BULK REGULATIONS

Bulk Regulations for Individual Lots (M-F)		
Minimum Lot Area:	Single-Family: 20,000 Square Feet Attached Single Family: 24,000 Square Feet Multifamily: 10,000 Square Feet Per Unit	
Minimum Lot Width	100 feet	
Minimum Dwelling Size	Single Family: 1,350 Square Feet Attached Single-Family: 1,200 Square Feet 1-Bedroom Apartment: 800 Square Feet 2-Bedroom Apartment: 1,000 Square Feet 3-Bedroom Apartment: 1,200 Square Feet	
Yard/Setback	Front	35 feet
	Side	10 feet
	Rear	Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than thirty (30) feet plus ten (10) feet for each additional story above two (2) stories.
Maximum Height	As approved by the Board	

4.3.4 SUPPLEMENTAL REGULATIONS

As set forth in Section 4.4.

4.3.5 PARKING & LOADING

As set forth in Chapter 11.

4.3.6 SIGNS

Signs shall conform to the applicable requirements set forth in Chapter 12

4.4 SUPPLEMENTAL REGULATIONS - RESIDENTIAL DISTRICTS

4.4.1 SEWER AND WATER

All dwellings and uses requiring sanitary facilities shall be served by either a municipal sewer and water system, a private community sewer and water system, or a private individual sewage disposal system and water supply system approved by the Village of Innsbrook. (See Appendix A for minimum construction standards)

4.4.2 EXTERIOR LIGHTING

All exterior lighting shall be shaded or inwardly directed so that no direct lighting is cast upon adjacent zoning lots.

4.4.3 MODULAR BUILDINGS

Modular buildings shall require a special use permit approved by the Village of Innsbrook Planning and Zoning Commission. Modules used in such construction shall be supplied by a source approved by the Village of Innsbrook Planning and Zoning Commission.

4.4.4 OUTDOOR PLAY AREA

Child Care Centers, Children's Day Schools, Day Care Centers, Day Nurseries and Nursery Schools shall provide a minimum of one hundred fifty (150) square feet of outdoor play area for each child capable of being cared for.

4.4.5 SIMILAR AND COMPATIBLE USES

Similar and compatible uses to those allowed as "permitted uses" in these districts shall be made in accordance with Section 14.7.2.

4.4.6 ACCESSORY USES AND TEMPORARY USES

Uses accessory and incidental to the operation of an approved use listed heretofore, shall be allowed in a residential zoning district only if in compliance with Section 8.5.

4.4.7 TEMPORARY USES

Temporary uses of property may be allowed in a residential zoning district only if in compliance with Section 8.6.

4.4.8 TENTS

Tents shall not be used as a place of permanent residence, and shall not be erected used or maintained on any lot, except for a limited period of time. Tents shall not be used for the permanent storage of vehicles and other equipment.

4.4.9 TRUCKS

Trucks and other commercial vehicular equipment shall not be parked or stored on a zoning lot in a residential district, except when located in a garage or a fully enclosed structure or in such a manner as not to be visible from adjacent rights-of-way or from the windows of structures on adjacent lots. Small pick-up trucks and/or vans are excluded from this requirement.

4.5 MODULAR BUILDINGS

Modular buildings shall require a special use permit approved by the Village of Innsbrook Planning and Zoning Commission. Modules used in such construction shall be supplied by a source approved by the Village of Innsbrook Planning and Zoning Commission.

4.6 USES SPECIFICALLY PROHIBITED

The following uses are specifically prohibited in all residential zoning districts:

4.6.1 MANUFACTURED HOMES.

4.6.2 MOBILE HOMES.

4.6.3

5 NON-RESIDENTIAL DISTRICTS

The following business and industrial district regulations are intended to govern the location, intensity and method of development of the businesses, offices, and services needed to serve the residents, business, and industrial patrons of Innsbrook. The regulations in each district provide for groupings of business, office, and/or service uses that are compatible in the type of commodity sold, the activity performed, and/or the services offered. Petitioners for business or industrial zoning are encouraged to apply for such zoning only in areas designated as business or industrial in the Innsbrook Comprehensive Plan. Two (2) classifications of business and one (1) industrial activity are provided for:

- C-N- Neighborhood Business District
- C-H- Highway Business District
- I- Industrial District

For the purpose of determining the restrictiveness of the business or industrial zoning classifications, each of the districts shall be deemed to be independently and equally restrictive, with no hierarchy, cumulateness, or progression applying among them.

5.1 C-N- NEIGHBORHOOD BUSINESS DISTRICT

5.1.1 PURPOSE & INTENT

The purpose of the Neighborhood Business District is to provide for small-scale, pedestrian-oriented mixed use development offering a wide range of retail, business services, offices, art/cultural attractions, entertainment and personal service uses. Development shall be compact, walkable and connected to adjacent uses. The use of sidewalks and streetscapes adorned with ornamental lighting, street furniture, landscaping, trees and public gathering places is encouraged. Off-street parking and loading shall be provided in discrete clusters that are screened from any public right-of-way. Individual uses over 10,000 SF may be permitted as Special Use as approved by the Village Trustees.

5.1.2 PERMITTED USES:

A building or premises shall be used only for the uses specifically listed in Appendix E as “permitted uses”, except where the following exist, a special use shall be required:

- New construction of any building over 10,000 Square Feet.
- Any use that requires 25 parking stalls or more.
- Any use with a drive-through.
- Any use that requires a liquor license.

- Any use or activity that requires 5% or more of the total lot or tract area for the open storage of products, material or equipment.

Uses that meet the above criteria or uses classified as “Special Uses” in Appendix E may be allowed subject to approval by the Village Board of Trustees in accordance with Special Use Procedures and Requirements contained in Chapter 14 and subject to such other restrictions and conditions deemed necessary.

5.1.3 BULK REGULATIONS

Bulk Regulations for Individual Lots (C-N)		
Minimum District Size:	Two (2) acres, however, when land being zoned C-N abuts land zoned Business or Industrial; it may be used in determining the minimum district size.	
Minimum Lot Area	5,000 square feet	
Minimum Lot Width	One hundred (150) feet	
Maximum Lot Coverage	The amount of gross site area covered by buildings and structures, surface parking, pavement for automobile circulation or permitted exterior business services, storage, merchandise display, repair or processing shall not exceed 70%	
Yard/Setback	Front	Building facades shall be placed a minimum of thirty (30) feet from the public right-of-way line.
	Side	Buildings shall have side yards of no less than fifteen (15) feet, except when abutting a residential district, a side yard equal to that required in the adjoining residential district shall be required.
	Rear	A rear yard is not required; however where a proposed business use abuts a residential use, non-residential buildings shall be setback a distance at least equal to the setbacks required for the adjoining residential development.
Maximum Height	No more than three (3) stories; up to a maximum height of fifty (50) feet.	

5.1.4 SUPPLEMENTAL REGULATIONS.

As set forth in Chapter 7.

5.1.5 PARKING & LOADING.

As set forth in Chapter 11.

5.1.6 SIGNS.

As set forth in Chapter 12.

5.1.7 PERFORMANCE STANDARDS.

As set forth in Chapter 7.

5.2 SECTION 5.2: C-H- HIGHWAY BUSINESS DISTRICT

5.2.1 PURPOSE AND INTENT

The C/H Highway Business District provides for business development that is more intense in scale and density than allowed in the Neighborhood Business District and located at the convergence of major thoroughfares. Uses include a wide range of retail, office and business services that generally rely on high traffic volumes and visibility for their economic viability. All development shall be buffered from any parcel zoned residential or parcel being used for residential purposes. Uses that require large, low-story buildings (over 20,000 square feet), warehousing, or which may require significant outdoor storage or display areas are permitted as special uses. All Highway Business development shall be subject to the supplemental requirements of this Chapter.

5.2.2 PERMITTED USES.

A building or premises shall be used only for the uses specifically listed as “permitted” or “special” in Appendix E. Special Uses shall be subject to approval by the Village Board of Trustees in accordance with Special Use Procedures and Requirements contained in Chapter 14 and subject to such other restrictions and conditions deemed necessary.

5.2.3 BULK REGULATIONS

Bulk Regulations for Individual Lots (C-H)		
Minimum District Size:	Five (5) acres, however, when land being zoned C-H abuts land zoned Business or Industrial; it may be used in determining the minimum district size.	
Minimum Lot Area	2 Acres	
Minimum Lot Width	One hundred (150) feet	
Maximum Lot Coverage	The amount of gross site area covered by buildings and structures, surface parking, pavement for automobile circulation or permitted exterior business services, storage, merchandise display, repair or processing shall not exceed 80%	
Yard/Setback	Front	Building facades shall be placed a minimum of thirty (30) feet from the public right-of-way line.
	Side	Buildings shall have side yards of no less than fifteen (15) feet, except when abutting a residential district, a side yard equal to that required in the adjoining residential district shall be required.
	Rear	A rear yard is not required; however where a proposed business use abuts a residential use, non-residential buildings shall be setback a distance at least equal to the setbacks required for the adjoining residential development.
Maximum Height	No more than three (3) stories; up to a maximum height of fifty (50) feet.	

5.2.4 SUPPLEMENTAL REGULATIONS.

As set forth in Chapter 7.

5.2.5 PARKING & LOADING.

As set forth in Chapter 11.

5.2.6 SIGNS.

As set forth in Chapter 12.

5.2.7 PERFORMANCE STANDARDS.

As set forth in Chapter 7.

5.3 “I” INDUSTRIAL DISTRICT

5.3.1 PURPOSE

The purpose of the “I” Industrial District is to provide for industrial uses that are not objectionable to the community as a whole. Some retail uses are permitted that service the industrial uses within the industrial area or that do not depend upon intensive visits of retail customers. Outdoor storage must be completely screened and all industrial operations must be in an enclosed building. All industrial uses shall adhere to the regulations and standards contained herein to minimize negative land use externalities such as noise, smoke, vibration and other potential nuisances. Petitioners for industrial zoning are encouraged to apply for such zoning only in areas designated for industrial usage on the Future Land Use Plan of Innsbrook, Missouri. These regulations are intended to prohibit the intrusion of industrial uses in any residential area

5.3.2 PERMITTED USES

A building or premises shall be used only for the uses specifically listed as “permitted” or “special” in Appendix E. Special Uses shall be subject to approval by the Village Board of Trustees in accordance with Special Use Procedures and Requirements contained in Chapter 14 and subject to such other restrictions and conditions deemed necessary.

5.3.3 BULK REGULATIONS

Bulk Regulations for Individual Lots (I)		
Minimum District Size:	Three (3) acres.	
Minimum Lot Area	30,000 Square Feet	
Minimum Lot Width	One hundred (150) feet	
Maximum Lot Coverage	The amount of gross site area covered by buildings and structures, surface parking, pavement for automobile circulation or permitted exterior business services, storage, merchandise display, repair or processing shall not exceed 80%	
Yard/Setback	Front	40 feet
	Side	15 feet, except when abutting a residential district, a side yard equal to that required in the adjoining residential district shall be required.
	Rear	40 feet, however where a proposed business use abuts a residential use, non-residential buildings shall be setback a distance at least equal to the setbacks required for the adjoining residential development.
Maximum Height	No more than three (3) stories; up to a maximum height of forty-five (45) feet.	

5.3.4 SUPPLEMENTAL REGULATIONS.

As set forth in Chapter 7.

5.3.5 PARKING & LOADING.

As set forth in Chapter 11.

5.3.6 SIGNS.

As set forth in Chapter 12.

5.3.7 PERFORMANCE STANDARDS.

As set forth in Chapter 7.

6 RESERVED

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7 NON-RESIDENTIAL PROVISIONS

The following provisions apply to all non-residential zoning districts.

7.1 SITE PLAN REVIEW

To insure compliance with the provisions of this chapter for all non-residential uses, any exterior construction, change in use, or increase in the intensity of an existing use, including variances and Special Uses, but excluding normal maintenance activity, shall require site plan review by the Planning and Zoning Commission and approval by the Village Board of Trustees prior to the issuance of a building permit. This process shall insure that all development proposals are in compliance with applicable Village codes, ordinances, standards, and policies.

7.2 DESIGN Guidelines

All new development and/or redevelopment shall comply with the guidelines prescribed by the Appendix D, Design Guidelines.

7.3 SIMILAR AND COMPATIBLE USES

The determination of similar and compatible uses to those allowed as "permitted uses" in non-residential districts shall be made in accordance with Chapter 14, Section 14.7.2.

7.4 ACCESSORY USES AND TEMPORARY USES

Uses accessory and incidental to the operation of an approved use listed heretofore, shall be allowed in non-residential zoning districts only if in compliance with Chapter 8, Section 8.5. Temporary uses of property may be allowed in non-residential zoning districts only if in compliance with Chapter 8, Section 8.6.

7.5 SUPPLEMENTAL REGULATIONS

In considering development or redevelopment of property in non-residential zoning districts, the Planning and Zoning Commission will consider a range of issues including the following general categories:

- Overall Site Planning (Appendix D)
- Building Design Elements (Appendix D)
- Landscaping(Appendix D)
- Signage (Chapter 12)

7.5.1 TRUCKS

The parking of trucks, accessory to a permitted business, when used in the operation of said permitted business listed in the district, shall be limited to vehicles of not over one and one-half (1 1/2) tons capacity when located within one hundred fifty (150) feet of a residence district boundary line, or stored, parked, or otherwise confined to the premises overnight.

7.5.2 SEWER AND WATER

All uses requiring sanitary facilities shall be served by a municipal sewer and water system, a private community sewer and water system, or a private individual water supply system subject to the approval of the Village of Innsbrook, Warren County Health Department, and Missouri Department of Natural Resources.

7.5.3 EXTERIOR LIGHTING

All exterior lighting shall be shaded or inwardly directed and shall comply with the requirements in section 8.12.

7.5.4 UNDERGROUND WIRING

All utility distribution lines for telephone and electric service shall be installed underground within easements and dedicated public ways, except those overhead distribution feeder lines necessary to serve that subdivision and in locations as approved by the Village Engineer. All transformer boxes shall be located so as not to be unsightly or hazardous to the public. The installation of such facilities shall be made in compliance with applicable orders, rules, and regulations, now or hereafter effective and filed with the Planning and Zoning Commission pursuant to the state public utilities act of any public utility whose services will be required with respect to the provision of such underground facility. The Village Engineer may approve above ground installations in whole or part only when a request is submitted by the developer with documentation that supports the impracticability of installing such utility lines underground.

7.5.5 OPERATION WITHIN AN ENCLOSED STRUCTURE

All business, service, storage, and display of goods shall be conducted within completely enclosed structures, except for the following in districts where authorized:

- Off-Street Parking and Loading, as regulated by Chapter 11, Off-Street Parking and Loading.
- Automobile Service Stations.
- Outdoor Sale of Building and Garden Supply Materials and Goods.
- Accessory outdoor storage of related contractors equipment only as a part of an approved special use provided that a screening plan from abutting properties is included as a part of the special use.

- Sales or Display of Merchandise Sold or Offered for Sale Through Vending Machines, provided such machines do not occupy an aggregate ground area of more than sixteen (16) square feet.
- Sales or Display of Automobiles, Boats, Campers, Mobile Homes, Motorcycles, Recreational Vehicles, and Trucks.
- Temporary Outdoor or Sidewalk Sales, as regulated by Chapter 8, Section 8.6.
- Outdoor Tables or Seating Areas Accessory to Restaurants, as regulated by Chapter 8, Sections 8.5 and 8.7.
- Restriction on Sales and Services Involving Parked Motor Vehicles - Except for automobile service stations, drive-in restaurants, and drive-in bank and savings and loan association facilities, when authorized as special uses, no business establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles.
- Outdoor Storage of Wholesale, Warehouse, or Industrial Goods, where allowed as a permitted or special use.
- Other activities as approved as a condition of a special use permit

7.5.6 OUTDOOR STORAGE

All outdoor storage facilities shall be effectively screened and enclosed by a fence, wall, or hedge to conceal such facilities from adjacent zoning lots and the public right-of-way. However, the outdoor storage of uncontained bulk material is prohibited. Further, all outdoor sales space shall be provided with a permanent, durable, and dustless surface, and shall be graded as to prevent the accumulation of surface water.

7.5.7 LANDSCAPING

All required yards of developed business and industrial sites shall be landscaped and unpaved except for necessary drives, parking areas, and walkways; as regulated in Chapter 8, General Ordinance Provisions, Section 8.11.2.

7.5.8 FENCING AND SCREENING

Fencing and screening of all business and industrial uses shall be provided; as regulated in Chapter 8, General Ordinance Provisions, Section 8.7.2.

7.5.9 SIDEWALKS

Sidewalks shall be located one foot inside the right-of-way line, not less than three inches above the centerline of the street, and shall be not less than four feet in width and four inches in thickness. Construction shall be in accordance of the standard specifications for road and bridge construction.

7.6 PERFORMANCE STANDARDS

7.6.1 NOISE

For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer shall be employed. The flat network and the fast meter response of the sound level meter shall be used. Sounds of short duration which cannot be measured accurately with the sound level meter, shall be measured with the impact noise analyzer. Octave band analyzers calibrated in the preferred frequencies (American Standards Association S1 6-1960, Preferred Frequencies for Acoustical Measurements) shall be used with the following tables. The following uses and activities shall be exempt from the noise level regulations in non-residential districts:

- 1 Noises not directly under control of the property user.
- 2 Noises emanating from construction and maintenance activities between 7:00 A.M. and 6:00 P.M. Such activities are those which are non-routine operations accessory to the primary activities and which are temporary in nature, or conducted infrequently.
- 3 The noises of safety signals, warning devices, and emergency pressure relief valves.
- 4 Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.
- 5 At no point along the boundary of a residential district or along an adjacent lot shall the sound pressure level of any operation or plant exceed the decibel limits in the octave bands designated Table 7-1.

Table 7-1 - MAXIMUM PERMITTED SOUND PRESSURE LEVEL

Frequency (Hz)		Non-residential District Level (dB) ¹	
Greater Than	Less Than	I	Waiver Req'd
0	75	67	76
75	150	59	71
150	300	52	65
300	600	46	61
600	1,200	40	55
1,200	2,400	34	48
2,400	4,800	32	41
4,800		32	36

¹ Sound pressure level referenced to 20 µPa (rms) or 0.0002 dyne/cm² (rms)

7.6.2 VIBRATION

Any non-residential operation or activity which shall cause at any time and at any point along the nearest adjacent lot line, earth borne vibrations in excess of the limits set forth in Tables 7-2 and 7-3 for boundaries with non-residential and residential districts is prohibited. The following uses and activities shall be exempt from the vibration level regulations:

- 1 Vibrations not directly under the control of the property user.
- 2 Vibrations emanating from construction and maintenance activities between 7:00 A.M. and 6:00 P.M. Such activities are those which are non-routine operations accessory to the primary activities and which are temporary in nature, or conducted infrequently.
- 3 Transient vibrations of moving sources such as automobiles, trucks, airplanes and railroads.

Table 7-2 - MAXIMUM PERMITTED STEADY-STATE² VIBRATION DISPLACEMENT LEVEL¹

Frequency (Hz)		Non-Residential		Residential
Greater Than	Less Than	I	Waiver Req'd	I
0	10	0.0008	0.0020	0.0004
10	20	0.0005	0.0010	0.0002
20	30	0.0003	0.0006	0.0001
30	40	0.0002	0.0004	0.0001
40	50	0.0001	0.0003	0.0001
50		0.0001	0.0002	0.0001

¹ Vibrations shall be expressed as displacement in inches and shall be measured with a three-component measuring system approved by the Village Engineer.

² Steady-state vibrations, for purposes of this Ordinance, are vibrations which are continuous, or vibrations in discrete impulses more frequent than one hundred (100) per minute. Discrete impulses which do not exceed one hundred (100) per minute, shall be considered impact

vibrations and shall not cause in excess of twice the displacements stipulated.

Table 7-3 - MAXIMUM PERMITTED IMPACT² VIBRATION DISPLACEMENT LEVEL¹

Frequency (Hz)		Non-Residential		Residential
Greater Than	Less Than	I	Waiver Req'd	I
0	10	0.0016	0.0100	0.0006
10	20	0.0010	0.0050	0.0003
20	30	0.0006	0.0030	0.0002
30	40	0.0004	0.0020	0.0001
40	50	0.0002	0.0015	0.0001
50		0.0002	0.0010	0.0001

¹ Vibrations shall be expressed as displacement in inches and shall be measured with a three-component measuring system approved by the Village Engineer.

² Impact vibrations, for purposes of this Ordinance, are vibrations which occur in discrete impulses separated by an interval of at least one (1) minute and numbering not more than eight (8) in any twenty-four (24) hour period.

7.6.3 SMOKE AND PARTICULATE MATTER

The emission, from all sources within any lot, or particulate matter containing more than five (5) percent by weight of particles having a particle diameter larger than forty-four (44) microns is prohibited. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified herein is prohibited. The emission of smoke or particulate matter of a density or equivalent opacity equal to, or greater than, No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided herein. (The Ringelmann Chart is the chart published by the United States Bureau of Mines).

7.6.4 SMOKE EMISSION

In non-residential districts, the emission of more than twelve (12) smoke units per stack in any one (1) hour period is prohibited. However, once during any six (6) hour period each stack shall be permitted up to twelve (12) additional units in a fifteen (15) minute period for soot blowing and fire cleaning. Only during such fifteen (15) minute periods shall smoke of a density or equivalent opacity equal to, but not exceeding, Ringelmann No. 3 be permitted, and then only for fire cleaning and for not more than four (4) minute per period.

7.6.5 PARTICULATE MATTER

The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed the rate established in Table 7-4:

Table 7-4 - MAXIMUM PERMITTED PARTICULATE MATTER EMISSION RATE¹

Site Size (Acres)		Industrial District	
Greater Than	Less Than	I	Waiver Req'd
0	50	1.00	3.00
50	100	1.01	3.00
100	150	1.06	3.50
150	200	1.10	3.80
200	300	1.16	4.20
300	400	1.30	5.00
400		1.50	7.00

¹ Height of Emission - Pounds Per Hour

7.6.6 METHOD OF MEASUREMENT

7.6.6.1 SMOKE

For the purpose of grading the density or equivalent opacity of emission of smoke, the Ringelmann Chart shall be employed. For the purpose of determining smoke units, the Ringelmann reading shall be made at least every minute during the period of observation. Each reading (Ringelmann number) shall be multiplied by the time in minutes for which it is observed, and the products added together to determine the total number of smoke units observed during the total period of observation.

7.6.6.2 PARTICULATE MATTER

The total net rate of emission of particulate matter within the boundaries of any lot shall be determined as follows: Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the hourly rate of emission in pounds per acre. Add together the individual rates of emission from all sources of emission within the boundaries of the lot. It is the total that shall not exceed the rate established in Table 7-4.

7.6.6.3 ODORS

No continuous, frequent, or repetitive emission of odors or odor-causing substances which would be offensive beyond any property line of any non-residential use will be permitted. An

odor emitted no more than fifteen (15) minutes in any one (1) day shall not be deemed as continuous, frequent, or repetitive within the meaning of these regulations. The existence of an odor shall be presumed when analysis by a competent technician demonstrates that a discernible odor is being emitted. Any process which may involve the creation or emission of any odors shall be provided with a primary and a secondary safeguard system that control will be maintained if the primary safeguard system fails. The rules and regulations of the Missouri Environmental Protection Agency shall be complied with.

7.6.6.4 RADIATION HAZARDS

The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with the applicable regulations of the Atomic Energy Commission and the applicable regulations of any instrument of the State of Missouri.

7.6.6.5 FIRE AND EXPLOSIVE HAZARDS

1.1.1 The provisions of the Missouri Revised Statutes shall be complied with, and no explosives shall be stored, used, or manufactured without first submitting to the Zoning Administrator a certificate of compliance from both the Missouri Department of Natural Resources and the Warrenton or Wright City Fire Protection Districts.

2.1.1 No gasoline or other inflammables or explosives shall be stored unless the locations, plans and construction conform to the laws and regulations of the State of Missouri and have the approval of both the Missouri Department of Public Safety and the fire protection district having jurisdiction.

7.6.6.6 GLARE AND HEAT

Every use and activity shall be so operated that it does not emit heat or heated air beyond the boundary of the lot on which it is located. No direct or sky-reflected glare shall emanate from any use or activity so as to be visible at any point on or beyond the boundary of the lot on which such use or activity is located. This restriction shall not apply to signs otherwise permitted by the provisions of the Zoning Ordinance or other applicable ordinances, nor to activities of a temporary or of an emergency nature, nor to night lighting necessary for safety and the protection of property.

7.6.6.7 ELECTROMAGNETIC INTERFERENCE

There shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.

7.7 PERFORMANCE STANDARD REQUIREMENTS

7.7.1 SHOWING OF PROBABLE COMPLIANCE

Uses, buildings, or structures required to comply with this provision, prior to establishment or alteration, shall make a showing of probable compliance with these performance standards. Said showing shall be in the form of a letter submitted with the zoning application (or building application if proper non-residential zoning already exists), prepared by a professional engineer licensed by the State of Missouri, certifying that said use, building, or structure complies with all non-residential performance standard requirements. Said letter shall be based on the engineer's personal scrutiny of the site and proposed use or alteration, and shall have analytical foundation in accepted engineering principles. In addition, the Zoning Administrator may require the applicant to submit:

- 1 A plot plan showing the location of all present and proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, streets, streams, or other significant features on or within two hundred (200) feet of the proposed site.
- 2 A description of the activity to be conducted regarding waste products, external effects, or other conditions which are regulated herein; provided however, that the applicant shall not be required to reveal any trade secrets or sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.
- 3 The type and location of abatement devices to control, or recording instruments to measure, conformance with required standards, not including devices and instruments which are inherent in the manufacturing process.
- 4 Such other data and certification as may reasonably be required by the Zoning Administrator to reach a determination.

All information and evidence submitted in applications to indicate conformity to performance standards shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

7.7.2 ADMINISTRATIVE OPTIONS

The Zoning Administrator may, upon application submittal, approve and authorize the establishment of said use, building, or structure provided that all pertinent provisions of this Ordinance, and other applicable Village laws, are complied with. If, however, the Zoning Administrator determines that the proposed use, building, or structure may not comply with performance standards, she/he may inform petitioner that either more information is necessary or that an independent engineering analysis of the proposed use, building, or structure is required.

7.7.3 NEED FOR INDEPENDENT ENGINEERING ANALYSIS

If the Zoning Administrator determines that there is reason to doubt compliance with any applicable performance standard provision, a state licensed professional engineer of the Village's choosing--but acceptable to the petitioner--may be asked to analyze the prospects of compliance. Disagreements shall be resolved by a state licensed professional engineer chosen by representatives of the Village and the petitioner. Costs of such analysis shall be borne by the petitioner.

7.7.4 USE OF INDEPENDENT ENGINEERING ANALYSIS

Upon submission of an independent engineering analysis authorized by the Village, the Zoning Administrator shall authorize establishment of the use, building, or structure if said independent analysis confirms probable compliance with this provision and if all other applicable provisions of this and other Village laws and ordinances are satisfied. If, however, the independent engineering analysis indicates that the proposed use, building, or structure is not likely to comply with this provision, then said application shall be denied until such time that the proposal is able to fully comply.

7.7.5 APPEAL OF ADMINISTRATIVE DETERMINATION

Action, or a lack of action by the Zoning Administrator, with reference to these performance standards may be appealed to the Village Board of Adjustment. In instances when the Zoning Administrator has taken action, said action may be appealed within thirty (30) days. In instances when no action has been taken by the Zoning Administrator within one hundred twenty (120) days after formal filing of the application, the lack of action may be appealed to the Village Board of Adjustment. In either instance, the Zoning Administrator shall be present at the appeal proceedings.

7.7.6 CONTINUED ENFORCEMENT

The Zoning Administrator shall investigate any purported violation of performance standards. To constitute a violation, a use building, or structure must have been established subject to Section 7.9 and must be found to be operating in conflict with this provision. Also, uses, buildings, or structures lawfully established prior to the effective date of this Ordinance and subject to performance standards existing at that time, may be found to be in violation with those previously applicable standards. Alleged violations may be brought to the Zoning Administrator's attention by employee's of his office, Village, County, or State law enforcement officials, health or environmental employees, other officials, or interested citizens. If a violation is alleged, the Zoning Administrator shall inform the suspected perpetrator and shall initiate an independent engineering analysis consistent with the analysis procedure outlined in Section 7.16.4. Administrative determinations made in conjunction with said analysis may be appealed in the same manner heretofore outlined.

7.7.7 REVOCATION OF PERMITS

If an alleged violation is determined to be valid by the independent engineering analysis, any permits previously issued in conjunction with the established use, building, or structure shall be void and the operator shall be required to cease operation until the violation is remedied. Failure to cease operation within two (2) days of notice to do so by the Village shall constitute an aggravated violation of this Ordinance and the penalty provision cited in Chapter 14 shall be imposed.

8 GENERAL ORDINANCE PROVISIONS

8.1 INTERPRETATION

8.1.1 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

8.1.2 CONFLICTING LAWS

Where the conditions imposed by any provisions of this Ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule, or other governmental regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

8.1.3 EXISTING AGREEMENTS

This Ordinance shall not abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

8.1.4 EXISTING VIOLATIONS

No building, structure, or use which was not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any manner that said lawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure, or use remains non-conforming hereunder.

8.1.5 PERMIT

Nothing contained in the Innsbrook Zoning Ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity.

8.1.6 CUMULATIVE REGULATIONS

The provisions in the Innsbrook Zoning Ordinance are cumulative and additional limitations upon all other laws and ordinances, heretofore, passed or which may be passed hereafter, governing any subject matter in the Innsbrook Zoning Ordinance.

8.2 SEPARABILITY

It is hereby declared to be the intention of the Village Board of Trustees of Innsbrook that the several provisions of this Ordinance are separable, in accordance with the following:

8.2.1 ORDINANCE PROVISIONS

If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

8.2.2 PROPERTY APPLICATION

If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

8.3 SCOPE OF REGULATIONS

It is hereby declared that the provisions of this Ordinance shall apply to all properties as hereinafter specifically provided:

8.3.1 NEW USES

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, enlarged, moved, or structurally altered, and no building, structure, or land shall hereafter be used, occupied, or arranged or designed for use or occupancy, not shall any excavating or grading be commenced in connection with any of the above matters, except as permitted by the regulations of this Ordinance for the zoning district in which such building, structure or land is located.

8.3.2 EXISTING USES

Except as may otherwise be provided, all structural alterations or relocation of existing buildings or other structures occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations herein which are applicable to the zoning districts in which such buildings, structures, uses, or land shall be located.

8.3.3 BUILDING PERMITS

Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the

building permit has been issued, and further, may upon completion be occupied for the use for which originally designated subject thereafter to the provisions of Chapter 13, Non-Conforming Uses, Lots and Structures. This Section shall also control building permits lawfully issued prior to the future amendments to this Ordinance.

8.3.4 SPECIAL USES

Where a structure and use of land lawfully exists on the effective date of this Ordinance, and is classified by this Ordinance as a special use in the district where it is located, such use shall be considered a lawful special use. A special use permit issued in accordance with procedures herein set forth shall be required only for any expansion or major alteration of such existing legal special use.

Where a use is not allowed as a special or permitted use in the district in which it is zoned under this Ordinance, and exists as a special use under the terms of the Ordinance immediately prior to the date of the adoption of this Ordinance, it shall be considered to be a legal non-conforming use and shall not be subject to the use provision of Chapter 14 hereof.

If the special use ceases for a period of more than one (1) year, the special use permit shall be void and the special use cannot again be started.

A special use permit may authorize one (1) or more special uses, in accordance with the terms of said special use permit.

8.3.5 NUMBER OF BUILDINGS ON A ZONING LOT

Not more than one (1) principal detached single-family or two-family residential building shall be located on a zoning lot, nor shall a principal attached single-family residential building be located on the same zoning lot with any other principal building, except in the case of Planned Developments or residential clusters, if authorized by special use.

More than one (1) principal building, other than single-family detached or two-family residential buildings, may be located on a zoning lot provided the Ordinance requirements are met separately for each individual use. Lot area, or other criteria, used to satisfy one (1) use cannot be counted again and used to satisfy a separate use.

8.3.6 TWO USES ON A LOT

Where two (2) or more permitted or special uses, each requiring a minimum lot area, are provided in the same building or on the same lot, the required lot area shall be the sum of the areas required for each use individually.

8.3.7 OPEN USE

Where a lot is to be occupied for a permitted use without buildings, the site and structure provisions applicable for such lot shall be provided and maintained unless otherwise stipulated in this Ordinance, except that side and rear yards shall not be required on lots used for garden purposes without buildings or structures nor on lots used for public recreation areas.

8.3.8 ACCESS ACROSS RESIDENTIAL PROPERTY

No land which is located in a residence district shall be used for driveway, walkway, or access purposes to any land which is located in a commercial or industrial district, or used for any purpose not permitted in a residential district except in the case of permitted Planned Developments.

8.4 BULK, LOT AREA, AND YARD REQUIREMENTS

8.4.1 CONTINUED CONFORMITY WITH BULK REGULATIONS

The maintenance of yards, other open space, and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

8.4.2 DIVISION OF ZONING LOTS

No improved zoning lot shall hereafter be divided into two (2) or more zoning lots, and no portion of any improved zoning lot shall be sold unless all improved zoning lots resulting from each such division shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

If a lot is built upon under one (1) building permit, than divided for selling purposes, it can only be so divided if each saleable lot, or portion of the original lot, is platted as a lot of record and conforms to Innsbrook Subdivision Regulations.

8.4.3 LOCATION OF REQUIRED OPEN SPACE

All yards and other open spaces allocated to a building or buildings shall be located on the same zoning lot as such building or buildings.

8.4.4 REQUIRED YARDS

8.4.4.1 FRONT YARDS

Front yards shall be unobstructed from ground level to sky, except as allowed in Section 8.4.5.

Exception - Where more than thirty per cent (30%) of the frontage on one (1) side of a duly recorded subdivided block is occupied by residences on the effective date of this Ordinance, the average setback from the front lot line of such existing residences shall be maintained by all new or relocated structures, but in no case shall the setback from the front lot line be less than twenty (20) feet. All accessory buildings which are attached to principal buildings (as attached garages) shall comply with the yard requirements of the principal buildings.

8.4.4.2 INTERIOR SIDE YARDS

Interior side yards shall be unobstructed from ground level to the sky, except as allowed in Section 8.4.5 and 8.4.6. All accessory buildings which are attached to principal buildings (as attached garages) shall comply with the yard requirements of the principal buildings. Provided, however, that in any residence district, on a lot of record on the effective date of this Ordinance which is less than eighty (80) feet in width, each side yard shall be not less than eight (8) per cent of the lot width, but in no case less than three (3) feet.

8.4.4.3 CORNER SIDE YARDS

Corner side yards shall be unobstructed from ground level to the sky, except as allowed in Sections 8.4.5 and 8.4.6. All accessory buildings which are attached to principal buildings (as attached garages) shall comply with the yard requirements of the principal buildings. Provided, however, that in any residence district on a lot of record on the effective date of this Ordinance, which is less than eighty (80) feet in width, a single-family dwelling may provide a corner side yard which shall not be less than twenty (20) percent of the width, but in no case less than ten (10) feet.

8.4.4.4 REAR YARDS

Rear yards shall be unobstructed from ground level to the sky, except as allowed in Sections 8.4.5 and 8.4.6. All accessory buildings which are attached to principal buildings (as attached garages) shall comply with the yard requirements of the principal buildings. Provided, however, that in any residence district on a lot of record on the effective date of this Ordinance, which is less than one hundred and twenty-five (125) feet in depth, the rear yard shall not be less than eight (8) per cent of the lot depth, but in no case less than six (6) feet.

8.4.4.5 STREET WIDENINGS

- 3.1.1 Existing Lots - For existing lots with existing structures, the required yard adjoining a street may be reduced below the required minimum to provide right-of-way for a street widening.
- 4.1.1 Setbacks for Street Widening - Notwithstanding any other provision of this Ordinance, no building or structure shall be erected, constructed, structurally altered, or enlarged closer to the centerline of an existing or proposed street than provided for by the minimum setback plus one-half (1/2) of established right-of-way width

designated by the Village. The minimum setbacks on lots abutting a street or thoroughfare shall be the distance required for a front yard, or side yard, adjoining a street, in the districts where such lots are located, measured from the existing right-of-way line of the street or thoroughfare, or from the proposed right-of-way line as duly established by other ordinances or as established by County or State Highway authorities-whichever has the greater right-of-way width requirements.

8.4.4.6 EXCEPTIONS

5.1.1 Where fifty (50) percent or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have observed (within a variation of ten (10) feet or less) a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

6.1.1 Where fifty (50) percent or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have been legally constructed and that have not observed a front yard as herein required, then:

7.1.1 Interior Lots

8.4.4.6.1.1 Where a building is to be erected within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the two (2) existing buildings.

8.4.4.6.1.2 Where a building is to be erected within one hundred (100) feet of an existing building on one (1) side only, it may be erected as close to the street as the existing building.

8.1.1 Corner Lots - The depth of the setback lines shall be as normally required in the district where the lot is located.

8.4.4.7 VISION CLEARANCE - CORNER LOTS

On corner lots no structures or plant materials shall obstruct a clear path of motor vehicle drivers' vision of approaching vehicles within a triangular area determined by a diagonal line measured along the subject property line, connecting two (2) points measured thirty-five (35) feet equidistant from the street pavement corner of the two (2) intersecting street lines.

In any commercial district such distance may be reduced to ten (10) feet and shall not apply to that part of a building above the first floor.

8.4.5 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

The following structures shall be allowed to project into or to be constructed in any required yard:

- Antennas.
- Arbors and Trellises.
- Bay Windows, not to exceed two (2) feet.
- Chimneys, not to exceed two (2) feet.
- Clothesline posts.
- Driveways, subject to Chapter 11.
- Fences, Walls, and Hedges in accordance with other provisions of this Chapter.
- Flagpoles.
- Garbage Disposal Equipment, non permanent.
- Island and Pumps for Gasoline Stations, minimum setback of twenty (20) feet.
- Landscape Features.
- Overhanging Roof, Eave, Gutter, Cornice or Other Architectural Features, not to exceed three (3) feet.
- Permitted Accessory Structures; in accordance with other provisions of this Chapter.
- Planting Boxes.
- Recreational Equipment.
- Sidewalks and Steps.
- Steps, or Ramps, Stairs, to a dwelling, nonenclosed, not to exceed four (4) feet.
- Terraces (Open) and Porches (Nonenclosed), not to exceed four (4) feet into any required front or side yard and not to exceed ten (10) feet into any required rear yard.
- Gazebos (attached to principal building via non-enclosed porch or open terrace), not to exceed ten (10) feet into any required rear yard. Such gazebos should conform to the provisions of Section 8.5.4 of the Zoning Ordinance in regard to separation from the principal building; however, such gazebos may be permitted to be located closer than ten (10) feet, but no closer than five (5) feet, to the principal building subject to review by the Warrenton or Wright City Fire Protection District for possible access concerns to single story or multiple story homes or buildings or other fire safety related matters.
- Trailers and Boats.
- Trees, Shrubs, Flowers, and Other Plant Material, in accordance with the vision requirements of this Chapter.
- Yard and Service Lighting Fixtures and Standards.
- Awnings and Canopies, not to exceed three (3) feet.
- Mailboxes.
- Marquees, not to exceed five (5) feet.
- Signs, in accordance with Chapter 12.

8.4.6 FLOOR AREA OF ACCESSORY BUILDINGS

The floor area of accessory buildings shall be included in the total allowable floor area permitted on a zoning lot; however, any floor area devoted to required off-street parking or loading facilities shall not be counted in the floor area used to determine floor area ratio. Shall be in accordance with section 8.5.1.5.

8.4.7 LOTS

8.4.7.1 CORNER LOTS

On a corner lot, the front lot line shall be the lot line having the shorter dimension abutting a street line.

8.4.7.2 THROUGH LOTS

On a through lot, one (1) of the two (2) lot lines abutting public streets shall be designated by the Office of the Zoning Administrator as the front lot line, except that when a front line has previously been established on one (1) or more lots located on the same block as a through lot(s) and all have established front lot lines along the same street line, the street line designated as the front lot line for such lot or lots shall be the front lot line of the through lot(s) in such block.

8.4.8 STRUCTURE HEIGHT

The following requirements supplement the district regulations regarding structure height established heretofore:

8.4.8.1 HEIGHT EXCEPTIONS

The following structures or parts thereof are exempt from the height limitations set forth in the several zones; except as limited by any height restriction imposed by any airport authority, or other municipal corporation operating an airport, and as limited by regulations for airports and heliports.

9.1.1 Public utility poles, towers, and wires.

10.1.1 Water tanks and standpipes.

11.1.1 Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, roof gardens, recreational facilities, wireless towers, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances.

8.4.8.2 PLANNED DEVELOPMENTS

Buildings in Planned Developments may exceed height limits established for the district in which the Planned Development is located, provided that "Departure from Standards" criteria established in Chapter 10 are met in the judgment of the Village Board of Trustees, acting upon the recommendation of the Planning and Zoning Commission.

8.5 ACCESSORY USE REGULATIONS

8.5.1 STRUCTURES

8.5.1.1 PURPOSE

Accessory uses, buildings, or other structures customarily incidental to and commonly associated with a use allowed as an approved permitted or special use within a particular zoning district may be permitted to occupy the same zoning lot as said approved use. To qualify as an accessory use, building, or structure permitted in this Section said use shall be operated and maintained under the same ownership and on the same zoning lot as the approved uses; it shall not include structures or structural features inconsistent with the approved principal use; and it shall not involve the conduct of any business, profession, or trade unless expressly authorized hereinafter.

8.5.1.2 PLANS

A site plan drawn to scale with required dimensions showing where the structure will be built must be submitted.

If using a prefabricated structure, the manufactures specifications must be submitted.

8.5.1.3 PERMITTED ACCESSORY USES, BUILDINGS, AND STRUCTURES

12.1.1 IN AFM/RESIDENTIAL ZONES AND ACCESSORY TO RESIDENCES

The following activities and uses shall be considered as activities and uses accessory to principal uses in all residential zones, as well as activities and uses similar to the following. In addition, when a residence lawfully exists as a permitted or special use in the C/O-1 zoning classification, the following uses and activities shall be considered accessory to said principal use:

8.5.1.3.1.1 Agricultural Buildings and Structures (only in zoning districts where farms are an authorized principal use).

8.5.1.3.1.2 Air Conditioners.

8.5.1.3.1.3 Antennas.

8.5.1.3.1.4 Boathouses; private.

8.5.1.3.1.5 Columbariums (in cemeteries).

8.5.1.3.1.6 Conservatories; private.

8.5.1.3.1.7 Crematories (in cemeteries).

8.5.1.3.1.8 Fallout Shelters (subject to the applicable provisions of Chapter 8, Section 8.7).

- 8.5.1.3.1.9** Fences, Walls, and Hedges (subject to the applicable provisions of Chapter 8, Section 8.7).
- 8.5.1.3.1.10** Garages, Carports, or other parking spaces (for the exclusive use of residents, occupants, and guests of the premises).
- 8.5.1.3.1.11** Gardening.
- 8.5.1.3.1.12** Guest Houses; private (must have a minimum of five (5) acre lot size and shall not exceed five hundred (500) square feet in total floor area).
- 8.5.1.3.1.13** Home Occupations (subject to the applicable provisions of Chapter 8, Section 8.5.3).
- 8.5.1.3.1.14** Mausoleums (in cemeteries).
- 8.5.1.3.1.15** Roadside Stands (for the display and sale of agricultural products on zoning lots where the principal use is agricultural).
- 8.5.1.3.1.16** Stables; private and non-commercial (only on zoning lots at least five (5) acres in size and only for the boarding of residents' horses).
- 8.5.1.3.1.17** Swimming Pools and Tennis Courts (exclusively for the use of residents and their guests).
- 8.5.1.3.1.18** Tool Houses, Sheds, and Other Similar Buildings (for the storage of customary domestic supplies).
- 8.5.1.3.1.19** Water Retention and Detention Areas.

13.1.1 IN BUSINESS ZONES

The following activities and uses shall be considered as activities and uses accessory to principal uses in commercial zones, subject to the limits specified:

- 8.5.1.3.1.20** Agricultural Buildings and Structures (only in zoning districts where Farms are an authorized principal use).
- 8.5.1.3.1.21** Air Conditioners.
- 8.5.1.3.1.22** Antennas.
- 8.5.1.3.1.23** Fallout Shelters (subject to the applicable provisions of Chapter 8, Section 8.7).
- 8.5.1.3.1.24** Fences, Walls, and Hedges (subject to the applicable provisions of Chapter 8, Section 8.7).
- 8.5.1.3.1.25** Garages, Carports, and Other Parking Spaces (for exclusive use of residents, occupants, guests, employees or patrons of the premises).

8.5.1.3.1.26Roadside Stands (for the display and sale of agricultural products on zoning lots where the principal use is agriculture).

8.5.1.3.1.27Water Retention and Detention Areas.

8.5.1.3.1.28Outdoor Tables or Seating Areas, as accessory uses to restaurants subject to the applicable provisions of Chapter 8, Sections 8.5 and 8.7.

14.1.1 IN INDUSTRIAL ZONES

The following activities and uses shall be considered as activities and uses accessory to the principal uses in industrial zones, subject to the limits specified:

8.5.1.3.1.29Agricultural Buildings and Structures (only in zoning districts where Farms are an authorized principal use).

8.5.1.3.1.30Air Conditioners.

8.5.1.3.1.31Antennas.

8.5.1.3.1.32Fallout Shelters (subject to the applicable provisions of Chapter 8, Section 8.7).

8.5.1.3.1.33Fences, Walls, and Hedges (subject to the applicable provisions of Chapter 8, Section 8.7).

8.5.1.3.1.34Garages, Carports, and Others Parking Spaces (for exclusive use of residents, occupants, guests, employees, or patrons of the premises).

8.5.1.3.1.35Roadside Stands (for the display and Sale of agricultural products on zoning lots where the principal use is agriculture).

8.5.1.3.1.36Retail Outlet Stores (accessory to a manufacturing or wholesale establishment).

8.5.1.3.1.37Water Retention and Detention Areas.

15.1.1 PUBLIC LAND USES

Any use deemed to be customarily incidental and accessory to an authorized principal use, by the Village Board of Trustees, may be permitted as an accessory use within any District.

16.1.1 UNLISTED ACCESSORY USES

Any use not listed as an accessory use, building, or structure which is customarily incidental to an approved principal use--if not heretofore listed in this Section--may be permitted as an accessory use, if processed under the Similar and Compatible Uses procedures of this Ordinance. Each use requested to be classified as accessory, and not heretofore listed, shall meet the following standards as well as standards for Similar and Compatible Uses itemized in Chapter 14:

8.5.1.3.1.38 It shall be customarily incidental to the principal use established on the same lot, and shall serve no other principal use or purpose.

8.5.1.3.1.39 It shall be subordinate in area, floor area, intensity, extent and purpose to the principal use.

8.5.1.3.1.40 It shall contribute to the comfort, convenience, or necessity of users of the principal use.

8.5.1.4 LOCATION OF ACCESSORY STRUCTURES

When a side yard is required, no part of any accessory structure shall be located closer than three (3) feet to the side lot line along such side yard and in a Residential District for each foot over twenty-two (22) feet in length that the wall of a detached accessory structure parallels and is next to a side lot line, the required distance between the accessory structure and the side lot line shall be increased by an additional one (1) foot. When a rear yard is required, no part of an accessory structure shall be located closer than five (5) feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard and in a Residential District for each foot over twenty-two (22) feet in length that the wall of a detached accessory structure parallels and is next to a rear lot line, the required distance between the accessory structure and the rear lot line shall be increased by a additional one (1) foot. In a residential district, no detached accessory structure shall be closer than ten (10) feet to the principal building and for each foot over twenty (20) feet in length that the wall of an accessory structure parallels and is next to the principal structure, the required distance between the structures shall be increased by an additional foot. In a Residential District for detached accessory structures that exceed fifteen (15) feet in height, measured from the grade level of the accessory structure, the required distance between the accessory structure and the side and rear lot line shall be increased, in addition to the previous requirements of this Section, one (1) foot for each one (1) foot over fifteen (15) feet in height.

8.5.1.5 TIME OF CONSTRUCTION

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.

8.5.1.6 PERCENTAGE OF REQUIRED YARD OCCUPIED

Accessory building(s) or structure(s) shall not occupy more than thirty (30) percent of the area of the required yard.

8.5.1.7 HEIGHT IN REQUIRED REAR YARDS

No detached accessory building or structure located in a required rear yard shall exceed the height of the principal structure or twenty (20) feet in height, measured from the grade level of

the principal structure, whichever is less, except that an accessory antenna shall not exceed fifty (50) feet measured from the grade level of the principal structure.

8.5.1.8 REVERSED CORNER LOTS

On a reversed corner lot in a residence district, no accessory structure or portion thereof in a required rear yard shall be located closer to the side lot line abutting the street than a distance equal to two-thirds (2/3) the minimum depth which would be required under this Ordinance for the front yard on adjacent property located to the rear of the subject property. Further, no accessory structure shall be erected in or encroach upon the required side yard of a reversed corner lot which is adjacent to the street.

8.5.1.9 ON THROUGH LOTS

No accessory structure or portion thereof, other than a fence, shall be located in the required rear yard setback of a through lot, which is adjacent to the street.

8.5.1.10 UNUSUAL CIRCUMSTANCES

Where property geometry and/or features, such as lakes or severe terrain, prevent the above requirements from being satisfied in a practical or economic manner, the permit request shall be submitted to the Planning and Zoning Commission with justification for approval. Should the applicant disagree with the decision of the Planning and Zoning Commission the matter shall be submitted to the Board of Adjustment for resolution.

8.5.2 HOME OCCUPATIONS

8.5.2.1 DEFINITION OF USE

Home occupations, as defined in this Ordinance, are allowed as accessory uses in specified districts. A home based business (home occupation) is an occupation or profession which is customarily carried on entirely within the dwelling unit by a member of the family residing in the dwelling unit, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

In most cases, home based business results in a home offices, where business is done via the U.S. Mail, phone, fax and/or computer. Typically, home occupations have limited customer traffic coming to the residence, do not require or possess equipment supplies which are not customarily found in a residence, and are characterized by business being done off-site.

8.5.2.2 COMPLIANCE REQUIREMENTS

Home occupations shall comply with the following:

- 17.1.1 The home occupation is practiced only by a member or members of the family or individuals permanently residing on the premises, and no more than one (1) person is employed other than an occupant of the premises.

- 18.1.1 The area consumed by the home occupation is limited to not more than one room or fifteen (15) percent of the floor area of one (1) floor or three hundred (300) square feet of floor area within the principal residence or on the zoning lot, whichever is less, including any area in a basement, garage or accessory structure.
- 19.1.1 There shall be no signs, displays, or activity that will indicate from the exterior that the structure is being used, in part, for any purpose other than that of a residence, except that one (1) identification sign not exceeding one (1) square foot in aggregate gross surface area, as regulated in Chapter 12.
- 20.1.1 The home occupation and all related activity, including storage, shall be conducted completely within the dwelling unit or permitted accessory structure.
- 21.1.1 There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service.
- 22.1.1 There shall be no special structural alterations, or construction features, to the residence or permitted accessory structures, nor the installation of special equipment attached to walls, floors, or ceilings.
- 23.1.1 The home occupation and any related activity shall not create any traffic hazards or nuisances in the public streets and other public rights-of-way and all vehicle parking generated by such operations shall be located on the zoning lot to which the home occupation is a permitted accessory use.
- 24.1.1 There shall be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure in which the home occupation is located as a permitted accessory use in excess of that normally associated with residential use.
- 25.1.1 Home and garage sales shall not be considered home occupations, but shall be regulated as temporary uses in accordance with the applicable provisions of Section 8.6.4.5.

8.5.2.3 PERMITTED HOME OCCUPATIONS

The following are examples of permitted home occupations.

- 26.1.1 Dressmakers, seamstresses, tailors. Not more than one (1) client on the premises at a time shall be permitted.
- 27.1.1 Instructional services for not more than one (1) pupil at a time. No group instruction shall be permitted.
- 28.1.1 Artists, sculptors, authors, composers, and home crafts. Not more than one (1) client on the premises at a time shall be permitted.
- 29.1.1 Home office of a salesman, sales representative or a manufacturer's representative, but only when no retail or wholesale sales are made or transacted on the premises, except by telephone, and when no products or materials are displayed, warehoused or stored upon the premises.

- 30.1.1 Home office of an accountant, architect, broker, engineer, insurance agent, land surveyor, professional consultant, lawyer, real estate agent, or computer programmer. Not more than one (1) client on the premises at a time shall be permitted.
- 31.1.1 Ministers, rabbis, priests.
- 32.1.1 Babysitting of not more than four (4) children in addition to the children of the resident household.

8.5.2.4 THE FOLLOWING USES ARE HEREBY PROHIBITED AS HOME OCCUPATIONS:

- 33.1.1 Automobile, snowmobile, motorcycle, or recreational vehicle repair and service.
- 34.1.1 Industrial machinery repair and service.
- 35.1.1 Automobile and vehicular repair.
- 36.1.1 Equipment Rental Business.
- 37.1.1 Stables or kennels in residential districts.
- 38.1.1 Eating and/or drinking establishment.
- 39.1.1 Nursery schools and kindergartens and child-sitting services having more than four (4) children at any one time not including members of the immediate family of the operator.
- 40.1.1 Tourist homes.
- 41.1.1 Veterinarian services or animal hospitals.
- 42.1.1 Mortuaries and embalming establishments.
- 43.1.1 Private clubs, including fraternity and sorority houses.
- 44.1.1 Uses of similar character after determination by the City Planner or Administrator

8.6 TEMPORARY USE REGULATIONS

8.6.1 PURPOSE

The provisions of this Section are based on the recognition that there are uses and structures which, because of their unique characteristics, cannot be permitted in any particular district on a permanent basis, but which may be either necessary or desirable for a temporary period, provided they are carefully regulated with respect to location and operation. The temporary uses and structures permitted by this Section shall be so established and maintained so as to least interfere with the use and enjoyment of neighboring uses and structures and to insure public safety and convenience.

8.6.2 PERMIT REQUIRED

A temporary use permit shall be required prior to the establishment of any temporary use or structure. Compliance with the standards and the purpose of this Ordinance and with all other applicable Village Ordinances shall be a pre-requisite for the continued validity of all temporary use permits.

8.6.3 PROCEDURE

Application for a temporary use permit shall be made to the Zoning Administrator and shall be granted upon full compliance with the standards set forth in this Ordinance. The Zoning Administrator, to determine whether the applicant will meet the standards set forth in this Ordinance, shall require the applicant to submit the following information:

8.6.3.1 LEGAL DESCRIPTION

A survey or legal description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately locate and portray the property.

8.6.3.2 WRITTEN DESCRIPTION

A written description and/or drawing of the proposed temporary use or structure.

8.6.3.3 REQUIREMENTS

Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to adequately service the proposed temporary use or structure.

8.6.3.4 OTHER DATA

Such other data and certification as may reasonably be required by the Zoning Administrator to reach a determination that the proposed temporary use or structure will comply with this Ordinance.

8.6.4 USES AND STRUCTURES

Temporary uses and structures which may be allowed pursuant to this Section shall include, but are not limited to, the following:

8.6.4.1 BLOCK PARTIES AND STREET DANCES

In any district, a temporary use permit shall be required for a block party, street dance, or similar public gathering involving the closing of a public street or streets. Major or secondary thoroughfares shall not be blocked by such activities. Each permit shall be issued for a period not to exceed three (3) days.

8.6.4.2 CARNIVALS AND CIRCUSES

On any site not used for residential purposes, a temporary use permit shall be required for a carnival or circus. The permit shall be valid for a period of not more than fifteen (15) days, and provided that a period of at least ninety (90) days shall intervene between the termination of one (1) period and the issuance of another permit for the same location. Any temporary structures and/or tents erected to house all or part of a carnival or circus shall be removed within three (3) days of completion of the carnival or circus.

8.6.4.3 CHRISTMAS TREE SALES

On any site not used for residential purposes, a temporary use permit shall be required for the display and open-lot sale of Christmas trees for a period not longer than forty-five (45) days.

8.6.4.4 CONTRACTOR'S OFFICES AND EQUIPMENT SHEDS

In any zone, a temporary use permit shall be required for a contractor's temporary office and equipment sheds incidental and necessary to a construction project in the Village of Innsbrook. The permit shall be valid for six (6) month period and renewable for six (6) successive periods at the same location. However, the office, shed, or storage area shall be removed within thirty (30) days of completion of the construction project.

8.6.4.5 HOME AND GARAGE SALES

In any residential district, a temporary use permit shall be required for a home or garage sale. The sale must be incidental to the use of the property for residential purposes and must be conducted in such a manner as to be compatible with the residential character of the neighborhood. Each permit shall be valid for a period of not more than four (4) days. Not more than two (2) permits for a home or garage sale shall be issued for the same zoning lot in one calendar year, January 1 to December 31.

8.6.4.6 REAL ESTATE SALES OFFICE AND MODEL UNITS

In any district, a temporary use permit shall be required for a temporary real estate sales office and/or model units in any new subdivision or Planned Development which has been approved in accordance with this Ordinance and the Village of Innsbrook Subdivision Regulations. The temporary permit for a real estate sales office and/or model homes shall be valid for not more than one (1) year, but is renewable. The office shall be removed and the model homes closed within thirty (30) days after the sale of the last unit of the development. All activities conducted within either the temporary office or the model homes shall be directly related to the construction and sale of properties within the particular development. The temporary office and/or the model homes shall not be used for the general office operation of any firm.

8.6.4.7 TEMPORARY OUTDOOR SALES

On any site not used for residential purposes, a temporary use permit shall be required for sidewalk sales, rummage sales, bazaars, and similar outdoor sales. Such activities shall be conducted in accordance with all applicable Village regulations. There shall be no more than four (4) such permits issued for any zoning lot within a calendar year from January 1 to December 31. Each such permit shall be valid for a period not to exceed seven (7) days.

8.6.4.8 TENT THEATERS AND TENT MEETINGS

In any district, a temporary use permit shall be required for a tent or other temporary structure to house religious or cultural functions for a period of not more than thirty (30) days. The tent or other temporary structure shall be removed within three (3) days of completion of the religious or cultural function.

8.6.4.9 UNLISTED TEMPORARY USES

Any use not listed as a temporary use or structure which may relate to the provisions of the Temporary Use Regulations of this Section may be permitted as a temporary use if processed using the Similar and Compatible Use procedures of this Ordinance as itemized in Chapter 14.

8.6.5 CONDITIONS FOR APPROVAL

In addition to the specific regulations and time limits set forth in Section 8.6.4, temporary uses and structures shall be subject to such conditions and restrictions on their location and operation as deemed necessary for the protection of the public interest by the Zoning Administrator. Such conditions and restrictions shall be fully set forth at the time of the issuance of the permit for the temporary use.

8.7 REGULATIONS FOR SPECIFIC USES

8.7.1 FALLOUT SHELTERS

Fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. These shelters may contain or be contained in other structures or may be constructed separately.

8.7.2 FENCES, WALLS, AND HEDGES

The following regulations shall apply to fences, walls, and hedges to maximize both the safety of persons using sidewalks and streets and the enjoyment and use of the property by occupants:

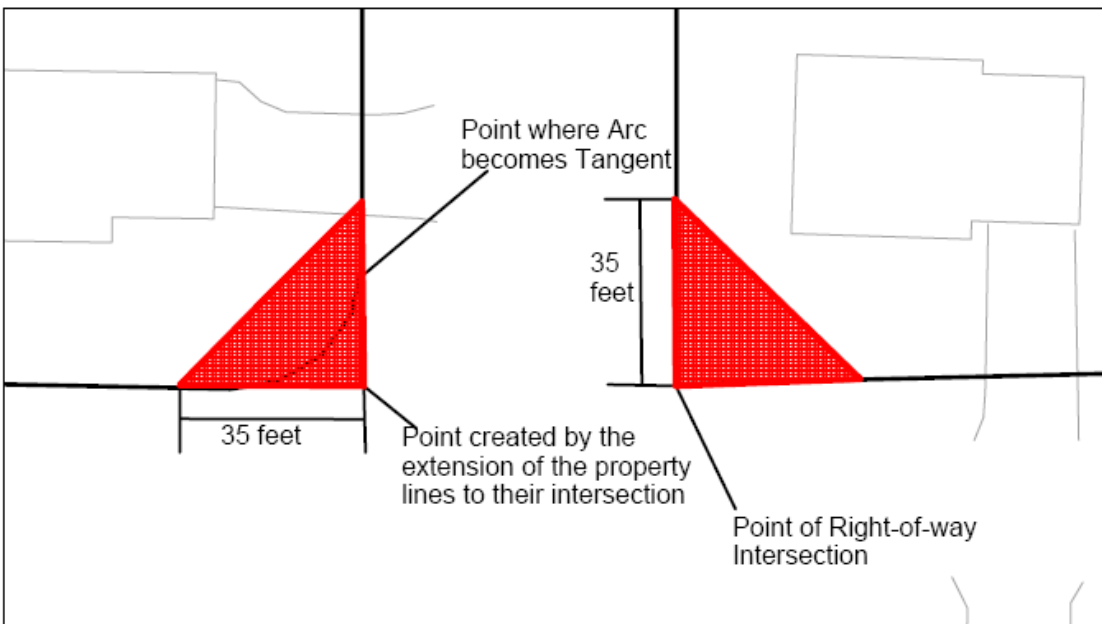
8.7.2.1 FENCE/WALL PERMIT REQUIRED

Anyone wishing to erect or replace a fence or wall within the Village of Innsbrook shall obtain a fence or wall permit from the Office of Zoning Administration.

8.7.2.2 LINE OF SIGHT

A closed fence or wall, or a hedge shall be limited to three (3) feet in height in a location relative to a public or private street, alley, driveway or other means of ingress or egress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such ingress and egress. A semi-open fence that does not impair the sight triangle shall be permitted. The sight triangle is formed by the intersection of the street or alley right-of-way, access easement, and/or driveway pavement, and a line joining the points at a distance of thirty-five (35) feet from the point of the intersection if the intersection is formed by streets and/or alleys (public or private) and fifteen (15) feet if the intersection is formed by a street or alley and a driveway as shown in Figure 8-1. Wherever a right-of-way has an arc, the measured distance begins at a point where the property lines are extended to their intersection.

Example of Road to Road Intersection



Example of Driveway to Road Intersection

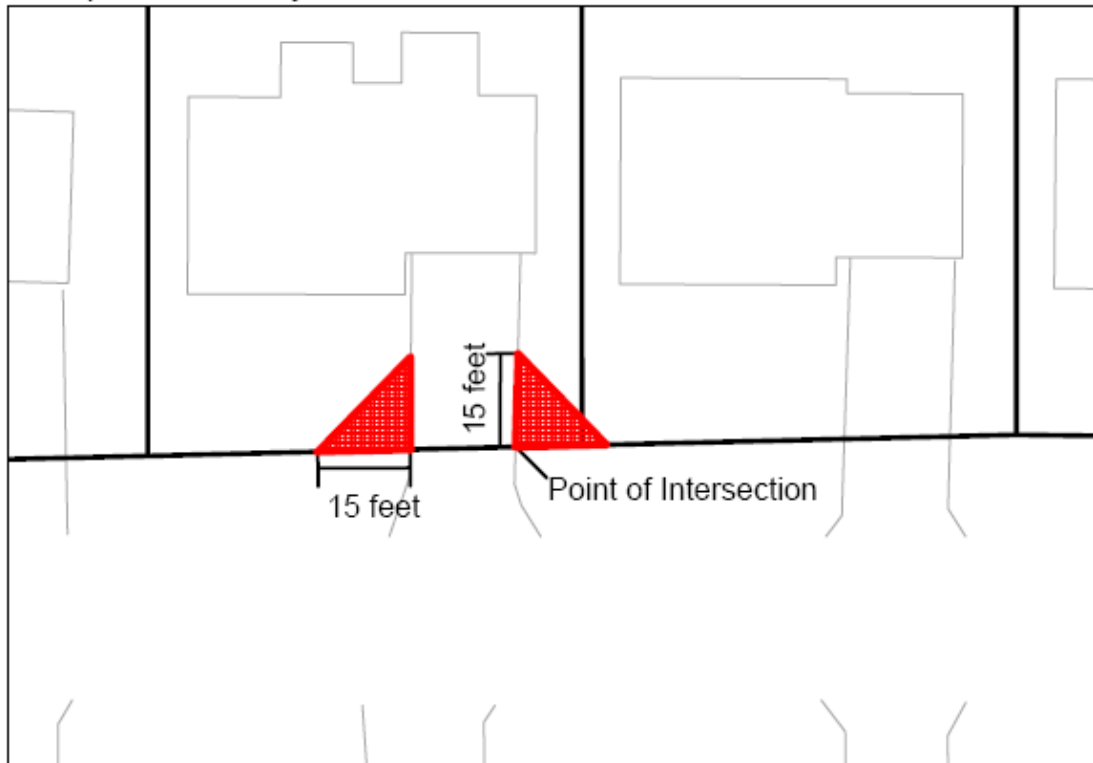


Figure 8-1 Sight Triangle Illustrations

8.7.2.3 RESIDENTIAL REGULATIONS

45.1.1 Front Yard - A fence, wall, or hedge located in any front yard shall be limited to three (3) feet in height.

46.1.1 Corner Side Yard

8.7.2.3.1.1 A fence or wall limited to six (6) feet in height, may be located in a corner side yard from the wall of the principal structure closest to the rear yard to the property line to enclose the resulting rear yard.

8.7.2.3.1.2 A semi-open fence or wall limited to four (4) feet in height, or a closed fence, or wall limited to three (3) feet in height, may be located in a corner side yard.

47.1.1 Interior Side Yard - A fence or wall, limited to six (6) feet in height, may be located in an interior side yard.

48.1.1 Rear Yard - A fence or wall limited to six (6) feet in height, may be located in a rear yard.

49.1.1 Other residential regulations

- 8.7.2.3.1.3** On a reverse corner lot, no closed fence or wall in excess of three (3) feet in height and no semi-open fence or wall in excess of four (4) feet in height, shall be located in a rear or corner side yard abutting the street, except as provided elsewhere in this Chapter.
- 8.7.2.3.1.4** On a reverse corner lot, no closed fence or wall in excess of three (3) feet in height and no semi-open fence or wall in excess of four (4) feet in height, shall be located closer to the side or rear lot line abutting the street than a distance equal to two-thirds (2/3rds) the minimum depth required under this Ordinance for the front yard on the adjacent property located to the rear of the subject property.
- 8.7.2.3.1.5** Fences or walls that surround outdoor tennis courts may be erected or maintained to a height not to exceed ten (10) feet above grade.
- 8.7.2.3.1.6** Fence, wall, or hedge height is measured from the adjacent finished grade to the highest point, except that the posts of a fence or wall may be six (6) inches higher.
- 8.7.2.3.1.7** When a residential lot abuts one of the roadways listed below, fences or walls are allowed to a maximum height of 8-feet for other than a front yard condition, which is limited to 6-feet in height. Where fences or walls are in excess of 6-feet in height and are adjacent to the roadways listed below the fence or wall is required to be setback a minimum of 10 feet from the property line to allow for the placement of landscape material on the lot. At the end of two growing seasons, the plantings shall consist of landscape material that will provide a consistent year round coverage of at least 75% of the fence or wall area. Roadways where 8-foot tall fences are allowed:
- 8.7.2.3.1.7.1** Highway F
- 8.7.2.3.1.7.2** Highway M
- 8.7.2.3.1.8** When a residential lot abuts a non-residentially zoned property, the residential lot owner is permitted to erect a 10 (ten) foot tall fence or wall along the property line that abuts such district(s).
- 8.7.2.3.1.9** Where there is a through lot, one of the two lot lines abutting public streets shall be designated by the Zoning Administrator as the front lot line, except that when a front line has previously been established on one or more lots located on the same block as a through lot(s) and all have established front lot lines along the same street line, the street line designated as the front lot line of the through lot(s) in such block shall be the front lot line.

For through lots where a front line has previously been established on one or more lots in the same block and all have established front lot lines along the same street line, fences, walls and hedges may be located at the rear property line, as designated by the Zoning Administrator, subject to the provisions for height limitations in the rear yards and line of sight regulations as outlined in this section.

For through lots where a front line has not been previously established on one or more lots in the same block or where all lots have not established front lot lines along the same street line, fences, walls and hedges are required to be setback two-thirds (2/3) the minimum depth required for the front yard on the adjacent property or properties.

8.7.2.3.1.10 Every fence, wall, or hedge shall be maintained in a good and safe condition at all times. Every damaged, dead, or missing element of any fence, wall, or hedge shall be repaired, removed, or replaced immediately.

50.1.1 The following fences and/or walls are prohibited in residential zoning districts:

8.7.2.3.1.11 barbed or razor wire;

8.7.2.3.1.12 above ground electrically charged fences or walls, except for approved equestrian uses;

8.7.2.3.1.13 snow fences (except for exclusive control of snow between November 1 and April 15 and as authorized by the Zoning Administrator for special events or construction sites);

8.7.2.3.1.14 fences or walls made of solid plywood, scrap lumber, temporary fencing and similar non-customary materials;

8.7.2.3.1.15 fences or walls made of common concrete or cinderblock;

8.7.2.3.1.16 fences, walls or hedges on any portion of any public right-of-way, except fences erected by a governmental agency;

8.7.2.3.1.17 fences, walls or hedges that interfere with clear vision at or near a public or private street, alley, driveway or other means of ingress or egress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such ingress and egress; and

8.7.2.3.1.18 fences, walls, or hedges so constructed or planted as to prevent natural water drainage and/or water runoff.

8.7.2.4 NON-RESIDENTIAL REGULATIONS

51.1.1 Front Yard - A fence, wall, or hedge located in any front yard shall be limited to three (3) feet in height.

52.1.1 Corner Side Yard

8.7.2.4.1.1 A fence or wall, limited to eight (8) feet in height, may be located in a corner side yard from the wall of the principal structure closest to the rear yard to the property line to enclose the resulting rear yard (see Illustrative Exhibit at the end of the Chapter 8).

- 8.7.2.4.1.2** A semi-open fence or wall, limited to four (4) feet in height, or a closed fence or wall limited to three(3) feet in height, may be located in a corner side.
- 53.1.1 Interior Side Yard - A fence or wall, limited to ten (10) feet in height, may be located in an interior side yard.
- 54.1.1 Rear Yard - A fence or wall, limited to ten (10) feet in height, may be located in a rear yard.
- 55.1.1 Other non-residential regulations:
- 8.7.2.4.1.3** On a reverse corner lot, no closed fence or wall in excess of three (3) feet in height and no semi-open fence or wall in excess of four (4) feet in height, shall be located in a rear or corner side yard abutting a street, except as provided elsewhere in this Chapter.
- 8.7.2.4.1.4** On a reverse corner lot, a closed fence or wall in excess of three (3) feet in height and a semi-open fence or wall in excess of four (4) feet in height shall be located no closer to the side or rear lot line abutting the street than a distance equal to two-thirds (2/3rds) the minimum depth required under this Ordinance for the front yard on the adjacent property located to the rear of the subject property.
- 8.7.2.4.1.5** The maximum height of a fence or wall in any non-residential zoning district is ten (10) feet measured from grade, unless something different is specifically approved with a special use permit or annexation/PUD agreement.
- 8.7.2.4.1.6** Fence, wall or hedge height is measured from the adjacent finished grade to the highest point, except that the posts of a fence or wall may be six (6) inches higher.
- 8.7.2.4.1.7** Fences or walls surrounding automobile salvage yards shall be no less than eight (8) feet in height nor more than ten (10) feet in height above the ground level, shall be opaque in nature, and are subject to the applicable setback regulations of this section unless something different is specifically approved with a special use permit.
- 8.7.2.4.1.8** Where there is a through lot, one of the two lot lines abutting public streets shall be designated by the Zoning Administrator as the front lot line, except that when a front line has previously been established on one or more lots located on the same block as a through lot(s) and all have established front lot lines along the same street line, the street line designated as the front lot line of the through lot(s) in such block shall be the front lot line.

For through lots where a front line has previously been established on one or more lots in the same block and all have established front lot lines along the same street line, fences, walls and hedges may be located at the rear property line, as designated by the Zoning Administrator, subject to the provisions for height limitations in the rear yards and line of sight regulations as outlined in this section.

For through lots where a front line has not been previously established on one or more lots in the same block or where all lots have not established front lot lines along the same street line, fences, walls and hedges are required to be setback two-thirds (2/3) the minimum depth required for the front yard on the adjacent property or properties.

8.7.2.4.1.9 Every fence, wall, or hedge shall be maintained in a good and safe condition at all times. Every damaged, dead, or missing element of any fence, wall or hedge shall be repaired or replaced immediately.

8.7.2.4.1.10 Barbed or razor wire fences or walls are permitted as long as the barbed or razor wire is not located along a public sidewalk and the barbed or razor wire is more than 6-feet above finished grade.

8.7.2.4.1.11 Above ground electrically charged fences and/or walls require a special use permit, in accordance with Chapter 14, Section 14.7.2 and may not be located along or near a public sidewalk.

56.1.1 The following fences and/or walls are prohibited in non-residential zoning districts:

8.7.2.4.1.12 snow fences (except for exclusive control of snow between November 1 and April 15 and as authorized by the Zoning Administrator for special events or construction sites);

8.7.2.4.1.13 fences made of solid plywood, scrap lumber, temporary fencing and similar non-customary materials;

8.7.2.4.1.14 fences made of common concrete or cinderblock;

8.7.2.4.1.15 fences, walls, or hedges on any portion of any public right-of-way, except fences erected by a governmental agency;

8.7.2.4.1.16 fences, walls or hedges that interfere with clear vision at or near a public or private street, alley, driveway or other means of ingress or egress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such ingress and egress; and

8.7.2.4.1.17 fences, walls, or hedges so constructed or planted as to prevent natural water drainage and/or water runoff.

8.7.2.5 NON-CONFORMING FENCES AND WALLS

57.1.1 Authority to Continue. Except as provided below in Section 8.7.2.5.5 (damage and destruction) any nonconforming fence or wall may be continued so long as it otherwise remains lawful, subject to the regulations of this section (non-conforming fences).

- 58.1.1 Ordinary Repair and Maintenance. Normal maintenance and incidental repair may be performed on any nonconforming fence or wall; provided, however, that any repair shall, whenever possible, eliminate or reduce any non-conformity in the element being repaired and provided further, however, that this shall not be deemed to authorize any violation of this section (non-conforming fences and walls).
- 59.1.1 Alteration; Enlargement; Moving. No non-conforming fence or wall shall be changed or altered in any manner that would increase the degree of its nonconformity, be enlarged or expanded, be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain non-conforming.
- 60.1.1 Change of Fence or Wall. A non-conforming fence or wall that has been changed to eliminate its nonconformity or any element of its nonconformity shall not thereafter be changed to restore such non-conformity or non-conforming element.
- 61.1.1 Damage or Destruction. Any non-conforming fence or wall, or any non-conforming element of a fence or wall capable of change or discontinuance separate from other elements of the fence or wall, damaged, destroyed or deteriorated by any means to the extent of thirty-five percent (35%) or more of its replacement cost new shall not be restored but shall be removed or brought into conformity with the provisions of this Code.
- 62.1.1 Termination of Certain Fences or Walls. The following nonconforming fences or walls shall be removed immediately or altered immediately to eliminate every non-conformity:
- 63.1.1 Barbed Wire and Electrical Fences. All non-conforming barbed wire fences and fences or walls with electrical elements.
- 64.1.1 Dilapidated Fences or Walls. Each non-conforming fence or wall that is dilapidated or deteriorated to the extent that the replacement of fifty percent (50%) or more of the load bearing elements of the fence or wall is required.
- 65.1.1 Public Health, Safety, and Welfare. Every nonconforming fence, wall, or hedge that poses a threat to the health, safety, or welfare of any person or of the public.

8.7.3 DISABLED MOTOR VEHICLES

Disabled motor vehicles may be kept on private property only when in a fully enclosed structure except:

8.7.3.1 PERIOD

For a period not to exceed six (6) months while the disabled motor vehicle is being actively worked upon.

8.7.3.2 LOCATION

When located in an automotive salvage yard.

8.7.4 SWIMMING POOLS AND HOT TUBS

Private swimming pools and hot tubs are permitted in any zoning district in which a residential use is allowed as an accessory use subject to compliance with the following:

8.7.4.1 PRIVATE USE

Private swimming pools and hot tubs shall be operated for the exclusive use of residents of the zoning lot upon which said swimming pool or hot tub is to be located and their invited guests. No private swimming pool or hot tub shall be operated as a business or private club.

8.7.4.2 YARD RESTRICTIONS

No private swimming pool or hot tub or part thereof, including but not limited to aprons, walks, integral to the pool, shall protrude into any required front or side yard or be located closer than ten (10) feet from a rear lot line or protrude into any easement. Exception: Kickers for an oval pool may come closer as long as the pool conforms to the above restrictions and does not protrude into any easements.

8.7.4.3 BARRIERS

All swimming pools, hot tubs, and spas shall be provided with an approved barrier a minimum of four (4) feet in height, except pools less than twenty-four (24) inches deep or having a surface area less than 250 square feet, provided such pools do not have a water recirculating system or involve structural materials.

8.7.4.4 SEPARATION

Private swimming pools and hot tubs as detached accessory structures should conform to the provisions of Chapter 8.5.1.4 of the Zoning Ordinance in regard to separation from the principal building; however, pools and hot tubs may be permitted to be located closer than ten (10) feet, but no closer than five (5) feet, to the principal building, subject to review by the Warrenton/Wright City Fire Protection District for possible access concerns to single story or multiple story homes or buildings or other fire safety related matters.

8.7.4.5 OVERHEAD CONDUCTOR CLEARANCES

Service drop conductors and open overhead wiring, swimming pool and similar installations shall comply with the minimum clearances given in Table 8-1.

Table 8-1 OVERHEAD CONDUCTOR CLEARANCES

Clearance Parameter	Voltage to Ground		
	0-750 ¹	0.75-15 kv	15-50 kv
Clearance in any direction to the water level, edge of water surface, base of diving platform, or	22.5 ft.	25 ft.	27 ft.

permanently anchored raft.			
Clearance in any direction to the observation stand, tower, or diving platform.	14.5 ft.	17 ft.	18 ft.
Horizontal limit of clearance measured from inside wall of the pool. ²	10 ft.	10 ft.	10 ft.

Notes:

1. Insulated cables, 0-750 volts to ground, supported on and cabled together with an effectively grounded bare messenger or effectively grounded neutral conductor.
2. This limit shall extend to the outer edge of the structures listed in this table but not less than the distance specified.

8.7.5 TENNIS COURTS

Private tennis courts are permitted in any zoning district in which a residential use is allowed as an accessory use subject to compliance with the following:

8.7.5.1 PRIVATE USE

Private tennis courts shall be operated for the exclusive use of residents of the zoning lot upon which said tennis court is to be located and their invited guests. No private tennis court shall be operated as a private business or club.

8.7.5.2 YARD RESTRICTIONS

No private tennis court or part thereof, including but not limited to aprons, walks, and equipment rooms, shall protrude into any required yard.

8.7.5.3 FENCES

Private outdoor tennis courts may be completely or partially surrounded by a fence or wall to a height not exceeding ten (10) feet above the established ground level adjacent to the tennis court in accordance with the applicable provisions of Section 8.7.1.

8.7.6 TENTS

Except as otherwise provided herein under temporary uses, tents shall not be erected, used, or maintained on a zoning lot except such tents as are customarily used for recreational purposes and then not as living quarters. Such recreational tents shall be located on the same lot as a dwelling and shall not be allowed within the required front or side yard. All uses of tents other than recreational shall be regulated as temporary uses in accordance with Section 8.6.

8.7.7 OUTDOOR TABLES OR SEATING AREAS ACCESSORY TO RESTAURANTS OR FOOD SERVICE USES

The following regulations shall apply to outdoor tables and seating areas accessory to restaurants or food service uses:

8.7.7.1 ALLOWED CONDITIONS

An outdoor table or seating area shall only be allowed as a permitted accessory use under the following conditions:

- 66.1.1 The restaurant prohibits serving alcoholic beverages, unless the requirements of section 8.7.7.2.4 are met.
- 67.1.1 The restaurant service is provided only within the enclosed building, but patrons may choose to carry their food and/or drink to the outside table or seating area.
- 68.1.1 The outside table or seating area is located completely within the required setback areas for the zoning district in which it is located.
- 69.1.1 A permit has been obtained either with the original building permit or by a subsequent permit, that included the review of the parking provided for the principal use to assure that no additional parking is required for the outdoor table or seating area.
- 70.1.1 If any of the items under Section 8.5 (special accessory use) are applicable to a permitted accessory use and substantially alter the nature and intensity of the permitted accessory use, then the special use procedure outlined in Section 8.5 shall be followed.

8.7.7.2 SPECIAL CONDITIONS

An outdoor table or seating area may be allowed as a special accessory use subject to the issuance of a special use permit in accordance with the provisions of Chapter 14. In addition to the requirements for Special Uses as provided by Chapter 14, the following shall also apply:

- 71.1.1 The size of the outdoor table or seating area shall not be larger than fifty (50) percent of the gross area of the principal use to which it is accessory.
- 72.1.1 No additional or separate kitchen or food preparation area shall be provided other than the facilities for the principal use.
- 73.1.1 As a part of the special accessory use request, information must be submitted by the applicant concerning any proposed fencing or screening with the architectural character of the principal building, adjacent buildings and the overall use of the site, including parking areas and landscaping will be considered.
- 74.1.1 If alcoholic beverages are permitted with the principal use, then normal entry and exit to the outdoor table or seating area shall be from inside the principal building only

and clear visibility into the area must be provided as recommended by the Village Zoning Administrator, and approved by the Village Board of Trustees.

- 75.1.1 A site plan must be submitted, indicating the setbacks from all property lines for the outdoor table or seating area. Setbacks should conform to the required setbacks for the zoning district where the use is to be located. As a part of the Special Use, the Village may grant departures from these setbacks if the Village finds that acceptable screening is specifically included as a part of the Special Use.
- 76.1.1 A seating plan must also be submitted along with the proposed surface area for the facility. The seating plan shall be reviewed by the Warrenton/Wright City Fire Department for recommendations on emergency access. The surface area for the facility should generally be a hard surface area. The specific surface will again be reviewed for compatibility with the architectural character of the principal use and adjacent uses before any action is taken by the Village. Any lumber used must be of fire retardant quality and rot protected.
- 77.1.1 Music or sound systems for the outdoor area are generally prohibited, unless specifically approved as a part of the special use, based on specific information submitted by the applicant on the specific speakers or sound systems to be used.
- 78.1.1 A lighting plan for the outdoor area must be submitted as a part of the Special Use request for action by the Village. Illumination must be compatible with adjacent uses.
- 79.1.1 The proposed hours of operation for the outdoor area must be submitted as a part of the Special Use request for action by the Village.
- 80.1.1 A refuse disposal plan must be submitted as a part of the special use request for action by the Village. At a minimum, the plan should indicate the type and locations of refuse receptacles and the method for maintaining the area. If the plan provides for customers to clean-up after themselves, then a specified periodic cleaning schedule by employees must also be provided.
- 81.1.1 Based on the information submitted for the Special Use, the Village shall review the parking conditions for the principal use to determine if any additional parking would be required as a result of the addition of the special accessory use for the outdoor tables or seating area. If the Village finds that additional parking is required, then these requirements may be included in the actions for the special accessory use.
- 82.1.1 A storage plan shall also be provided as a part of the Special Use request. At a minimum, this plan shall indicate where any tables, seating, umbrellas or similar furniture or facilities will be stored during times of the year when the outdoor area may not be in use.
- 83.1.1 Signage is to generally be included in the normal signage for the principal use. Particular signage for the special accessory use must be submitted as a part of the special use request for actions by the Village.
- 84.1.1 Detail plans of any roof or canopy structures proposed to be used shall be provided for review.

8.8 EXEMPTIONS

8.8.1 PUBLIC UTILITY EXEMPTION

The following uses are permitted in any district; poles, towers, wires, cables, conduits, vaults, pipe lines, laterals, or any other similar distributing equipment of a public utility.

8.8.2 UNDERGROUND INSTALLATIONS EXEMPTION

Pipe lines and other underground installations, to the extent that the same are completely buried beneath the surface of the soil, are exempt from the requirements of this Ordinance, provided that any incidental or associated structures, installations, or equipments, except markers, used in connection with such pipe lines or other underground installations, and which protrude or are extended above the surface of the soil, shall, to the extent of such protrusion or extension, be subject to all of the applicable provisions thereof.

8.8.3 ACCESSORY FARM BUILDINGS

All accessory farm buildings, with the exception of roadside stands, may be erected without obtaining approval of the Village, provided that:

8.8.3.1 BUILDING SITE

The property upon which the building is constructed is in conformance with all provisions of this Ordinance.

8.8.3.2 PROPERTY USE

The principal use of the property upon which the building is constructed is agriculture.

8.8.3.3 VERIFICATION

The Zoning Administrator verifies that the structure to be built will be used only for agricultural purposes.

Roadside stands existing on the date of adoption of the Ordinance are exempted from compliance with the applicable site and structure provisions as stated in this Ordinance. New, relocated, or enlarged roadside stands shall comply with all applicable site and structure provisions.

8.9 FLOOD PLAIN REGULATIONS

Reserved for Future Use.

8.10 CLUSTERING OF RESIDENCES

8.10.1 PURPOSE

In order to preserve existing site amenities such as lakes, natural vegetation, rolling terrain, and scenic vistas, the clustering of residential structures may be allowed in any single-family or other residential zoning district as a special use. Innovative design of residential properties is encouraged using this "cluster provision."

8.10.2 STANDARDS AND REQUIREMENTS

Variances to normal setback, yard, lot, area, and lot width requirements may be granted for a cluster residential development, provided that:

8.10.2.1 DENSITY

The maximum density allowed within the zoning district--as determined by dividing that district's lot area requirement into the size of the subject parcel and deducting twenty (20) percent from the result (for internal thoroughfares)--is not exceeded;

8.10.2.2 BUILDING TYPE(S)

The building type(s) normally permitted within the particular zoning district. (For example, multiple-family residences are not allowed in single-family classifications);

8.10.2.3 SITE SIZE

The site subject to cluster residence approval contains at least five (5) acres of land area;

8.10.2.4 NON-BUILDING SPACE

Any portion of the site not occupied by cluster residences is utilized only as open space, recreation space, or for thoroughfares; and

8.10.2.5 CLUSTER PLAN

The applicant submit eight (8) copies of a cluster plan for residential development. Said cluster plan shall be sufficiently dimensioned and detailed to enable perception of the number and dimension of lots. In addition, information shall be submitted indicating topography of the site at one (1) foot intervals; natural drainage patterns affecting the property, surrounding uses, zoning, and improvements; availability of utilities; natural vegetation existing on the site; bedroom counts; unit types and floor areas; any and other information requested by the Planning and Zoning Commission, Board of Adjustment or Village Board of Trustees at their respective hearings on the petition.

8.11 MISCELLANEOUS

8.11.1 ADEQUATE ACCESS

Each lot shall have direct access to an improved, approved street.

8.11.2 LANDSCAPING

All commercially and industrially zoned properties shall be landscaped in accordance with the following. This landscaping provision is the minimum requirement and landscaping in excess of the minimum is strongly encouraged and may be required.

8.11.2.1 OPEN SPACE

All lot area not consumed by building coverage, parking and access drives, private roads, walkways, or permitted outdoor storage, shall remain open to the sky and shall, at a minimum, be sodded or seeded.

8.11.2.2 BUFFERING

Berms, tree plantings and/or shrubbery may be required to be placed on commercial or industrial sites in instances when such sites, in the opinion of the Village Board of Trustees, acting upon the recommendation of the Planning and Zoning Commission or Board of Adjustment, should be adequately buffered from adjoining commercial or residential sites.

8.11.2.3 LANDSCAPING

The Village Board of Trustees may require that properties be landscaped and maintained in a reasonable fashion, consistent with the public health, safety, and general welfare.

8.11.2.4 TREE REPLACEMENT

Trees conceded to development should be replaced, where appropriate, by similar new plantings.

8.12 EXTERIOR LIGHTING

8.12.1 PURPOSE

Exterior lighting is used to illuminate residential, commercial, industrial and public uses; parking lots, sidewalks, signs, and other elements within the Village. When well designed and properly installed, exterior lighting can be and is very useful in improving visibility and safety, providing a sense of security, and complementing the character of the Village. If exterior lighting is not well designed and properly installed it can be inefficient, cause glare, and create light trespass and sky glow. Light trespass falling over property lines can illuminate adjacent grounds or buildings in an objectionable manner.

In order to insure that exterior lighting is well designed, and impacts on adjacent properties are limited, the following requirements are set forth controlling exterior lighting in both residential and non-residential zoning districts.

8.12.2 REGULATIONS:

All public and private exterior lighting installed in the Village of Innsbrook shall be in conformance with the requirements established by this Section.

8.12.3 PROCEDURE

8.12.3.1 LIGHTING PLAN REQUIRED

A lighting plan is required for all non-residential uses in residential family zoning districts, multiple family developments other than duplexes, commercial, industrial, institutional, and public uses including uses developed by other units of local government.

At the time any exterior lighting is installed or substantially modified, a lighting plan shall be submitted to the Office of the Zoning Administrator in order to determine whether the requirements of this Section have been met. A lighting plan shall be required for all special uses, Planned Developments, and requests for variances from the standards imposed in this Section.

Where a lighting plan is required, said plan shall include the following:

8.12.3.1.1.1 A site plan showing pole locations, building mounted lights, bollard lights with schematic wiring layout and power source connection;

8.12.3.1.1.2 Specifications for luminaires and lamp types, poles, wiring, conduit and appurtenant construction including photographs or drawings of proposed luminaires;

8.12.3.1.1.3 Pole, luminaire, and foundation details including pole height, height of building mounted lights, mounting height and height of the luminaire;

8.12.3.1.1.4 Elevations of the site including buildings, luminaires and other structures sufficient to determine the total cutoff angle of all luminaires and their relationship to abutting parcels;

8.12.3.1.1.5 Lamp wattage of all luminaires proposed;

8.12.3.1.1.6 Photometric plans which shows the footcandle - horizontal measurement internal to the site and at the property lines and the footcandle - vertical measurement at the property lines only. (Footcandle - horizontal measurements shall be taken along a horizontal plane at a height of three and one-half (3.5) feet above the ground. Footcandle - vertical measurement shall be taken at a minimum height of three and one-half (3.5) feet above the ground but shall also be required at any

height along a vertical plane at a property boundary pursuant to the direction of the Zoning Administrator.) Photometric plans shall be based on a light loss factor of 1.0.

8.12.3.1.1.7 Other information and data reasonably necessary to evaluate the required lighting plan pursuant to the request of the Office of the Zoning Administrator.

8.12.4 MEASURING LIGHT LEVELS

8.12.4.1 METERING EQUIPMENT

Light levels of both direct and indirect light shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading.

8.12.4.2 METHOD OF MEASUREMENT

Footcandle - horizontal measurements shall be taken along a horizontal plane at a height of three and one-half (3.5) feet above the ground. Footcandle - vertical measurement shall be taken at a minimum height of three and one-half (3.5) feet above the ground but may also be required at any height along a vertical plane at a property boundary pursuant to the direction of the Zoning Administrator.

8.12.4.3 STANDARDS AND REQUIREMENTS

The standards and requirements set forth in Tables 8-1 and 8-2 shall regulate and govern the use, design, construction or modification of any lighting system for the purpose of illuminating exterior areas including, but not limited to, signs, parking areas, buildings, landscaping, porches, and driveways.

Table 8-2 sets forth whether the proposed wattage of a luminaire is permitted, not permitted or a special use. In residential zoning districts, whether a specified wattage is permitted or not permitted is based on the width of the street right-of-way abutting the proposed luminaire. In non-residential zoning districts, the permitted wattage of proposed exterior lighting is based on whether the lighting is internal or external on the parcel, and if external (abutting a residential zoning district or street right-of-way) the setback of the proposed lighting from the property line/street right-of-way.

Table 8-2 LIGHTING PERMITTED BY DISTRICT

Lamp Watts	Residential Districts						Non-Residential Districts			
	Street Right-of-Way Width (feet)						External ³		Internal	
	Single Family		Multi-Family		Non-residential		Setback (feet)			
	<80	≥80	<80	≥80	<80	≥80	<40	<100	<200	≥200
≤250 ²	P	P	P	P	P	P	P	P	P	P
>250	X	S	X	S	X	P	S	P	P	P
>400	X	X	X	X	X	X	X	X	S	S

P = Permitted.

S = Special Use Permit required.

X = Not permitted, except with approval of a Special Use Permit and Variance.

Notes:

1. Includes non-residential uses in residential districts.
2. A luminaire without a cutoff shall not exceed 100 watts.
3. Abutting a Residential Zoning District or Street R.O.W.

Uses permitted may be approved by the Office of the Zoning Administrator pending a review of the documents submitted which meet the requirements of this Section. Uses or lighting plans which require a special use permit shall meet the requirements for special uses set forth in Section 14.11 which provide for a public hearing held by the Planning and Zoning Commission and approval by the Village Board of Trustees.

Lighting plans which require a variance shall have to be approved for both a special use permit with the requirements set forth in Section 14.11 and a variance with the requirements set forth in Section 14.9. To secure a variance, public hearings are required by both the Planning and Zoning Commission for the special use permit and Board of Adjustment for the variance with approval of both by the Village Board of Trustees.

Table 8-3 sets forth the maximum allowable foot-candles to be measured both at a property line and internal to a non-residential property. The standards consider the nature of the land uses, the nature of the abutting land uses, and whether for a non-residential use the time period is during hours of operation or security hours. Maximum foot-candles allowable are set for lighting internal to the property in question.

Table 8-3 ALLOWABLE ILLUMINATION LEVELS

Maximum Foot Candles at a Property Line Horizontal ¹ and Vertical ² Measurement										Maximum Foot Candles Internal – Horizontal Measurement								
Residential to Residential		Non-Residential to Non-Residential				Non-Residential to Residential				Residential Districts			Non-Residential Districts					
Horizontal	Vertical	Horizontal		Vertical		Horizontal		Vertical		Horizontal			Operating Hours ³			Security Hours ⁴		
		Security Hours	Operating Hours	Security Hours	Operating Hours	Security Hours	Operating Hours	Security Hours	Operating Hours	Permitted	Special Use	Variance	Permitted	Special Use	Variance	Permitted	Special Use	Variance
0.25	0.5	2	5	3	10	0.25	0.5	0.5	0.5	<10	<15	≥15	<15	<30	≥30	<3	<6	≥6

Notes:

1. Footcandle - Horizontal Measurement: The measurement of foot-candles utilizing a direct reading, portable light meter mounted in a horizontal position.
2. Footcandle - Vertical Measurement: The measurement of foot-candles utilizing a direct reading, portable light meter mounted in a vertical position.
3. Operating Hours: The period of time from one hour prior to opening to one hour after closing of a non-residential establishment.
4. Security Hours: The period of time from one hour after closing to one hour prior to opening of a non-residential establishment.

8.12.4.4 TOTAL HEIGHT AND HEIGHT OF LUMINAIRE

See Figure 8-2 for the definition of Height of Luminaire and Total Height. The difference between total height and the height of the luminaire shall not exceed 4 feet.

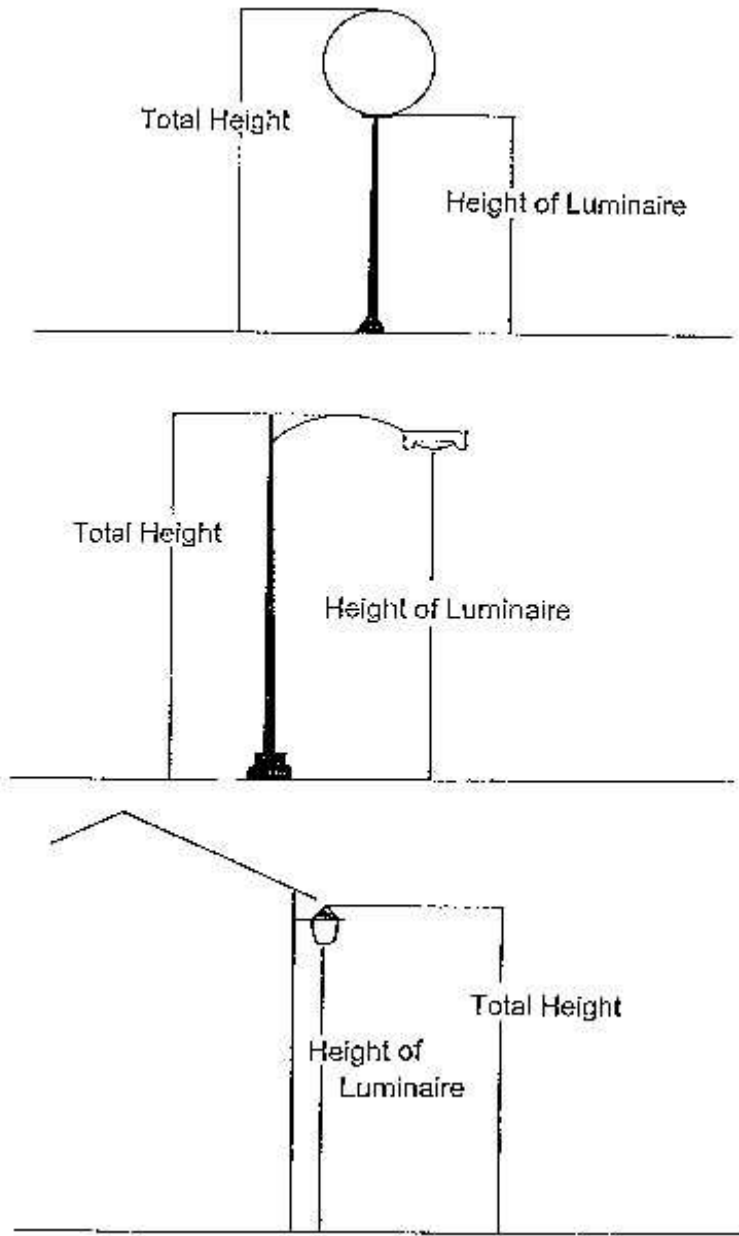


Figure 8-2 HEIGHT AND TOTAL HEIGHT OF LUMINAIRE

8.12.4.5 STANDARDS FOR LUMINAIRE WITH CUTOFFS

See Figure 8-3 for illustrations of cutoff angle.

85.1.1 Cutoff Angle - To be considered a cutoff luminaire, the cutoff angle shall be 75 Degrees or less.

86.1.1 Height - The maximum height of a cutoff luminaire, either freestanding or attached to a building or other structure, is twenty-five (25) feet as a permitted use. A luminaire greater than twenty-five (25) feet shall require special use permit approval.

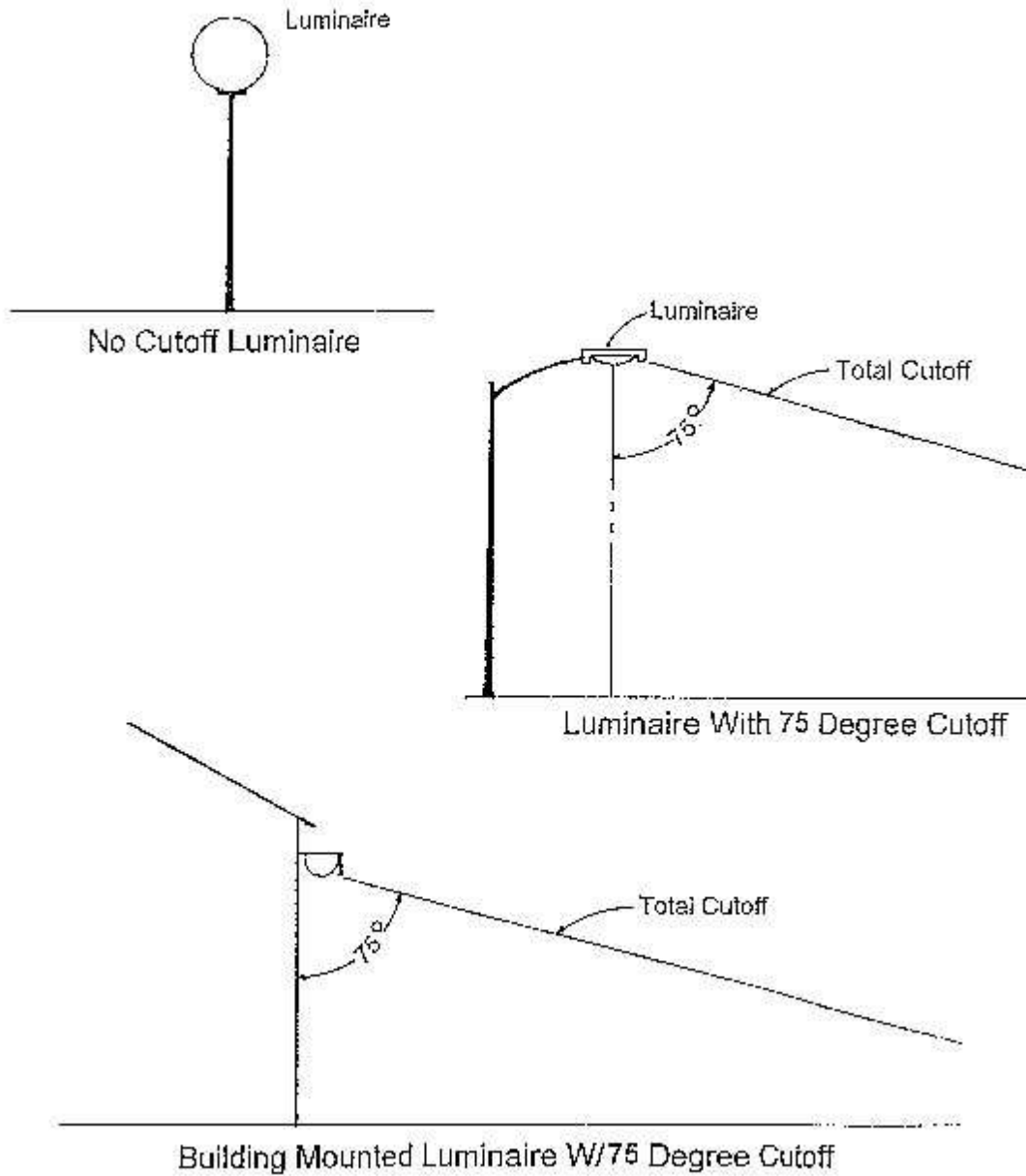
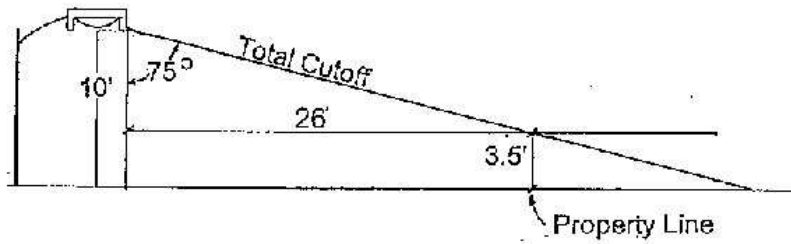


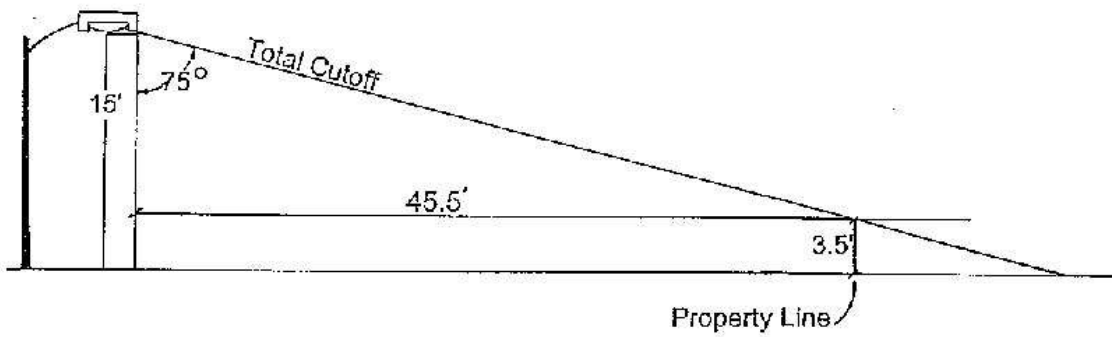
Figure 8-3 LUMINAIRE CUTOFF ANGLE

87.1.1 Control of Glare - A cutoff luminaire shall be designed to completely shield the light source from an observer three and one-half (3.5) feet above the ground at any point along an abutting property line as shown in Figure 8-4.

Luminaire Height = 10' +/-



Luminaire Height = 15' +/-



Luminaire Height = 20' +/-

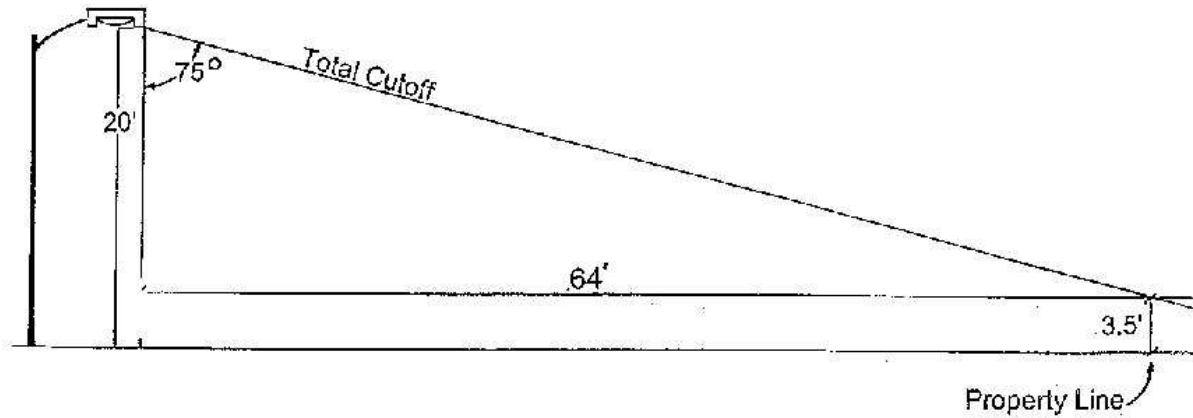


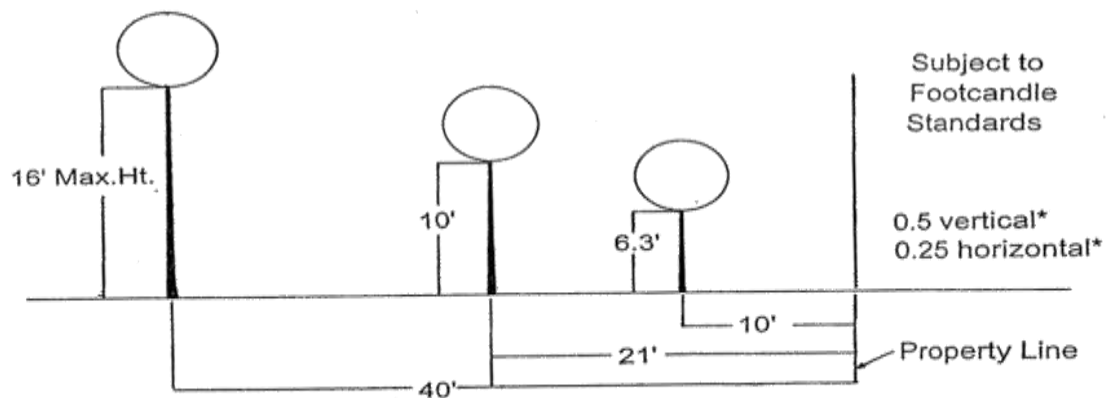
Figure 8-4 LUMINAIRE SHIELDING AT PROPERTY LINES

8.12.4.6 STANDARDS FOR LUMINAIRE WITH NO CUTOFFS

See Figure 8-5 for illustrations of requirements for luminaires with no cutoffs.

- Height* = 3 feet + D/3 (D is the distance in feet of the luminaire from the property line.)
- Maximum Height* = 16 feet
- Maximum Watts or Lumens = 100 watts or 10,000 lumens, whichever is less (provided the luminaires meet the performance standards)

*The performance standards set forth in Table 2 cannot be exceeded.



*Measured 3.5' above ground.

Figure 8-5 LUMINAIRES WITH NO CUTOFF OF CUTOFF ANGLE GREATER THAN 75 DEGREES

88.1.1 Cutoff Angle - A luminaire shall be considered to have no cutoff if it is unshielded or has a cutoff angle greater than 75 degrees.

89.1.1 Height - The maximum permitted height of a luminaire with no cutoff or with a cutoff greater than 75 degrees, which provides illumination along a property line, shall be less than the value $3 \text{ feet} + (D/3)$, where D is the distance in feet to the nearest property line but in no case shall exceed 16 feet. The formula used herein for determining height of the luminaire does not preclude any luminaire or lighting system from meeting the footcandle performance standards set forth in Table 8-2.

90.1.1 Control of Glare - Any luminaire designed with no cutoff, or a cutoff angle greater than 75 degrees shall be designed such that the lamp utilized is no more than 100 watts or rated for more than 10,000 lumens, whichever is less. The standards for maximum foot-candles internal and at the property line, set forth in Table 8-2, are still applicable. For the foot-candles - vertical measurement, the measurements shall be taken not less than three and one-half (3.5) feet above the ground line in a vertical position and vertical readings at heights greater than three and one-half (3.5) feet may be required pursuant to the direction of the Zoning Administrator. The standards for vertical foot-candles, set forth in Table 8-2 are applicable along the entire vertical plane along a property line.

8.12.4.7 STANDARDS FOR LUMINAIRES UNDER A CANOPY (FOR NON-RESIDENTIAL USES)

Luminaires mounted to the underside of a canopy, which provide overhead illumination, shall be recessed such that no part of the luminaire or the lamp shall extend below the exterior edge of the canopy.

8.12.5 EXCEPTIONS

8.12.5.1 PUBLIC ROADWAY LIGHTING

Luminaires used for public roadway illumination by a public transportation agency are exempt from the requirements of this Section but may be subject to the regulations of Federal or State agencies or by other intergovernmental agreements.

8.12.5.2 EMERGENCY LIGHTING

All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Section.

8.12.5.3 RECREATIONAL FACILITIES

Because of their unique requirements for nighttime visibility and their limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, show areas and other similar uses as may be determined by the office of the Zoning Administrator are exempted from certain illumination and other standards as follows:

91.1.1 The uses set forth herein are specifically exempted from the maximum footcandle requirements - internal to the site as outlined and established in Table 8-2. These uses are required to submit a lighting plan and shall be processed as special uses under the procedures in Section 14.11. These uses shall seek to meet the requirements for maximum foot-candles at the property line or apply for variances if they are unable to meet those requirements.

92.1.1 The uses set forth herein shall be exempt from the height requirements as set forth in this Section. The Planning and Zoning Commission and Village Board of Trustees shall review the proposed pole heights during the special use permit review process.

8.12.5.4 TEMPORARY USES

Certain temporary uses may be unable to meet the requirements of this section and the standards set forth in Tables 8-1 and 8-2. These temporary uses may be permitted subject to the requirements of Section 8.6 and the approval of the Zoning Administrator. The applicant for a temporary use may be required to submit the documentation required under Section 8.12.4 herein as a part of the application for a Temporary Use Permit.

8.12.6 PROHIBITED LIGHTS

8.12.6.1 FLICKERING OR FLASHING LIGHTS

The Village Board of Trustees shall permit no flickering or flashing lights unless authorized in a lighting plan approved as a special use or Planned Development.

8.12.6.2 SEARCHLIGHT AND LASER SOURCE LIGHTS

No searchlights, laser source lights, or any similar high intensity light shall be permitted.

8.12.6.3 MERCURY VAPOR LAMPS

No lamps utilizing mercury vapor shall be permitted.

8.12.7 NON-CONFORMING USES

8.12.7.1 PRE-EXISTING

Luminaires lawfully in place prior to the date of this Section but which do not conform to the requirements and standards of this Section shall be considered legal non-conforming uses.

8.12.7.2 EXCEED STANDARDS

Legal non-conforming luminaires that meet the performance standards for footcandle levels and screening requirements of this Section but may exceed the physical standards such as height or setbacks herein may continue and are not subject to amortization requirements unless they are part of an illumination system that is to be changed as follows:

93.1.1 Illumination systems developed as part of a Planned Development, Special Use, Annexation Agreement, Variance or other specific Village approval which, as of the date of these regulations, have an approved lighting plan and meet the performance criteria of their specific agreements but do not meet the requirements of this Section shall be considered legal non-conforming uses and shall be brought into conformity with the criteria and standards set forth herein when the illumination system is to be completely replaced.

94.1.1 Legal non-conforming illumination systems which were not part of a specific Village approved lighting plan shall be brought into conformity with the criteria and standards set forth herein when the illumination system is to be replaced or modified to greater than 50 percent of its replacement value, based on the total project

implementation cost. The elements for calculating the value of the illumination system are set forth in Section 8.12.7.2.3.

95.1.1 The value of the illumination system shall include the total value of the physical improvements such as luminaires, lamps, poles, wiring, and other elements and shall also include the value of the site area improvements where the luminaires and supporting elements are located such as parking lots, loading areas, aisles, driveways, sidewalks, landscaped areas and others. Total replacement cost shall include the design costs for the illumination system, material costs for the system elements, and the total construction cost to install the system.

96.1.1 Legal non-conforming luminaires that exceed the footcandle standards set forth in Table 2 and/or direct light or glare towards streets, parking lots, residences or property lines and result in a problematic or dangerous condition shall be either shielded, redirected or otherwise modified to meet the requirements of this Section within 60 days of notification, or apply for an extension of the time period for compliance or apply for a variance with a specific time period for amortization.

8.12.8 SPECIAL USES AND VARIANCES

8.12.8.1 SPECIAL USE PERMITS

To receive a special use permit, a proposed lighting plan must meet the requirements of Section 14.11 herein.

8.12.8.2 VARIANCES

A lighting proposal requiring a variance shall also be required to secure a special use permit. If a special use permit and a variance are required, the Planning and Zoning Commission and Board of Adjustment may hold a joint public hearing to consider the application for a variance in conjunction with the application for a special use permit. If a joint public hearing is not possible, the protocol shall be that the Planning and Zoning Commission should first hold a public hearing on the special use communicate its findings to the Board of Adjustment. Thereafter, the Board of Adjustment shall consider the application for a variance. After both hearings have been held, the recommendations of both bodies shall be submitted to the Village Board of Trustees for its consideration.

8.13 COMMUNITY RESIDENCE REQUIREMENTS

The applicant must obtain a Certificate of Occupancy prior to establishing a family community residence. No dwelling unit shall be occupied as a family community residence, until a Certificate of Occupancy has been issued by the Zoning Administrator. No Certificate of Occupancy shall be issued for a community residence unless:

8.13.1 LICENSE OR CERTIFICATE OF OCCUPANCY

The applicant demonstrates that the proposed community residence or operator has been licensed or certified by the State of Missouri prior to, or within 60 days of receiving a Certificate of Occupancy; and

The Zoning Administrator may revoke a Certificate of Occupancy for a community residence if its license or certificate, or the operator's license or certificate to operate community residences, is revoked or if the operator fails to provide the Village with a copy of its license renewal application.

8.13.2 DISTANCE FROM EXISTING COMMUNITY RESIDENCE

The community residence is located at least 1,320 feet from any existing community residence, as measured from lot line to lot line, except when a special use permit is issued to allow a community residence to locate closer than 1,320 feet to an existing community residence; and

8.13.3 OFF-STREET PARKING

It is demonstrated that zoning lot meets off-street parking requirements for permitted residential uses in the zoning district (including the requirement that off-street parking be provided for staff based upon the maximum number of staff of the premises at any one time whether on duty or residing therein); and

8.13.4 PREFERENCE FOR OCCUPANCY

First preference for occupancy in the home is accorded to persons who currently reside in the Village or are children or parents of persons who reside in the Village, through the submission of a written policy statement, to the extent permissible under applicable state and federal laws and regulations.

8.14 WIRELESS COMMUNICATIONS SERVICE FACILITIES

8.14.1 PURPOSE

The general purpose of these provisions is to regulate the placement, construction and modification of communications antennae, support structures and facilities to appropriate locations in the Village while at the same time not unreasonably interfering with the development of the competitive marketplace for communications services. Numerous existing

buildings and structures of significant height are geographically dispersed throughout the Village and with specific limitations are appropriate locations for such facilities as Permitted Uses. These same existing buildings and structures may also be appropriate locations for such facilities where the specific limitations may need to be exceeded, but only as a Special Use and subject to the Standards for Special Uses and the regulations of this Section. Locating Wireless Communications services facilities on a structure other than an existing building or structure is the least preferred location. In addition to the Standards for a Special Use and the Standards of this Section, a showing and documentation of the non-availability or non-suitability of existing buildings or structures must be provided as part of a Special Use request for other than an existing building or structure.

8.14.2 PERMITTED AND SPECIAL USE

Wireless communications service facilities are included in the list of permitted and special uses in certain zoning districts of the Village of Innsbrook Zoning Ordinance. A communications wireless service facility shall meet the requirements of the specific zoning district where the use is located except a Wireless Communications service facilities on an existing building or structure is not subject to separate application of the Schedule of Site and Structure Provisions of each district other that the appropriate application of those standards for the building or structure on which the facility is located as well as applicable Standards for Special Uses and the provisions of this section including the following:

8.14.2.1 PERMITTED USE

A Wireless Communications Service Facility including an antenna may be established as a permitted use in this District when mounted on an existing, legally established, non-residential building or structure (other than on the exterior of a free-standing sign structure) that is greater than forty five (45) feet in height provided that the antenna does not extend more than nine (9) feet above the top of the existing building or structure or not more than (4) feet beyond the sides of the existing building or structure and subject to the limitations for any accessory building or structure that is forty five (45) feet or less in height provided by Section 8.14.3; or on an existing, legally established, non-residential building or structure (other than on the exterior of a free-standing sign structure) that is forty five (45) feet or less in height provided that the antenna does not extend more that four (4) feet above the top of the existing building or structure or more than (2) feet beyond the sides of the existing building or structure and where no separate accessory building is required, and provided the Wireless Communications Service Facility meets the requirements of Section 8.14.3.

- 97.1.1 For an existing building forty-five (45) feet or less in height with an existing parapet wall above the roof elevation where the Wireless Communications Service Facility is to be mounted; the Village Board of Trustees may allow the height above the top of the roof to be increased from four (4) feet to a maximum six (6) feet as a permitted use provided not more than four (4) feet of the Wireless Communications Service Facility may extend above the height of the parapet wall and provided the Wireless Communications Service Facility conforms to the Appearance Compatibility requirements of Section 8.14.3 of this Ordinance.

98.1.1 For an existing building greater than forty-five (45) feet in height with an existing parapet wall above the roof elevation where the Wireless Communications Service Facility is to be mounted; the Village Board of Trustees may allow the height above the top of the roof to be increased from nine (9) feet to a maximum eleven (11) feet as a permitted use provided not more than nine (9) feet of the Wireless Communications Service Facility may extend above the height of the parapet wall and provided the Wireless Communications Service Facility conforms to the Appearance Compatibility requirements of Section 8.14.3 of this Ordinance.

99.1.1 In the C/S-1 and C/S-2 Districts only two (2) wireless communications service facilities shall be allowed on an existing building of forty five (45) feet or less as a permitted use. If additional Wireless Communications service facilities are proposed on the same building they shall be processed as a special use and subject to the provisions for special uses and all other applicable provisions of this Section 8.14.

8.14.2.2 SPECIAL USE

100.1.1 A Wireless Communications Service Facility including an antenna may be processed as a special use in this District when mounted on an existing, legally established, non-residential building or structure (other than on the exterior of a free-standing sign structure) that exceeds the permitted use standards for this type of facility, subject to the Standards for a Special Use under the Village of Innsbrook Zoning Ordinance and subject to the requirements of Section 8.14.4.

101.1.1 A Wireless Communications Service Facility including an antenna may be processed as a Special Use in this District when it would be mounted on a building or structure that is not an existing building or structure subject to the Standards for a Special Use under the Village of Innsbrook Zoning Ordinance and subject to the requirements of Section 8.14.5 including the Standards for documentation of non-availability or non-suitability of existing, buildings or structures for the proposed facility and service.

102.1.1 Lighting of the Wireless Communications Service Facility antenna or equivalent apparatus is not permitted unless required by the FCC (Federal Communication Commission), FAA (Federal Aviation Administration) or other Federal or State Authority. The applicant must present all approved alternatives for lighting under the applicable Federal or State requirements to the Village Board of Trustees for their selection of one of the approved alternatives.

8.14.3 PERMITTED USE APPEARANCE COMPATIBILITY REVIEW BY VILLAGE BOARD OF TRUSTEES

The Village Board of Trustees shall review the proposed Wireless Communications service facility that meets the requirements for a permitted use in the district in which the subject property is located. The Village Board of Trustees shall consider the proposed materials and

color for the Wireless Communications service facility including the antenna or equivalent apparatus and any equipment building and related structures, screening and landscaping consistent with the following:

8.14.3.1 COLOR AND MATERIAL

That the proposed antenna or equivalent apparatus mounted on the existing building or structure is of a color and material that blends with, or appears compatible with the existing building or structure to such as extent that it is not more obtrusive to the casual observer than the existing building or structure.

8.14.3.2 SEPARATE DETACHED BUILDING

That for Wireless Communications service facilities as a permitted use on existing buildings or structures of forty five (45) feet or less, no separate detached building is allowed other than an equipment panel or equipment room that is interior to the existing building or structure. An equipment panel that would be located in an area adjacent to the existing building that is not visible from any property line may be allowed by the Village Board of Trustees as part of a permitted use.

8.14.3.3 COMPATIBILITY

That any ground level equipment or related building shall be architecturally and visually compatible with surrounding existing buildings and structures or those buildings and structures likely to be developed under the underlying zoning district.

103.1.1 The maximum floor area for any related equipment building shall not exceed 300 square feet per service provider or 900 square feet for co-location facilities as a permitted use.

104.1.1 The maximum height for any related equipment building as a permitted use shall not exceed fifteen (15) feet and flat roof appearance are not permitted.

105.1.1 Fencing may be constructed on all sides if necessary for security purposes with decorative fencing of vinyl coated chain link, wood or other decorative material subject to Village Board of Trustees of Trustees approval and screened with a mix of evergreen and deciduous trees and shrubs. A combination of landscaping and decorative fencing may also be constructed on less than all sides subject to Village Board of Trustees approval when the Village Board of Trustees finds screening is already provided by existing buildings, improvements or conditions.

8.14.4 SPECIAL USE REQUESTS ON EXISTING STRUCTURES

8.14.4.1 FACILITIES EXCEEDING PERMITTED USE PROVISIONS

Wireless Communications service facilities on existing structures, which would exceed the requirements of the permitted use provisions, may be processed as and reviewed as a special use when listed as a special use in the district where the facility is to be located.

8.14.4.2 STANDARDS AND CONDITIONS

In addition to meeting the Standards for Special Use (Section 14.11.6) of the Village of Innsbrook Zoning Ordinance the following Standards and Conditions must be met.

- 106.1.1 That the applicant has documented and the Planning and Zoning Commission finds that the proposed facility cannot be mounted on the existing structure in conformance with the criteria for a permitted use and function adequately within its required service area or that it would interfere with an existing approved permitted or special use for a similar facility that is either co-located on the same building or structure or an adjacent building or structure.
- 107.1.1 That the applicant has documented and the Planning and Zoning Commission finds that no other existing building or structure in the service area of the proposed facility is available or suitable for mounting of the proposed facility within the criteria of a permitted use under this ordinance. This standard shall be considered with any written documentation provided by the applicant indicating that they have attempted to negotiate in good faith to secure the ability to locate on existing buildings or structures as well as any written responses from such attempts. The Planning and Zoning Commission shall consider such factors as the costs to adapt an existing building or structure to accommodate the Wireless Communications Service Facility as well as commercially reasonable terms related to proposed rent or other lease or purchase agreement requirements. These commercially reasonable terms may be considered with other co-location facilities in the area or with equivalent cost factors for new facilities.
- 108.1.1 That the applicant has documented and the Planning and Zoning Commission finds that the increase height or decreased setback for the proposed Wireless Communications Service Facility would not create a condition where the total height and/or total setback relationship would exceed the following.
- 109.1.1 A setback and height relationship of 1 foot of setback for each 3 feet of height from any abutting property line in a non-residential zoning district.
- 110.1.1 A setback and height relationship of 1 foot of setback for each 2 feet of height from any abutting property line in a residential zoning district.
- 111.1.1 This condition does not apply if the existing structure on which the proposed facility is to be mounted already exceeds this setback and height relationship, provided that the facility complies with the overall height limitations for such facilities and the existing setback is not reduced more than 50 percent of the existing setback of the existing structure.
- 112.1.1 That the applicant has documented and the Planning and Zoning Commission finds that the total overall height of the facility and the existing building or structure on which it is to be mounted will not exceed two hundred (200) feet or 30 percent of the height of the building or structure whichever is lower. Requests for exceptions from this provision would need to apply for both a Special Use and a Variance or Variances under the Innsbrook Zoning Ordinance and satisfy all applicable Standards.

113.1.1 That the applicant has documented and the Planning and Zoning Commission finds that the proposed antenna or equivalent apparatus mounted on the existing building or structure is of a color and material that blends with, or appears compatible with the existing structure.

114.1.1 That the applicant has documented and the Planning and Zoning Commission finds that any increased size in floor area or height of any related ground level building or structure beyond that allowed for a permitted use is necessary to accommodate specific service requirements of the service and/or promotes opportunities for co-location of facilities.

115.1.1 That the applicant has documented and the Planning and Zoning Commission finds that the ground level building or structure shall be architecturally and visually compatible with surrounding existing buildings and structures or those buildings and structures likely to be developed under the underlying zoning.

116.1.1 That the applicant has documented and the Planning and Zoning Commission finds that additional screening and landscaping beyond what would be required for a permitted use will be provided and designed to address any proposed increases in the size or the height of the ground level building or structures beyond what would be allowed as a permitted use.

117.1.1 Requests for increases in the floor area or height of the ground level building beyond the following shall require applications for both a Special Use and a Variance or Variances under the Innsbrook Zoning Ordinance and satisfy all applicable Standards.

8.14.4.2.1.1 The maximum floor area for any related equipment building shall not exceed 500 square feet per service provider or 1200 square feet for co-location facilities as a special use.

8.14.4.2.1.2 The maximum height for any related equipment building shall not exceed 20 feet and while a flat roof appearance is discouraged it may be allowed as a special use if the applicant documents and the Planning and Zoning Commission finds the request is compatible with surrounding buildings.

8.14.5 SPECIAL USE REQUESTS ON OTHER THAN AN EXISTING BUILDING OR STRUCTURE

8.14.5.1 MOUNTING TO OTHER THAN AN EXISTING STRUCTURE

Wireless Communications service facilities proposed to be mounted on a structure other than an existing building or structure may be processed as an application for review as a special use when listed as a special use in the district where the facility is to be located.

8.14.5.2 STANDARDS AND CONDITIONS

In addition to meeting the Standards for Special Use (Section 14.11.6) of the Village of Innsbrook Zoning Ordinance the following Standards and Conditions must also be met.

- 118.1.1 That the applicant has documented and the Planning and Zoning Commission finds that no other existing building or structure in the service area of the proposed facility is available or suitable for mounting of the proposed facility within the criteria of a permitted or special use under this ordinance to allow the facility to function adequately for the wireless service requirements or where it would interfere with an existing approved permitted or special use for a similar facility on an adjacent building or structure. This standard shall be considered with any written documentation provided by the applicant indicating that they have attempted to negotiate in good faith to secure the ability to locate on existing buildings or structures as well as any written responses from such attempts. The Planning and Zoning Commission shall consider such factors as the costs to adapt an existing building or structure to accommodate the Wireless Communications Service Facility as well as commercially reasonable terms related to proposed rent or other lease or purchase agreement requirements. These commercially reasonable terms may be considered with other co-location facilities in the area or with equivalent cost factors for new facilities.
- 119.1.1 That the applicant has documented and the Planning and Zoning Commission finds that the height of the proposed facility is the lowest possible height to allow the facility to function adequately for the wireless service requirements or at the lowest possible height to accommodate co-location.
- 120.1.1 A setback- height relationship from any abutting property line in a non-residential zoning district as a special use shall consider the activities of the uses on site and on adjacent property including but not limited to vehicular circulation, parking and loading requirements, the existence of any above ground utility poles or wire, existing landscaping, and potential for co-location to assure that the facilities placement will not interfere with these uses and activities.
- 121.1.1 A minimum setback and height relationship of 1 foot of setback for each 2 feet of height from any abutting property line in a residential zoning district is required as a special use. The potential for increased setbacks from residential uses should be considered as part of the special use review.
- 122.1.1 Any application that cannot comply with the above setback - height relationship shall require applications for both a Special Use and a Variance or Variances under the Innsbrook Zoning Ordinance and satisfy all applicable Standards.
- 123.1.1 The maximum height for the facility and related structure is 200 feet.
- 124.1.1 That the applicant has documented and the Planning and Zoning Commission finds that the ground level building or structure shall be architecturally and visually compatible with surrounding existing buildings and structures or those buildings and structures likely to be developed under the underlying zoning.
- 125.1.1 The maximum floor area, height, fencing and screening requirements for ground level buildings or structures for these facilities as Permitted and Special Uses on Existing Structures (Section 8.14.3 and 8.14.4) shall apply and any exceptions to those

Standards will require applications for both a Special Use and Variance or Variances under the Innsbrook Zoning Ordinance and will be subject to all applicable standards.

8.14.6 INDEPENDENT PROFESSIONAL REVIEW

If the Zoning Administrator, Planning and Zoning Commission or Village Board of Trustees find that the documentation provided by the applicant requires independent professional review then the Zoning Administrator shall prepare a list that shall be submitted to the Village Board of Trustees of at least three independent professionals that are qualified to review and comment on the applicants documentation. The Village Board of Trustees may approve two more independent professionals that the Village Board of Trustees would find qualified to review and provide professional comments on the applicants documentation. The applicant may select one of the independent professionals identified as acceptable to the Village Board of Trustees to be retained by the Village with costs of the review and analysis being reimbursed to the Village by the Applicant. If additional independent studies or documentation is deemed appropriate by the applicant or the Village then the costs of the additional studies or documentation shall be the responsibility of the respective party requesting the additional information.

8.14.7 ABANDONMENT AND REMOVAL

When one or more antennas, an antenna support structure, or related equipment are not operated for the provision of Wireless Communications services for a continuous period of 12 months or more, such antenna, antenna support structure, or related equipment may be deemed to be abandoned by the Village. The owner of such an antenna, antenna support structure, or related equipment shall remove such items within 90 days following the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail, return receipt requested, by the Village to such owner at the last known address of such owner. If two or more providers of Wireless Communications services use the antenna support structure or related equipment to provide Wireless Communications services, then the period of non-use under this provision shall be measured from the cessation of operation at the location of such antenna support structure or related equipment by all such providers.

9 SUBDIVISION REGULATIONS

9.1 DESIGN STANDARDS

9.1.1 GENERAL

9.1.1.1 CONFORMITY TO PLANS

All subdivisions shall conform to the Village official plan, zoning ordinance, subdivision regulations, and to all other applicable ordinances, resolutions, and plans.

9.1.1.2 NATURAL FEATURES

Each subdivision shall be appropriate to the topography, drainage, and other natural features of the site.

9.1.2 STREETS

9.1.2.1 LAYOUT

The layout of streets in a subdivision shall conform to existing regulations and policies and shall be based on thorough consideration of:

126.1.1 Topography and drainage;

127.1.1 Public convenience and safety;

128.1.1 Existing street pattern;

129.1.1 Future circulation needs of nearby lands;

130.1.1 Proposed uses of land being subdivided;

131.1.1 Need for extending streets to the property lines of the tract being subdivided to provide access to abutting properties.

All streets shall be graded and the roadway improved by surfacing. Roadway surfacing shall be in accordance with Village standards and specifications. All grading and surfacing shall be done under observation and inspection of the Village of Innsbrook and shall be subject to its approval. The treatment of the intersection of any new street with a State highway and any additional required widening of an adjoining State Highway shall be subject to approval by the District Engineer of the State of Missouri Highway and Transportation Department.

9.1.2.2 RIGHTS-OF-WAY

Street right-of-way widths shall be as designated by the official map of the Village. Where no width is indicated, the following table shall apply:

Type Street	Minimum Width (Feet) ⁴
State highways	120-150
Major county highways ¹	100-120
Other county or township high- ways ^{1,2}	80
Collector	60-80
Regional arterial ²	150 (min.)
Minor arterial	60-80
Major arterial ²	100 (min.)
Local streets ³	50
Marginal access streets	40

Notes:

1. An additional ten feet shall be required where a parkway is designated on the Village's Official Map.
2. Where ditch storm drainage is required in local street rights-of-way, such rights-of-way shall be six feet wider.
3. At such times as a subdivision is proposed adjacent to an existing street, that street shall be improved to current Village specifications. Additional right-of-way and the cost of improvement of half of the right-of-way adjacent to the proposed subdivision shall be included in the overall subdivision improvements. The improvements shall be made to current Village specifications and standards.
4. In certain cases involving the subdivision of a tract or tracts of land, the reservation of right-of-way areas may be required for future road improvements as authorized by the preliminary plat for that tract.

The minimum right of way shall be 40 feet or the width necessary to accommodate all roadway elements and include a 3 to 6 foot utility corridor on each side of the street. Dedicated right of way for roadways shall be platted as a ingress/egress and utility easement.

9.1.2.3 LOCAL STREETS

Local streets shall be so designed as to discourage high speed or through traffic.

9.1.2.4 BOUNDARY STREETS

Streets shall not be laid out on the boundary of a subdivision. Exceptions to this may be permitted where the Village Administrator finds that such streets are desirable for further expansion or where such streets will conform to the existing street system.

9.1.2.5 INTERSECTIONS

Street intersections shall be at right angles. Where unusual conditions exist, the Village Administrator may permit intersections of less than 90 degrees but not less than 60 degrees. In all cases street intersections and junctions shall be laid out so as to facilitate the safe flow of traffic. In no case shall two junctions be offset less than 125 feet measured from centerline of street to centerline of street.

9.1.2.6 CUL-DE-SACS

Cul-de-sacs shall be not more than 500 feet in length measured along the centerline from the centerline of the street of origin to the center of the turnaround, and each shall have a terminus generally circular in shape, with a diameter of 120 feet and a center on or within 30 feet of the cul-de-sac centerline.

9.1.2.7 MARGINAL ACCESS STREETS

Wherever a subdivision borders on or contains the right-of-way of a limited access highway; a railroad; or a utility right-of-way, a street may be required approximately parallel to, and on either side of, such right-of-way for a distance suitable to service such uses as front thereon.

9.1.2.8 HALF STREETS

Half streets shall not be permitted except to complete an existing half street which is dedicated and accepted, or to conform to the official plan and official map of the Village.

9.1.2.9 RESERVE STRIPS

Reserve (spite or devil) strips controlling access to streets shall not be permitted unless approved by the Village Trustees. Streets roughly paralleling the subdivision boundary shall be located either on that boundary or not less than one lot depth from such boundary. All streets shall be extended to the subdivision boundary.

9.1.3 BLOCKS

9.1.3.1 DESIGN

The length, width, and shape of blocks shall be determined with due regard for the following:

- 132.1.1 Provision of adequate building sites suitable to the special needs of the types of use contemplated;
- 133.1.1 Zoning requirements as to lot size and dimensions;
- 134.1.1 Needs for convenient access, circulation, control, and safety of street traffic;
- 135.1.1 Limitations and opportunities of topography.

9.1.3.2 LENGTH

No block shall exceed 1,600 feet in length except where required by unusual topographic conditions, nor shall they be less than 400 feet in length.

9.1.3.3 CROSSWALKS

Where blocks exceed 800 feet in length, or where orientation of pedestrian circulation requirements indicate, crosswalks may be required. Such crosswalks shall be not less than ten feet in width.

9.1.4 LOTS

9.1.4.1 DIMENSIONS

Lot dimensions and area shall be not less than the requirements of the Village zoning ordinance.

9.1.4.2 FRONTAGE

All lots shall front directly on an improved public street. Lots adjoining regional arterial and major arterials shall be provided with marginal access streets or front on an interior street. An indication shall appear on the final plat where access is prohibited. Lots shall have a width at the street right-of-way line and rear lot line not less than twice the sum of the side yards as provided in the Village zoning ordinance.

9.1.4.3 LOT LINES

Side lot lines shall be at right angles or radial to the street line or substantially so.

9.1.4.4 DEEP LOTS

Lots abutting a regional arterial, or major arterial, a railroad, utility right-of-way, or other inharmonious use shall have a width or a depth of 40 feet in excess of the typical interior lot in the same subdivision. A planting screen easement, across which there shall be no right of access, may be required on such deep lots.

9.1.4.5 CORNER LOTS

Corner lots for residential use shall have 25 percent additional width to permit appropriate building setback from, and orientation to, both streets. A minimum side yard restriction of ten feet shall be shown on all lots adjoining a pedestrian way.

9.1.4.6 BUILDING SITES

Every lot shall contain a suitable building site. In zones providing for a lot area of 40,000 square feet or more, 25 percent of the lot area therein may consist of uninhabitable lands,

marshes, or floodplain. However, where part of a lot may become subject to flooding, minimum floor elevation shall be required.

9.1.5 EASEMENTS

9.1.5.1 UTILITY EASEMENTS

136.1.1 Easements shall be provided for utility service. Easements shall be 15 feet wide for any single underground Village conduit and 20 feet wide for two underground Village conduits and be established where practicable at the rear of each lot and along such other lot lines as to provide continuity of alignment from block to block. Not less than ten feet wide easements are to be provided for any other utility.

137.1.1 All utility distribution lines for telephone and electric service shall be installed underground within easements and dedicated public ways, except those overhead distribution feeder lines necessary to serve that subdivision and in locations as approved by the Village Engineer. All transformer boxes shall be located so as not to be unsightly or hazardous to the public. The installation of such facilities shall be made in compliance with applicable orders, rules, and regulations, now or hereafter effective and filed with the Planning and Zoning Commission pursuant to the state public utilities act of any public utility whose services will be required with respect to the provision of such underground facility. The Village Engineer may approve above ground installations in whole or part for non-residential subdivisions only when a request is submitted by the developer with documentation that supports the impracticability of installing such utility lines underground.

9.1.5.2 DRAINAGE EASEMENTS

When a subdivision is traversed by an established stream, established drainageway, or channel, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the course of such stream, established drainage way, or channel. The location, width, alignment, and improvement of such easement shall be subject to the approval of the plan commission provided that such easement shall be not less than 20 feet in width. Where ditch drainage is used in lieu of storm sewers, as may be permitted in this chapter, the easement shall be of sufficient width to allow future construction of a storm sewer main adequate to carry the ultimate runoff of the watershed as determined by current hydrological records. The area of any public way immediately adjacent to the ditch shall be taken into consideration.

9.1.6 RESUBDIVISION AND REPLATTING

9.1.6.1 VILLAGE POLICY TO ENCOURAGE AND FACILITATE IN CERTAIN CASES

The reviewing authority shall, in the performance of its plat-approving function, encourage and facilitate the replatting of prematurely and inexpertly subdivided areas

which are now in sharp contrast with current standards of acceptability. Rehabilitation of these areas shall be implemented through proper design considerations when adjacent unsubdivided land is proposed for development.

9.1.7 EROSION AND SEDIMENTATION CONTROL

9.1.7.1 INTENT

This division is intended to govern earthwork or the movement of earth during subdivision improvements or other individual improvements so as to control erosion, sedimentation, or dust problems.

9.1.7.2 COMPLIANCE WITH CERTAIN STANDARDS REQUIRED

All items regarding erosion and sedimentation control shall be in accordance with applicable State, County, and Village requirements.

9.1.7.3 PREREQUISITES TO PLAT APPROVAL

Except as provided in this division, no plat of subdivision shall be approved unless the final plat and accompanying materials indicate that measures to be taken to control erosion and sedimentation will be adequate to assure that sediment is not transported from the site by a storm event of ten-year frequency or less, and that the following principles will be applicable to all development activities in the area to be subdivided:

- 138.1.1 Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided and natural contours should be followed as closely as possible.
- 139.1.1 Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses should be left undisturbed wherever possible.
- 140.1.1 The smallest practical area of land should be exposed for the shortest practical time during development.
- 141.1.1 Sediment basins, debris basins, desilting basins, or silt traps or filters should be installed and maintained to remove sediment from run-off waters from land undergoing development.
- 142.1.1 The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs and benefits involved.
- 143.1.1 In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.
- 144.1.1 Provision should be made to accommodate the increased runoff caused by changed soils and surface conditions during and after development. Drainageways

should be designed so that their final gradients and the resultant velocities of discharges will not create additional erosion.

145.1.1 Permanent vegetation and structures should be installed as soon as practical during development.

9.1.7.4 MINIMUM EROSION AND SEDIMENTATION CONTROL MEASURES

Erosion and sedimentation control plans for every subdivision shall as a minimum contain the following:

146.1.1 A general description of the predominant soil type on the site, their location and their limitations for the proposed use.

147.1.1 All erosion and sedimentation control measures necessary to meet the objectives of this chapter through all phases of construction and permanently after completion of development of the site.

148.1.1 Seeding mixtures and rates, types of sod, seedbed preparation, expected seeding dates, lime and fertilizer application, and kind and quality of mulching for both temporary and permanent vegetative control measures.

149.1.1 Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

150.1.1 Identification of the person or entity which will have legal responsibility for maintenance of erosion control structures and measures during and after development is completed.

151.1.1 The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the estimated duration of exposure of cleared areas and the sequence of clearing, installation of temporary sediment control measures, installation of storm drainage, paving streets and parking areas, and the establishment of permanent vegetation cover.

9.1.7.5 RETENTION OF TOPSOIL; SEEDING AND SODDING

152.1.1 Topsoil should not be removed from residential lots or used as spoil, but be redistributed so as to provide at least four inches of cover on the lots and at least four inches of cover between sidewalks and curbs, and shall be stabilized by seeding and/or sodding.

153.1.1 All improved areas within the dedicated street areas or other public use areas shall be graded and seeded or sodded and/or planted in an approved manner. Restoration work shall be performed to the satisfaction of the Village Engineer. All parkways shall be graded smooth and topped with at least four inches of black dirt after compacting and removal of stumps, trees that cannot be saved, boulders

and other debris. Such areas shall be seeded or sodded to the satisfaction of the Village Engineer.

9.2 IMPROVEMENTS

9.2.1 GENERAL

9.2.1.1 GENERAL REQUIREMENTS

154.1.1 Purpose. It is deemed necessary and essential to require and control the provision and installation of improvements when property is subdivided and developed in order to:

- 9.2.1.1.1.1** Ensure conformity to the statutes governing the subdivision of land in the state;
- 9.2.1.1.1.2** Cause the installation of utilities and public service facilities necessary to serve the property developed;
- 9.2.1.1.1.3** Provide for the current financing of such facilities;
- 9.2.1.1.1.4** Spread the costs of required improvements upon the property benefited;
- 9.2.1.1.1.5** Prevent the dissipation or the improper use of public funds in providing these improvements or maintaining faulty installation;
- 9.2.1.1.1.6** Protect the living standards, public safety, and the common welfare of residents within and without the subdivision.

155.1.1 Qualifications of contractors. The developer shall file with the Village a list of all contractors and subcontractors who are to participate in the construction of public improvements. Such contractors and subcontractors shall be subject to disqualification by reason of faulty performance of prior construction work done in the Village.

156.1.1 Time of construction. All improvements required in this article shall be completely installed before submittal of the final plat; or, the subdivider shall post a surety subdivision performance bond, letter of credit or cash bond guaranteeing the installation of these improvements within two years following final plat approval by the Village board. Additional time may be allowed if approved by the Village board. In no case should the additional allocated time exceed three six-month extensions.

157.1.1 Sequence of construction. All underground utilities, sanitary sewers, and storm sewers installed in streets, alleys, service roads, or highways shall be constructed or installed prior to the surfacing of such streets. Service connections to such underground utilities and sewers shall be extended to the property line of each lot so as to alleviate disturbing the surface improvements in such public ways when service connections are later made. Where underground utilities are

located in the parkway adjacent to the paved roadway, service connections to properties across such roadway shall only be made by drilling under the pavement in such a way that surfacing is not disturbed or weakened.

158.1.1 Debris removal. The subdivider shall clean and maintain all public ways, sewers, and drains free from debris and trash, or other extraneous material, prior to acceptance and at such other times during construction as the Village Engineer deems necessary to prevent the creation of a public nuisance.

9.2.1.2 MODIFICATION OF DESIGN OF IMPROVEMENTS DURING CONSTRUCTION

During the course of inspections, the appropriate public inspector will especially note any circumstances which entail departures in the "as-built" improvements from the plans and specifications as approved, such as an unforeseen difficulty of drainage, groundwater, poor subsoil, unstable fill material, or unconventional or faulty practices of contractors or subcontractors. Whenever such departures are likely to cause either a lower ultimate level of performance or a higher construction cost than could reasonably have been anticipated, he shall prepare a report on his findings in the situation and promptly forward copies to the Chairman and Board of Trustees and to the Plat Officer.

9.2.1.3 "AS-BUILT" PLANS

After completion of all public improvement and prior to final acceptance of such improvements, the subdivider shall make, or cause to be made, a map showing the actual location and elevation of all valves, manholes, stubs, sewer and water mains, and other improvements. Two copies of this plan shall be in black (India) ink on tracing cloth, or materials of equal permanence and durability, and shall bear the seal and signature of the engineer. The as-built plans shall also be provided in digital form on ESRI ArcView/ArcInfo format (or DXF Format if not available on ESRI) on CD or DVD Disc's. The presentation of this plan shall be a condition of final acceptance of the improvements and release of the surety assuring their completion. This plan or a reproducible (sepia mylar) copy, shall become the property of the Village.

9.2.1.4 POLICY ON SHARING COST OF OVERSIZE IMPROVEMENTS

Whenever necessary, to conform to an overall plan or otherwise to protect or promote the public interest, oversize improvements may be required of the subdivider; however, the cost to the subdivider shall be no greater than that which would result from the installation or construction of only that size necessitated by his own development. The excess cost resulting from the requirement of an oversize improvement shall be borne by the appropriate public authority.

9.2.1.5 MONUMENTS

159.1.1 Where none are existing, survey monuments shall be placed by a registered land surveyor at street corners; i.e., at a four-way intersection, two (2) corners are required to be monumented, and at a three-way intersection, one (1) corner is required to be monumented. For all other types of intersections, monuments shall be placed as determined by the Village of Innsbrook. In addition, monuments shall be so located to find angle points, points of tangency of curves on one (1) side of the street, and at all outboundary corners.

160.1.1 Should conditions prohibit the placing of any monuments at the above locations, offsetting of the permanent marker is permitted; provided however, that the exact offset courses and distances are shown on the letter of certification when monuments are set. If a monument would be in a driveway, a cross would be permitted in concrete; and a steel pin, iron pipe, or railroad spike in asphalt.

161.1.1 Monuments shall be of Portland cement concrete, four (4) inches square on the top tapering to six (6) inches square on the bottom; stone, four (4) inches square or larger; and iron pipe or steel pins, from one-half (½) inch to one and one-half (1½) inches in diameter. All monuments noted above will have a length of two (2) feet or longer.

162.1.1 An existing permanent benchmark or a new permanent benchmark shall be accessibly established and shall be accurately noted on the record subdivision plat.

9.2.1.6 GRADING

163.1.1 Where it is proposed to alter ground elevations more than two feet, proposed, as well as existing, contours shall be shown on the contour map. Where top soil is removed during the course of grading or construction, it shall be redistributed evenly to a depth of at least four inches. All exposed areas shall be reseeded or sodded to prevent erosion. Seeding and sodding shall conform to the specifications as set forth in article VI of this chapter.

164.1.1 No lot of greater than one-half acre or part thereof shall hereafter be excavated, graded or cleared of trees or other significant vegetation without issuance of a grading or clearing permit by the Village Engineer.

9.2.1.7 GUARANTEES OF PERFORMANCE

165.1.1 Generally. In order to provide for the orderly growth of the Village and to further provide for the orderly development of land and the installation of all required improvements in newly developed areas, no plat of a proposed subdivision shall be given final approval until the requirements of this section have been met.

166.1.1 Performance bond. Before approval of a final plat, the Plat Officer must find that all improvements have been installed in accordance with the provisions of

this chapter and all other applicable ordinances of the Village; provided, however, that a final plat may be approved upon the posting of a performance bond or other guarantee acceptable to the Village as provided in this chapter:

9.2.1.7.1.1 Amount. The amount of the performance bond shall be equal to 110 percent of the estimated cost of construction of the required improvements as approved by the Village Engineer.

9.2.1.7.1.2 Time limit. All performance guarantees shall be payable to the Village and shall be enforceable by the Village prior to or on a date 12 months from the date of final plat approval or final plat recording.

9.2.1.7.1.3 Release. The Village Board may reduce performance guarantees when requested in writing by the developer and approved by the Village Engineer. The Village shall retain ten percent of the performance guarantee until such time as the public improvements are completed as certified by the Village Engineer and accepted for maintenance by ordinance by the Village Board.

167.1.1 Other guarantees. In lieu of the performance bond provided for in this section, the subdivider may post a certified check or checks with the Village, each check equal to 110 percent of the estimated cost of construction of the improvements as provided for above.

168.1.1 Default. If the improvements are not completed within the required time, the corporate authority of the Village may use the performance bond or any portion thereof to complete construction of the improvements, or may appropriate any portion of the certified check for the same purpose.

9.2.1.8 INSPECTION

169.1.1 Required. All required land improvements to be installed under the provisions of these regulations shall be inspected by the Village at the subdivider's expense.

170.1.1 Notification. Before starting the construction of any improvements, the subdivider shall ascertain from the Village Engineer what inspections are required and the amount of notification desired in each case, and shall comply with all their rules, regulations, and instructions pertaining to such required inspections. The subdivider, contractor or his authorized representative, shall provide 48-hour advance notification to the Village Engineer before starting any work or renotification when work has been suspended for more than three working days.

171.1.1 Reports. Any inspection which requires that the health officer be present shall be made by that official or his agent and reported in written form; one copy shall be furnished to the engineer or other agent of the subdivider and one copy to the Village.

172.1.1 Subdivider's responsibility. Regardless of contracts, agreements, or inspections performed, final responsibility for the installation of all

improvements, in accordance with the applicable standards, shall rest with the subdivider.

173.1.1 Approval and acceptance.

9.2.1.8.1.1 Prior to final acceptance of the public improvements, the subdivider/developer shall submit a five-percent maintenance bond for the full value of the public improvements as submitted by the subdividers engineer and verified by the Village Engineer. Such maintenance bond shall be the developer's guarantee against defects of the public improvements and shall terminate one year after acceptance of maintenance of the public improvements by the Village board pursuant to subsection 9.2.1.7.2.3.

9.2.1.8.1.2 When street, sanitary, water, and drainage improvements and all appurtenances thereto, based on approved plans, have been constructed or installed and passed all inspections, the Village authorities shall provide the developer with a letter of approval, completion, and acceptance by the Village in accordance with subsection 9.2.1.7.2.3.

9.2.1.8.1.3 When individual sewage disposal systems, based on approved plans, have been constructed or installed and have passed all inspections, the Village Engineer shall provide the developer with a letter of approval and completion.

9.2.1.8.1.4 When any required sewer or water improvement is not intended for public ownership, the appropriate inspecting agency shall provide the developer and the Village with a letter of approval and completion. Such letter shall not constitute acceptance by the public but shall permit the owner to operate and maintain the facility.

174.1.1 Fees. The subdivider/developer shall pay to the Village such reasonable fees as designated below to defray costs of plan review, inspections, and engineering services required for any subdivision and or development considered within the Village.

9.2.1.8.1.5 A plan/development review fee of not less than \$100.00 and a fee of 0.5 percent for public improvements exceeding \$20,000.00.

9.2.1.8.1.6 A construction inspection fee, based on a percentage of the total cost of public improvements less fees paid under section 9.2.1.8.6.1 pursuant to the following table:

Public Improvement Costs	Percentage
\$1.00--\$500,000.00	3
\$500,001.00--\$1,000,000.00	2 1/2
Over \$1,000,000.00	2

The plan/development review fee is due and payable prior to initial review of the plan when a subdivision plat is not to be recorded. When a subdivision plat is to be recorded, a plan/development review fee amounting to 50 percent of the costs as determined in section 9.2.1.8.6.1, shall be paid before recording of the final plat. The construction inspection fee, less the plan/development review fee, shall be paid prior to final acceptance of the public improvements by the Village Board. Fees paid pursuant to this subsection are exclusive of required traffic studies, soil borings or extensive engineering inspection or testing.

9.2.2 REQUIRED FACILITIES AND LANDSCAPING

9.2.2.1 ENGINEERING PLANS

All engineering plans shall be submitted on 36-inch by 24-inch plan sheets and shall be signed and sealed by a state registered professional engineer. All engineering plans are required to tie the vertical control of the engineering plans to a minimum of two benchmarks from the Village/Warren County monument and benchmark system.

9.2.2.2 STREETS

175.1.1 Unless otherwise specified, the type, design, and construction of streets shall be in accordance with the provisions of section 9.4.

176.1.1 Where proposed subdivision lots front on only one side of a public road, the subdivider shall be responsible for one-half of such road to be improved as described in section 9.4; the remaining improvements shall be completed in the manner described in section 9.2.1.4. Whenever land adjacent to an existing public street is subdivided with lots facing thereon, and such street is not improved to a standard as high as that required for an interior street of similar character, the subdivider may be required to improve such public street, but in no case shall the required expenditure for such improvement exceed that required for a similar interior street. Any improvement of an existing street shall be subject to the approval of the public authority having jurisdiction.

177.1.1 Street profiles, plans and cross sections for all subdivision streets shall be prepared by an engineer in accordance with the requirements of section 9.4, and the engineer, as agent for the subdivider, or his contractor, shall be responsible for establishing the proper lines and grades for all earthwork and drainage.

178.1.1 At least one street of full width shall be provided to furnish the subdivision with access to an existing improved public street. Such access street shall be improved by the subdivider in accordance with the standards appropriate to its function, whether or not it lies partly or entirely, outside the subdivision.

9.2.2.3 STORM DRAINAGE

179.1.1 The storm drainage improvements shall conform to the system designed and established by the engineer and approved by the Village Engineer. Computations

may be required for the entire drainage basin of which the subdivision is a part. The design and construction of such improvements shall be in accordance with the specifications of section 9.4.

180.1.1 In residential subdivisions containing lots less than 40,000 square feet in area, and in all business and industrial subdivisions, underground storm sewer systems shall be constructed and installation shall be completed and approved by the Village Engineer prior to the placement of any surfacing material.

181.1.1 Special consideration shall be given to the avoidance of problems which may arise from storm water runoff onto adjacent properties. All storm drainage shall be conducted and/or connected to an approved outfall.

182.1.1 Any building or structure equipped with a sump pump shall provide a discharge a minimum of ten (10) feet from the foundation wall of the building and shall not discharge directly on to neighboring property.

9.2.2.4 CULVERTS AND BRIDGES

Adequate drainage structures shall be provided. The design, installation, and construction of drainage structures shall comply with specifications in section 9.5.

9.2.2.5 CURBS AND GUTTERS

183.1.1 In all subdivisions where underground storm drainage systems are required or proposed, curbs and gutters shall be provided.

184.1.1 In subdivisions of lots under 40,000 square feet, concrete curbs and gutters shall be provided.

9.2.2.6 SIDEWALKS

185.1.1 In all subdivisions where lots are less than 40,000 square feet, sidewalks shall be provided along both sides of all streets and culs-de-sac. The Village Board of Trustees also may require that sidewalks be provided elsewhere than as required above, where considered necessary to public safety due to anticipated concentration of pedestrian traffic.

186.1.1 Sidewalks and pedestrian ways which form part of a system of sidewalks as required above shall be improved in accordance with section 9.4.5.4.

9.2.2.7 STREET TREES

187.1.1 Quantity. Shade trees shall be provided at the equivalent of not more than 50 feet apart along all frontages of all lots. In the case of a corner lot, one tree shall be provided for the first 100 feet of the longest frontage, then one tree per 50 feet

thereafter. In the event of a fraction of a tree required, if the fraction is less than three-quarters, the lower number shall be used. If the fraction is three-quarters or greater, the higher number shall be used. Existing trees that are to be preserved may be used to satisfy the requirements of this provision subject to Village approval. Clustering of trees is permitted subject to Village approval, and if clustering is permitted, then total frontage may be used to calculate the quantity of trees required rather than the individual lot frontages. Additional trees may be required by the Village of Innsbrook.

188.1.1 Location and spacing. Street trees may be clustered or spaced linearly in the public right-of-way as approved by the Village. Such trees may also be placed up to 25 feet inside the property line provided they are within the view of the public. A landscape preservation easement must be provided with all maintenance being provided by the property owners.

189.1.1 Size. Street trees shall have a minimum trunk size of 2 1/2-inch caliper; as measured 12 inches above the established ground level.

190.1.1 Species. Utilization of a variety of street tree species is specifically encouraged, and is subject to final engineering approval, in order to promote variety in the streetscape and to reduce exposure to disease that may affect any one particular tree species. Street trees shall be selected from the following approved list:

DECIDUOUS TREES:

Large trees--50 feet and over in height and over 40 feet in spread. Trees planted on parkways to be spaced not more than 50 feet on center.

Common Name	Botanical Name
Norway Maple	Acer platanoides
Emerald Queen Norway Maple	Acer platanoides "Emerald Queen"
Crimson King Maple	Acer platanoides "Crimson King"
Sugar Maple	Acer saccharum
Green Mountain Sugar Maple	Acer saccharum "Green Mountain"
Sycamore Maple	Acer pseudoplatanus
Hackberry	Celtis occidentalis
Marshall Seedless Green Ash	Fraxinus pennsylvanica "Marshall Seedless"
Summit Ash	Fraxinus pennsylvanica "Summit"
Autumn Purple White Ash	Fraxinus americana "Autumn Purple"
Rosehill White Ash	Fraxinus americana "Rosehill"
Blue Ash	Fraxinus quadrangulata
European Ash	Fraxinus excelsior
Ginkgo (male only)	Ginkgo biloba

Common Name	Botanical Name
Imperial Honeylocust	Gleditsia tricanthos "Imperial"
Shademaster Honeylocust	Gleditsia tricanthos "Shademaster"
Skyline Honeylocust	Gleditsia tricanthos "Skyline"
Kentucky Coffee-tree	Gymnocladus dioicus
Bur Oak	Quercus macrocarpa
Chickapin Oak	Quercus muehlenbergi
English Oak	Quercus robur
Schumard Oak	Quercus shumardii
Shingle Oak	Quercus imbicaria
Swamp White Oak	Quercus bicolor
Bald Cypress	Taxodium distichum
American Linden	Tilia americana
Redmond Linden	Tilia euchlora
Silver Linden	Tilia tomentosa
Japanese Zelkova	Zelkova serrata

Medium Trees--30 to 50 feet in height and 25 to 40 feet in spread. Trees planted on parkways to be spaced not more than 35 feet on center.

Common Name	Botanical Name
Miyabe Maple	Acer miyabei
Tartarian Maple	Acer tataricum
Baumann Horsechestnut	Aesculus hippocastanum "Baumanni"
Yellow Buckeye	Aesculus glabra
European Black Alder	Alnus glutinosa
River Birch	Betula nigra
Katsura Tree	Cercidiphyllum japonicum
Yellowwood	Cladrastris lutea
Turkish Filbert	Corylus colurna
Cucumber Tree Magnolia	Magnolia acuminata
Amur Corktree	Phelloclendron amurense
Bradford Callery Pear	Pyrus calleryana "Bradford"
Chanticleer Callery Pear	Pyrus calleryana "Chanticleer"
Japanese Pagoda Tree	Sophora japonica
Peking Lilac	Syrianga pekinensis

Greenspire Linden	Tilia cordata "Greenspire"
Lacebark Elm	Ulmus parvifolia

Small Trees--15 to 30 feet in height and less than 30 feet in spread. Trees planted on parkways to be spaced not more than 25 feet on center.

Common Name	Botanical Name
Amur Maple	Acer ginnala
Hedge Maple	Acer campestre
Columnar Norway Maple	Acer platanoides "Columnar"
Columnar Sugar Maple	Acer saccharum "Columnar"
Red Horse Chestnut	Aesculus x carnea
Red Buckeye	Aesculus pavia
Pink Horse Chestnut	Aesculus x plantierensis
Speckled Alder	Alnus rugosa
Downy Serviceberry	Amelanchier arborea
Redbud	Cercis canadensis
Lavalle Hawthorne	Crataegus x lavalley
Washington Hawthorne	Crataegus phaenopyrum
Winter King Hawthorne	Crataegus virdis "Winter King"
Adams Crabapple	Malus "Adams"
Japanese Flowering Crabapple	Malus floribunda
Red Splendor Crabapple	Malus "Red Splendor"
Snowcloud Crabapple	Malus "Snowcloud"
Snowdrift Crabapple	Malus "Snowdrift"
Ironwood (Hophornbeam)	Ostrya virginiana
Japanese Tree Lilac	Syringa reticulata

Evergreen trees--For use in landscape sites.

Common Name	Botanical Name
White Fir	Abies concolor
Chinese Juniper	Juniperus chinensis
Norway Spruce	Picea abies
White Spruce	Picea glauca

Common Name	Botanical Name
Colorado Spruce	<i>Picea pungens</i>
Colorado Blue Spruce	<i>Picea pungens glauca</i>
Limber Pine	<i>Pinus flexilis</i>
Austrian Pine	<i>Pinus nigra</i>
Eastern White Pine	<i>Pinus strobus</i>
Himalayan Pine	<i>Pinus wallichiana</i>
Southern White Pine	<i>Pinus strobiformis</i>
Virginia Pine	<i>Pinus virginiana</i>
Scotch Pine	<i>Pinus sylvestris</i>
Douglas Fir	<i>Pseudotsuga menziesii</i>
Oriental Arborvitae	<i>Thuja orientalis</i>
White Cedar	<i>Thuja occidentalis</i>
Mission Arborvitae	<i>Thuja occidentalis "Mission"</i>

At the approval of the Village Board, evergreen trees or ornamental trees may be substituted for the required street trees. Evergreens of a minimum height of six feet may be substituted at a one-to-one exchange rate. Ornamentals of a minimum height of six feet or caliper of 1 1/2 inches may be substituted at a rate of two ornamentals for each street tree.

191.1.1 Quality and installation. Trees of park grade stock are unacceptable. Clay sub-soils shall be amended or replaced with topsoil for backfilling tree holes. All street trees shall be adequately watered upon installation. All street trees shall be guaranteed for one full year from the date of acceptance of the public improvements by the Village. All street trees shall be promptly replaced if they fail within the guarantee period with trees of the same variety and size at no cost to the Village.

192.1.1 Cul-de-sac turnaround islands. Cul-de-sac turnaround islands may be permitted and shall be 20 feet in diameter and may be planted with street trees from the acceptable species list, evergreen trees, or other plant materials approved by the Village, provided that a homeowner's association is established to maintain the planted area at no cost to the Village.

193.1.1 Trees conceded to development should be replaced, where appropriate, by similar new plantings.

9.2.2.8 STREET SIGNS AND PAVEMENT MARKINGS

194.1.1 Reflectorized street signs bearing the name of the street, as designated on the record plat, shall be placed at all street intersections.

- 195.1.1 The Village of Innsbrook shall approve the location and inspect the installation of street name signs in all subdivisions.
- 196.1.1 The size, height and type of sign shall be in accordance with the specifications of the Village of Innsbrook.
- 197.1.1 Street signs shall not be required for large-lot subdivisions other than at each intersection of a designated private roadway easement with an existing or proposed public street.
- 198.1.1 Street and regulatory signs shall be provided and erected by the Village at the developer's expense. Pavement markings shall be installed by the developer at locations designated by the engineer.

9.2.2.9 STREET LIGHTS

In all subdivisions, except for planned developments, within the corporate limits of the Village, street lighting shall be provided throughout the subdivision by the subdivider. Street light standards shall be installed within the street parkways and shall be served by appropriate wiring with connections to a power supply of the Cuivre River Electric Corporation. A standard shall be located at each street intersection, at the turnaround of each cul-de-sac, and elsewhere at intervals of not more than 300 feet alternating on both sides of the roadway. Street light standards, luminaries, lamps, and wiring shall be subject to the approval of the Village Board of Trustees. One pole and one luminaire shall be provided by the developer to the Village for each ten lights required to be installed pursuant to this chapter. The developer shall, if requested by the Village, provide a monetary amount equivalent to the developer's cost for such street light post and luminaire to the Village.

9.2.2.10 WATER SUPPLY FACILITIES

- 199.1.1 All subdivisions within the corporate limits of the Village and all other subdivisions with lots of less than one-half acre in area, shall have an interconnected water distribution system supplying all lots with water from a source approved by the Village Board of Trustees and the State Department of Natural Resources. Where such a water supply system is not provided in subdivisions with lots of one-half acre or more in area, outside the corporate limits of the Village, conclusive evidence shall be presented by the subdivider, on the basis of suitable tests and surveys, that an adequate underground water supply is readily available for development at the individual lots.
- 200.1.1 Water mains shall be not less than six inches in diameter and shall be arranged so as to avoid dead ends. Shut-off valves shall be provided at each branch main connection, and elsewhere as required, to permit adequate sectionalizing for maintenance purposes. Fire hydrants shall be installed throughout the entire system at intervals not exceeding 400 feet. A house service connection shall be provided at the centerline of each lot, extending to within one foot of the property lines, before roadway pavement is constructed. Materials,

system arrangement, and details of design shall be subject to the approval of the Village Board of Trustees.

201.1.1 Where central water systems cannot be provided according to section 9.2.2.10.1, individual private water systems may be permitted, provided such water systems meet all requirements of the Village.

202.1.1

9.2.2.11 FIRE HYDRANTS

Every community water supply system shall have adequate pipe sizes, water pressure, supply, and sufficient fire hydrants to provide fire protection to meet local neighborhood needs in accordance with the standards of the Village.

9.2.2.12 SANITARY SEWAGE FACILITIES

203.1.1 All subdivisions containing lots of less than 40,000 square feet in area shall have a system of sanitary sewers serving each lot, connected to the Village or other approved sewage system. All other subdivisions shall also have such sewage disposal facilities where standard seepage tests or other investigations, conducted by the Village Officials or their representative, indicated that the ground in the subdivision is suitable for individual sewage disposal facilities dependent upon seepage of the effluent into the soil.

204.1.1 Sewer systems and sewage treatment facilities shall meet the requirements set forth by the State Department of Natural Resources, and the Village. No oxidation ponds, seepage lagoons, or holding lagoons will be permitted. Sanitary and storm sewer systems shall not be combined. Sewer mains with house service stubs to each lot shall be installed prior to the construction of street pavements. Service stubs shall be installed at the centerline of each lot and shall extend to within one foot of the front lot line. [See Appendix A for minimum construction standards]

205.1.1 In subdivisions not required to install community sewage collection systems under section 9.2.2.12.1, individual sewage disposal systems may be permitted.

206.1.1 Regardless of locations, lot size, or number of lots a subdivision shall be disapproved where the Village Engineer finds that the drainage, soil conditions, disposal facilities, or other conditions will tend to produce health problems.

9.2.2.13 PLANTING SCREENS

The subdivider shall plant, install, construct, or otherwise provide, fences, planting strips, or buffers along lot lines which adjoin any existing or planned commercial or industrial area, and shall enclose any hazard which exists or which the plat reviewing authorities find will result from the development of the subdivision.

9.2.2.14 STREET CONDITIONS

Developers and contractors performing work within a subdivision shall restore all streets to their prework condition when completing work. This will include cleaning and repairing streets and roads in the project area on a daily basis as necessary and at project completion.

9.3 ENGINEERING SPECIFICATIONS

9.3.1 GENERAL REQUIREMENTS

The construction of improvements required by this chapter shall be in accordance with and to the specifications set forth in this article, and unless otherwise specified, all construction work shall be done in accordance with the provisions of the standard specifications for road and bridge construction by the state department of transportation, and their revisions and additions as adopted from time to time.

9.4 STREETS

9.4.1 GENERALLY

The specifications set out in this division for the design, grading, and surfacing of new and existing streets shall be adhered to.

9.4.2 DESIGN

9.4.2.1 GRADES OF STREETS

The maximum grades of minor arterials shall not exceed ten (10) percent. The maximum grades for other streets shall not exceed fifteen (15) percent. In no case shall the grade of any street be less than one-half of one percent.

9.4.2.2 HORIZONTAL CURVATURE

The minimum radius of centerline horizontal curvature shall be as follows:

207.1.1 Minor arterial: 100 feet.

208.1.1 Collector thoroughfares: 75 feet.

209.1.1 Local streets: 50 feet.

210.1.1 Angles on the centerline of a street are not permitted.

9.4.2.3 VERTICAL CURVATURE

Vertical curves shall not be less than 100 feet in length for collector streets and 50 feet for local streets. The vertical curve at a street intersection shall be not less than 50 feet. A vertical curve shall not be required unless the algebraic difference in the street gradient is greater than 2 1/2 percent. The length of the vertical curve shall be 20 feet for each one percent difference in gradient. The length of the vertical curve shall be rounded to the nearest 50-foot increment.

9.4.2.4 STOPPING SIGHT DISTANCE

Stopping sight distance shall be based on a line of sight, one end of which is three feet nine inches above the pavement and the other end which is six inches above the pavement. Minimum sight distance streets shall be 250 feet except that local streets shall have sight distance of not less than 200 feet.

9.4.2.5 INTERSECTION SIGHT DISTANCE

The minimum intersection sight distance is 410 feet for a posted speed limit of 30 miles per hour.

9.4.3 GRADING

All excavation, embankment, and subgrading work shall conform to the standard specifications for road and bridge construction, as specified in section 9.3.1.

9.4.4 SURFACING

The following types of street surfacing shall be considered the minimum requirements:

9.4.4.1 SUBDIVISIONS CONTAINING LOTS LESS THAN 40,000 SQUARE FEET IN AREA:

- 211.1.1 Parking lane widths (Curb and Gutter only) shall be 7 feet in width measured from the face of the curb. The use of curb and gutter anticipates on-street parking.
- 212.1.1 Minor arterials shall be improved with bituminous pavement and concrete curb, gutter, and median strip. The overall width shall be not less than 42 feet face to face of curb, including a median strip of not less than four feet.
- 213.1.1 Collectors shall be improved with a bituminous pavement and concrete curb and gutter. The overall width shall be not less than 38 feet face-to-face of curb.
- 214.1.1 Local streets shall be improved with a bituminous pavement and concrete curb and gutter. The overall width shall be not less than 34 feet face-to-face of curb.
- 215.1.1 Marginal access streets may be constructed using gravel or crushed stone. The marginal access streets may be a minimum of 18 feet in width.

9.4.4.2 SUBDIVISIONS CONTAINING LOTS NOT LESS THAN 40,000 SQUARE FEET IN AREA:

216.1.1 Streets within this subdivision may be constructed utilizing Curb and Gutter as defined in section 9.4.4.1 or the use of Shoulder and Ditch sections. If Shoulder and Ditch design is utilized parking along the street is normally considered prohibited. Sufficient off-street parking shall be provided to accommodate normal demand for vehicular parking space. Not less than three such spaces, exclusive of any garage, shall be provided for a single-family residence in the proximity of the dwelling unit they are intended to serve.

217.1.1 Minor arterials and collectors shall be constructed using concrete or bituminous pavement with pavement width of a minimum 22 feet and shoulder width of 6 feet on each side of the pavement. The shoulder shall be constructed with 4 inches of gravel.

218.1.1 Local streets shall be constructed with a bituminous surface treatment not less than 22 feet in width on a gravel or crushed stone base not less than 24 feet in width, with not less than 34 feet in width from shoulder line to shoulder line. The shoulder can be a grassy area maintained by the property owner.

219.1.1 Marginal access streets may be constructed using gravel or crushed stone. The marginal access streets may be a minimum of 18 feet in width.

9.4.5 SPECIFICATIONS

The following specifications shall be considered the minimum requirements:

9.4.5.1 ROADWAY PAVEMENTS

All roadway pavements shall be designed in accordance with applicable sections of the design manual as published by the state department of transportation.

220.1.1 Ten inches CA-6 or CA-10 with 1 1/2 inches of bituminous concrete binder course and 1 1/2 inches of bituminous concrete surface course.

221.1.1 Portland cement concrete pavement having a thickness of not less than six inches.

9.4.5.2 CURB AND GUTTER

222.1.1 Curbs and gutters shall conform to Village standards.

223.1.1 The outside edge of curbs and gutters shall be parallel to street lines, radii at intersections shall not be less than 25 feet.

224.1.1 Curbs and gutters are required in all subdivisions containing lots having an area of 40,000 square feet or less.

225.1.1 Subdivisions containing lots having an area greater than 40,000 square feet may be required to install curb and gutter as directed by the Village Board.

9.4.5.3 STORM SEWERS

Whenever curbs and gutters are required, underground storm sewers shall conform to the standard specifications for road and bridge construction and as set forth in the manual of highway standards.

9.4.5.4 SIDEWALKS

226.1.1 Sidewalks shall be located one foot inside the right-of-way line, not more than 12 inches nor less than three inches above the centerline of the street, and shall be not less than four feet in width and four inches in thickness. Construction shall be in accordance of the standard specifications for road and bridge construction.

227.1.1 In all subdivisions where lots are less than 40,000 square feet, sidewalks shall be provided along both sides of all streets except expressways. The Village Board of Trustees also may require that sidewalks be provided elsewhere on both sides of the street, where considered necessary to public safety due to anticipated concentration of pedestrian traffic.

9.4.5.5 SIGNS AND PAVEMENT MARKINGS

Signs, sign posts, and pavement markings shall meet the standards set forth in the Village Zoning Ordinance.

9.4.5.6 MINIMUM STANDARDS

The specifications contained in this chapter shall not prevent the owner or subdivider from constructing a wider or higher type or better quality improvement.

9.5 STORM DRAINAGE

9.5.1 FACILITIES REQUIRED

9.5.1.1 STORMWATER DRAINAGE

Adequate facilities shall be provided in all subdivisions and developments for the proper drainage of storm water runoff from the ground surface.

9.5.1.2 STORM SEWERS

Storm sewers shall be constructed throughout the entire subdivision which shall be separate and independent of the sanitary sewer system, and which shall provide an adequate outlet or connection to existing stormwater drainage facilities.

228.1.1 Storm sewers shall be designed in accordance with the requirements contained in “Metropolitan St. Louis Sewer District Rules and Regulations and Engineering Design Requirements for Sanitary Sewer and Stormwater Drainage Facilities” dated February 2006.

9.5.1.3 STORMWATER DRAINAGE CONTROL REGULATIONS

229.1.1 Land drainage requirements. All land developments and improvements within the jurisdiction and control of the Village must have an adequate outlet with safe storm drainage capacity for stormwater drainage as determined by the Village Engineer. If the stormwater drainage outlet is not adequate, then detention facilities for stormwater runoff shall be provided as determined by the Village Engineer to store the excess stormwater. A combination of on-site excess stormwater storage and controlled release of stormwater runoff shall be provided for all land uses. A monetary contribution in lieu of detention facilities shall be provided for the following land uses:

9.5.1.3.1.1 Commercial, institutional, and industrial building developments of two acres and less in area.

9.5.1.3.1.2 Multiple-family dwelling developments of five acres and less in area.

9.5.1.3.1.3 Single-family dwelling developments of ten acres and less in area.

230.1.1 The amount of monetary contribution shall be \$36,000.00 per acre-foot of live detention/retention storage required pursuant to this chapter. Such contribution shall be made prior to recordation of the final plat or issuance of a building permit.

231.1.1 Land uses which are larger than those indicated in this subsection may make a monetary contribution in lieu of detention/retention facilities when the proposed land use is upstream of a planned regional detention/retention facility of which this parcel will be serviced. The parcel being serviced as a result of the regional facilities, shall provide a safe and adequate drainage route to the regional facility that does not impact intervening properties. The Village Board of Trustees shall approve the method and amount of the contribution.

232.1.1 Stormwater runoff release rate. The stormwater runoff release rate from all land developments and improvements shall be designed to control the peak rate of discharge from the developed property such that the rate of discharge shall not exceed 0.04 cubic feet per second per acre for a two-year 24-hour storm event and 0.15 cubic feet per second per acre for a 100-year 24-hour storm event. The rate

of discharge shall not cause an increase in downstream flooding or channel instability. The method of calculating downstream flow shall be designated.

233.1.1 Bypass stormwater flow. The stormwater drainage system for all land development and improvements shall be designed with adequate bypass capacity to convey the stormwater runoff flow from all tributary watershed areas through the land development area to the existing drainage outlet. When possible, stormwater runoff from upstream tributary areas shall be routed around the facility for the site being developed. The bypass stormwater flow rate for upstream tributary watershed areas shall be computed to carry the peak rate of runoff from 100-year storm with a rainfall-runoff coefficient of 0.35. An allowance will be made for upstream detention storage when such upstream storage and runoff release rate has previously been approved by the Village and has been constructed.

9.5.1.4 EXCESS STORMWATER STORAGE

234.1.1 The required volume of live detention storage of excess stormwater shall be calculated on the basis of the runoff from a 100-year 24-hour storm event. Rainfall data shall be taken from an approved rainfall data of current use. The total area under development shall be included in the storage volume calculation. The total calculated storage volume for the developed site may be reduced by the allowable volume of stormwater released. Antecedent moisture conditions shall be considered in all calculations. Hydrograph methods may be required to compute detention storage when developments of sufficient size and complexity warrant their use.

235.1.1 Dry bottom stormwater storage areas shall be designed to serve a secondary purpose for recreation, open space or other types of uses that will not be adversely affected by occasional or intermittent flooding. A method of carrying the low flow through these areas shall be provided in addition to a system of drains, and both shall be provided with a positive gravity outlet to a natural channel or storm sewer.

9.5.1.4.1.1 The combination of storage of the water from a 100-year storm and the design release rate shall not result in a storage duration in excess of 72 hours.

9.5.1.4.1.2 Maximum depth of planned storm- water storage shall not exceed four feet unless the existing natural ground contours and other conditions lend to greater storage depth, which shall be approved by the Village.

9.5.1.4.1.3 Minimum grades for turf areas shall be two percent and maximum slopes shall be ten percent, ten units horizontally to one unit vertically. Storage area side slopes shall be kept as close to the natural land contours as practical and ten percent slopes or less shall be used wherever possible. If slopes greater than ten percent are necessary to meet storage requirements or area restrictions, approval shall be obtained from the Village and suitable erosion

control provided in addition to the protection required to insure public health, safety, and welfare.

9.5.1.4.1.4 Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation. Each stormwater storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the 100-year frequency storm occurs. This emergency overflow facility shall be designed to function without attention and shall become part of the natural or surface channel system. Hydraulic calculations shall be submitted to the Village Engineer to substantiate all design features. Both outlet control structures and emergency overflow facilities shall be designed and constructed to fully protect the public health, safety, and welfare. Stormwater runoff velocities shall be kept at a minimum, and turbulent conditions at an outfall control structure will not be permitted without complete protection for the public safety. The use of restrictive fences shall be kept to a minimum and used only as a last resort when no other method is feasible.

236.1.1 Wet bottom stormwater storage areas shall be designed in accordance with all the requirements for dry bottom stormwater storage areas except that a low flow conduit and a system of drains with a positive gravity outlet shall be eliminated. However, the following additional conditions shall be complied with:

9.5.1.4.1.5 Water surface area shall not exceed ten percent of the tributary drainage area.

9.5.1.4.1.6 Shoreline protection shall be provided to prevent erosion from wave action.

9.5.1.4.1.7 Minimum normal water depth shall be four feet. If fish are to be used to keep the pond clean, a minimum of 25 percent of the pond area shall have a minimum depth of ten feet.

9.5.1.4.1.8 Facilities shall be available, if possible, to allow the pond level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.

9.5.1.4.1.9 Control structures for stormwater release shall be designed to operate at full capacity with only a minor increase in the water surface level. Hydraulic calculations shall be submitted to the Village Engineer to substantiate all design features.

9.5.1.4.1.10 Aeration facilities to prevent pond stagnation shall be provided. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with final engineering plans. Agreements for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the Village.

9.5.1.4.1.11 In the event that the water surface of the pond is to be raised for purposes of storing water for irrigation or in anticipation of the evapotranspiration demands of dry weather, the volume remaining for storage of excess

stormwater runoff shall still be sufficient to contain the 100-year storm runoff.

237.1.1 Paved surfaces that are to serve as stormwater storage areas shall have minimum grades of one percent and shall be restricted to storage depths of one foot maximum. Rooftop storage shall be designed with permanent-type control outlets and parapet walls to contain runoff on the rooftop. Emergency overflow areas shall be provided to ensure that the weight of water stored will not exceed the structural capacity of the roof. If a portion of an area within a stormwater storage area is to be paved for parking or recreational purposes, the paved surface shall be placed at the highest elevation within the storage area as possible. Maximum parking lot grades shall not exceed normal design parameters of three percent to five percent.

9.5.1.5 WETLAND IDENTIFICATION

The subdivider/developer shall submit a wetland identification report to the Village during the preliminary stages of the development. Such report shall be completed by a responsible wetland consultant approved by the Village.

9.5.1.6 GROUNDWATER RECHARGE

The ability to retain and maximize the groundwater recharge capacity of the area being developed is encouraged. Design of the stormwater runoff control system shall give consideration to providing groundwater recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over. Specific design calculations and details shall be provided with the final plans and specifications presented for Village approval. The use of natural gravel deposits for the lower portions of storm runoff storage areas, the flattening of drainage slopes and the retention of existing topography are examples of possible recharge.

9.5.2 CONSTRUCTION OF STORMWATER CONTROL FACILITIES

9.5.2.1 DOWNSTREAM FLOODING RISK

Where development of a property presents the threat of flooding or damage by flash runoff to downstream residents, the facilities for stormwater runoff control shall be constructed prior to any earthmoving or drainage construction on the project site.

9.5.2.2 EROSION PREVENTION

During the construction phases of land development, facilities shall be provided to prevent the erosion and washing away of the earth. Silting of downstream areas shall be prevented through the strategic use of stiling basins, sodding of runoff channels, and by limiting the period of time during which the earth is stripped of vegetation.

9.5.2.3 CONTROL SYSTEM PART OF DEVELOPMENT

The construction of the stormwater control system shall be accomplished as part of the cost of land development. If the amount of storage capacity can be increased to provide benefit to the Village, negotiations for public participation in the cost of development may be feasible.

9.5.3 SUBMITTAL OF ENGINEERING DESIGN DATA

Plans, specifications and all calculations for stormwater runoff control as required hereunder shall be submitted to the Village Engineer for review and approval prior to the Village's approval of a final plat in the case of subdivisions and planned developments, or issuance of a building permit in the case of commercial or industrial construction.

9.6 WATER SUPPLY FACILITIES

9.6.1 INDIVIDUAL WELLS

9.6.1.1 LOCATION

Individual private wells shall be located at least 25 feet from property lines, 50 feet from septic tanks, 75 feet from soil absorption fields of trench-type construction, 100 feet from seepage pits, 25 feet from all cast iron sewer lines with mechanical or leaded joints, and 50 feet from cast iron sewer lines with unleaded joints, verified tile lines with watertight joints or watertight sewers of other approved materials. Wells shall not be located within any area subject to flooding, unless proper protection is provided.

9.6.1.2 CONSTRUCTION

Individual wells shall be constructed in accordance with the minimum requirements of the county health department.

9.6.2 PUBLIC WATER SUPPLIES AND DISTRIBUTION SYSTEMS

9.6.2.1 DISTRIBUTION SYSTEM

All subdivisions within the corporate limits of the Village, and all other subdivisions with lots of less than one-half acre in area, shall have an interconnected water distribution system supplying all lots with water from a source approved by the Village Board of Trustees and the Missouri Department of Natural Resources. Where such a water supply is not provided in subdivisions with lots of one-half acre or more in area, outside the corporate limits of the Village, conclusive evidence shall be presented by the subdivider, on the basis of suitable tests and surveys, that an adequate underground water supply is readily available for development at the individual lots.

9.6.2.2 WATER MAINS

Water mains shall be not less than six inches in diameter and shall be arranged so as to avoid dead ends. Shut-off valves shall be provided at each branch main connection and elsewhere as required to permit adequate sectionalizing for maintenance purposes. Fire

hydrants shall be installed throughout the entire system at intervals not exceeding 400 feet. A house service connection shall be provided at the centerline of each lot, extending to within one foot of the property line, before roadway pavement is constructed. Materials, system arrangement, and details of design shall be subject to the approval of the Village Board of Trustees.

9.7 SEWAGE DISPOSAL FACILITIES

9.7.1 INDIVIDUAL SEWAGE DISPOSAL FACILITIES

Individual sewage disposal facilities shall be designed and constructed in accordance with the minimum standard as specified in the rules and regulations in Appendix A.

9.7.2 COMMUNITY SEWERAGE AND SEWAGE TREATMENT FACILITIES

Community sewerage and sewage treatment facilities shall be designed in accordance with the rules and regulations of the Missouri Department of Natural Resources and subject to the approval of the Village Board of Trustees. Plans, specifications, and construction work shall be subject to the approval and inspection of the Missouri Department of Natural Resources and the Village.

9.8 EASEMENTS, RESERVATIONS AND VACATIONS

9.8.1 DEDICATIONS

9.8.1.1 AREAS TO BE DEDICATED

Areas required to be dedicated. The following areas are required to be dedicated:

238.1.1 All new streets created by subdivision and shown on plans/maps submitted for approval and recording shall be dedicated outright to the public.

239.1.1 Additional street widths shall be dedicated along existing thoroughfares where a width greater than that existing is called for by the comprehensive plan, official map, or by this chapter.

240.1.1 Crosswalks where required under section 9.1.3.3, or wherever else located, shall be dedicated.

9.8.1.2 IDENTIFICATION OF DEDICATIONS

Areas to be dedicated shall be clearly identified on the plat as dedicated to the public.

9.8.2 EASEMENTS

9.8.2.1 AREAS TO BE SHOWN AS EASEMENTS

Areas to be shown as easements shall be as follows:

241.1.1 Public utilities, stormwater facilities and installations shall be located on suitable easements as required by the Village.

242.1.1 Planting strips or buffers shall be located between reverse frontage lots and a thoroughfare, or between incompatible uses, or wherever required.

9.8.2.2 IDENTIFICATION OF EASEMENTS

Easements shall be clearly identified on all plats; e.g., Drainage easement or utility easement.

9.8.3 RESERVATIONS

9.8.3.1 AREAS TO BE RESERVED

Whenever the area being subdivided embraces all or part of any lands designated on the official map for a school, park, or other community facility, or any other public use, all land so designated shall be shown on the preliminary plat as being dedicated or reserved for that proposed use, and it shall be reserved by the subdivider for a period of one year from the date of approval of the preliminary plat, during which time it shall be made available to the public agency concerned at the undeveloped acreage price, as determined by an appraisal acceptable to both parties.

9.8.3.2 RESERVATIONS AND PRELIMINARY PLATS

243.1.1 Areas reserved shall be clearly identified on the preliminary plat as reserved in accordance with this chapter.

244.1.1 The preliminary plat shall also contain the proposals of the subdivider, as they might otherwise be platted, for the areas under reservation, to be applied in the event the land is not acquired by the public within the period of reservation.

245.1.1 Upon completion of the one year period of reservation, the preliminary plat shall remain a valid preliminary plat for the formerly reserved areas for a period of one year, subject to restrictions imposed by section 9.8.3.1.

9.8.3.3 RESERVATIONS AND FINAL PLATS

246.1.1 Where practicable, final plats shall not include areas reserved. The final plats should affect only that portion of the subdivider's land which is unrestricted by the reservations.

247.1.1 Where final plats must include areas reserved, such areas shall be clearly identified as reserved in accordance with this chapter and shall not contain any proposals of the developer.

248.1.1 Final plats may be submitted for reserved land unacquired by the public at the close of the one year period. Such plats will be considered additional units of the subdivisions for which initial final plats were recorded.

9.8.3.4 REVERSION

If the appropriate public agency having jurisdiction has not within one year of the approval of the preliminary plat, acquired the site reserved for a public use, the subdivider shall regain full and unencumbered title to such site, and may use it in any way, and for any purpose, permitted by the applicable regulations then in effect.

9.8.4 RIGHT OF REFUSAL

The number, size, and location of dedications and easements shall be subject to Village approval, and the Planning and Zoning Commission shall ascertain that the proposed sites are suitable for the proposed uses. The public retains the right to refuse any and all dedications.

9.8.5 VACATIONS

9.8.5.1 PROCEDURE

In all cases, the vacation of any plat, or part thereof, or any public right-of-way, easement, or part thereof, shall follow the procedure for the review of plats established in this chapter except that:

249.1.1 Final action shall be taken by the Village Board.

250.1.1 The Plat Officer shall recommend to the Village board a sum to be paid by the owner of abutting properties in consideration of any public property involved in the vacation.

9.8.5.2 STANDARDS

The Plat Officer and the other Administrative Officers shall recommend disapproval of any petition for vacation which fails to meet the following standards:

251.1.1 No vacation shall be approved which creates a condition which would not be permitted under the standards of design set forth in this chapter unless such vacation will at the same time correct a more serious condition which exists contrary to the standards of this chapter.

252.1.1 No vacation shall be approved which will result in a conflict with the official map of the Village.

253.1.1 No vacation shall be approved which will result in a violation of the Village Zoning Ordinance or other applicable ordinances or regulations, unless such vacation will at the same time correct a more serious condition which exists contrary to such ordinances or regulations.

9.8.5.3 PETITION FORM AND CONTENT

The sketch and preliminary plat of vacation shall be accompanied by a certified statement of the assessed valuation of all properties surrounding any public right-of-way to be vacated. Final petitions for vacation shall include the following items:

254.1.1 Three copies of the original plat certified by the recorder to be a true copy of the plat, on which is shown the portion to be vacated outlined in a heavy line and hatched;

255.1.1 The following deeds, petitions, and certificates, all drafted from models obtainable from the plat officer:

9.8.5.3.1.1 Deed of vacation.

9.8.5.3.1.2 Petition, three copies.

9.8.5.3.1.3 County clerk's certificate (See Appendix B).

9.8.5.3.1.4 Resolution.

9.8.5.3.1.5 Assessor's certificate. (See Appendix B)

256.1.1 The petition as it is presented to the Village Board to be accompanied by a recommendation from the Plat Officer.

9.8.5.4 EASEMENTS

The vacation of any plat, or part thereof, or right-of-way, easement, or part thereof, shall not be deemed to be a vacation of the rights of any public utility where such public utility has installed its facilities therein. All such vacations shall be made upon the express condition that the abutting property owner grant to all public utilities, their successors and assigns, the right-of-way or easement to operate, maintain, renew, and reconstruct their facilities, over, or under the public right-of-way or easement vacated and such condition shall be noted on the deed or plat of vacation and in the ordinance or resolution of vacation.

9.8.5.5 BONDS

The Village may require the petitioner to furnish bond in an amount sufficient to protect the Village, indemnifying it for any suit which may be filed for damages sustained as a result of such vacation.

9.8.5.6 LIMITATION

Nothing contained in this section, nor any required certificate, shall be deemed in any way to limit the right and authority of the Village to vacate any plat or part thereof, or any right-of-way or easement or part thereof where it finds that such vacation will serve the public interest.

9.8.5.7 RESUBDIVISION IN LIEU OF VACATION

It shall not be necessary to vacate a plat or part thereof in order to proceed with a resubdivision of such plat or part thereof. Resubdivision according to the procedures and standards for subdivision required by the subdivision regulations shall automatically constitute vacation of a prior plat or part thereof, provided that monetary remuneration shall be paid to the Village in consideration of any excess public property vacated over that dedicated in the subdivision.

9.8.5.8 CANCELLATION OF BONDED CONTRACTS

Bonded contracts for the improvement of platted streets or alleys shall be automatically cancelled upon vacation of such platted streets or alleys.

10 PLANNED DEVELOPMENTS

10.1 PURPOSE

The purpose of Planned Development regulations is to encourage and allow more creative and imaginative design of land developments than is possible under district zoning regulations. Planned Developments are intended to allow substantial flexibility in planning and designing a proposal. This flexibility often accrues in the form of relief from compliance with conventional zoning ordinance site and design requirements. Ideally, this flexibility results in a development that is better planned, that contains more amenities, and ultimately a development that is more desirable to live in than one produced in accordance with typical zoning ordinance and subdivision controls. An intrinsic, and often neglected, premise upon which the approval of a Planned Development (PD) must be conditioned, is that while greater density or more lenient siting requirements may be granted, the Planned Development should contain features not normally required of traditional developments. Inherent to realizing these objectives, is continuous and in-depth scrutiny of the proposed Planned Development is being adhered to. Hence, to enable thorough analysis of a Planned Development, more information is demanded about the proposal than would be required if development were being pursued under conventional zoning requirements.

10.2 OBJECTIVES

Through proper planning and design, each Planned Development should include features which further, and are in compliance with, the following objectives:

10.2.1 INNOVATIVE DESIGN

To allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning and subdivision controls. The Village of Innsbrook Subdivision Regulations are to be used only as a guide to base variances upon when reviewing Planned Developments. Variances from the Subdivision Regulations will be specifically given to those developers working to implement all of Section 10.10.1, and 10.2 into the design of the Planned Development.

10.2.2 NATURAL LAND DEVELOPMENT

To encourage land development that, to the greatest extent possible, preserves natural vegetation and wildlife, respects natural topographic and geologic conditions, and refrains from adversely effecting flooding, soil, drainage, and other natural ecologic conditions. Trees conceded to development should be replaced, where appropriate, by similar new plantings.

10.2.3 EFFICIENT BLENDING OF USES

To combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.

10.2.4 ABUNDANT OPEN SPACES

To provide for abundant, accessible, and properly located public open and recreation space, private open and recreation space, schools, and other public and private facilities.

10.2.5 EFFICIENT USE OF LAND

To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.

10.2.6 COMPATIBLE LAND USE

To enable land developments to be completely compatible and congruous with adjacent and nearby land developments.

10.2.7 DEVELOPMENT AT PROPER LOCATIONS

To ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited to construction.

10.2.8 UNIQUE AND UNUSUAL LAND USE

To allow unique and unusual land uses to be planned for and located in a manner that ensures harmony with the surrounding community.

10.2.9 PRESERVATION OF HISTORIC SITES

To create a method for the permanent preservation of historic buildings and/or landmarks.

10.3 STANDARDS FOR PLANNED DEVELOPMENTS

The Planned Development must meet the following standards:

10.3.1 COMPREHENSIVE PLAN

A Planned Development must conform with the objectives of the Comprehensive Plan for the Village of Innsbrook.

10.3.2 SITE AND OWNERSHIP

The site of the Planned Development must be under single ownership and/or unified control. If the site is over one hundred (100) acres, the "conceptual plan" procedure, as set forth in Section 10.4.2 may be followed.

The minimum requirement for the submission of a Planned Development will be (50) acres for Residential Mixed Use only. The minimum requirement for the submission of a Planned Development will be (75) acres for Mixed Use Residential/Commercial/Office uses only.

10.3.3 COMPATIBILITY

The uses permitted in a Planned Development must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties.

In addition, the Planned Development shall not endanger the public health, welfare, or safety, nor shall it substantially diminish or impair property values in the neighborhood in which it is to be located.

10.3.4 NEED

The Planned Development must be of a character and contain such uses that are needed in the area of the proposed project.

10.3.5 DENSITY

The net density of a Planned Development (either in dwelling units - for residential uses, or in floor area - for all other uses) shall generally correspond to the net density regulations imposed on single use zoning districts. The net density of the Planned Development is not necessarily required to precisely correspond with the normal net density of single use zoning districts, but instead should reflect that district's character through complementary building types and architectural design. It is required that a zoning amendment request accompany the Planned Development application if the net density of the proposed development substantially exceeds the net density permitted in single use zoning districts.

10.3.6 SPACE BETWEEN BUILDINGS

The minimum horizontal distance between the buildings shall be:

10.3.6.1 ZERO LOT LINE

Fifteen (15) feet between clustered or "zero lot line" single-family detached buildings.

10.3.6.2 SINGLE-FAMILY DETACHED

Twenty (20) feet between single-family detached dwellings.

10.3.6.3 OTHER THAN SINGLE FAMILY-DETACHED

Thirty (30) feet between buildings, other than single family-detached dwellings, of one (1), or two and one-half (2 1/2) stories in elevation.

10.3.6.4 HEIGHT BASED

Equal to the height of the taller building in the case of free-standing buildings greater than two and one-half (2 1/2) stories in elevation.

10.3.7 YARDS

The required yards along the periphery of the Planned Development shall be at least equal in width or depth to that of the adjacent zoning district.

10.3.8 SETBACK

Buildings of more than twenty-four (24) feet in height shall provide a setback from any property line of not less than equal to the height of such buildings.

In circumstances where the Village Board of Trustees, acting upon the recommendation of the Planning and Zoning Commission, in reviewing a particular Preliminary Planned Development Plat, may upon ample evidence of exceptional design or construction features, which are deemed both architecturally and environmentally superior, include the provision of an inordinate amount of amenities, are in strict compliance with Village building, fire health, and other application codes, and/or contribute to the increased health, safety, and welfare of existing and future residents of the Village, may lower the required yards along the periphery of the Planned Development from the standard required in the adjacent zoning district to the extent deemed appropriate in direct relationship to the exceptional architecturally and environmental superior design and construction features.

10.3.9 PARKING REQUIREMENTS

Adequate parking shall be provided and shall be in general conformance with the parking regulations provided for in chapter 11 and other sections of this Ordinance unless changes are warranted by the particular characteristics of the proposed Planned Development.

Additional parking space for guests, customers, the handicapped, recreational vehicles, and other common storage and/or parking uses in Planned Developments, shall be required by the Village Board of Trustees, acting upon the recommendation of the

Planning and Zoning Commission, if warranted by the particular characteristics of the proposed Planned Development.

10.3.10 TRAFFIC

Adequate provision shall be made to provide ingress and egress so designed as to minimize both internal and external traffic hazards and congestion.

10.3.11 DESIGN STANDARDS

The provisions of the Village of Innsbrook Subdivision Regulations, as amended, shall be adhered to, unless a waiver is granted by the Village Board of Trustees.

The Village of Innsbrook Subdivision Regulations are to be used only as a guide to base variances from when reviewing Planned Developments. Variances from the Subdivision Regulations will be specifically given to those developers working to implement all of Section 10.10.1, and 10.2 into the design of the Planned Development.

10.3.12 PERFORMANCE STANDARDS

The performance standards for the underlying zoning district of the Planned Development shall, in all instances, be complied with.

10.3.13 DEPARTURE FROM STANDARDS

The Planned Development may depart from strict conformance with the required density, dimension, area, height, bulk, use and specific content regulations of this Ordinance to the extent specified in the preliminary plat and documents authorizing the Planned Development so long as the Planned Development provides tangible benefits to the neighborhood or community in which it is located. These benefits shall be in the form of provisions of exceptional amenities, design excellence, etc. The waiver of any requirement shall be the direct cause of accrual of positive benefits to the residents of the development as well as to the general community (e.g., waiver of yard requirements might result in more usable open space). Departure from any requirement specified in this Ordinance or other Village ordinances and regulations is a privilege, and shall be granted only upon recommendation of the Planning and Zoning Commission and approval by the Village Board of Trustees.

10.4 PROCEDURE FOR PLANNED DEVELOPMENTS

The unique character of Planned Developments requires their administrative processing as a special use in this Ordinance. Planned Developments may be processed as special uses in each district of this Ordinance. Planned Developments are more complex and of a significantly difference character than other special uses, therefore requiring the establishment herein of specific procedures different than those used to process other special uses. The procedure, standards, objectives and purpose set forth in this Article,

when in conflict with other provisions of this Ordinance, as they may pertain to Planned Development, and only Planned Developments, shall be superseding.

A four-step procedure is prescribed for Planned Developments of which the second step is optional.

10.4.1 STEP 1 - PRE-APPLICATION PROCEDURE

10.4.1.1 INTENT

The intent of the Pre-Application process is to obtain a general awareness of the Village's adopted planning rationale, the compatibility of the proposed Planned Development with existing and anticipated land uses in the vicinity, and a familiarity with the Village's Planned Development procedures. This procedure allows the developer to determine the suitability of a proposed Planned Development. This procedure allows the developer to obtain preliminary approval for construction of the proposed Planned Development.

10.4.1.2 PRE-APPLICATION CONFERENCE

Prior to the filing of an application for approval of a Planned Development, the prospective applicant may request of the Planning and Zoning Commission one (1) informal meeting to discuss the development of the proposed Planned Development site in conjunction with the Village's adopted planning rationale and its compatibility with existing and anticipated land uses in the vicinity. Said meeting may be a part of a regularly scheduled meeting, shall be open to the public, and included on their agenda in advance of the meeting.

The Pre-Application conference is not mandatory nor does it require formal application fee, or filing of a Planned Development plat. However, the expenses incurred by the Village as a result of any additional conferences in excess of the one (1) entitled conference with the Planning and Zoning Commission to discuss the development of the proposed Planned Development site, within a period of one (1) year from the date of the initial Planning and Zoning Commission conference on the said proposed Planned Development site, shall be paid for by the prospective applicant.

10.4.1.3 PRE-APPLICATION DOCUMENT REVIEW

Prior to the filing of an application for approval of a Planned Development, either before, after, or in lieu of the Pre-Application Conference, all prospective applicants shall review copies of the Village of Innsbrook Land Use Plan, the Zoning Map, and the Planned Development Sections of this Ordinance, which are available for inspection at the Village Hall. The Plan shall be evaluated by the petitioner in order to determine the consistency of the proposal with the Village's adopted planning rationale. The Zoning Map shall be reviewed to ascertain whether or not the proposal is likely to be compatible with existing and anticipated land uses in the vicinity of the proposal. The Planned Development sections of this Ordinance shall be reviewed to insure familiarity with the Village's Planned Development procedures.

The applicant is required to sign a statement to the effect that the applicant has reviewed copies of the Village of Innsbrook Land Use Plan, the Zoning Map, and the Planned Development Sections of this Ordinance at the time the Planned Development application is submitted for approval.

10.4.2 STEP 2 - CONCEPTUAL PLAN PROCEDURE (OPTIONAL)

10.4.2.1 INTENT

The intent of the Conceptual Plan Submission is to obtain approval of the Village for the development of a parcel of land in accord with the plans, programs, and schedule submitted as this part of the Planned Development application. If this optional procedure is elected, the petitioner is explicitly committing the subject property to a specific arrangement of land uses at a specific range of densities. In return the petitioner is receiving - through rezoning for a Planned Development - a community commitment that, following conceptual plan approval, the petitioner can proceed to subsequent steps of the Planned Development procedure with reasonable assurance that if the agreed to concept is carried forth, preliminary and final plat approval will be granted. This procedure allows for approval of an overall concept without the necessity of prejudging long-range markets.

Only proposals of at least one hundred (100) acres may pursue this optional step. If this procedure is not selected, or if a property subject to Planned Development consideration contains less than one hundred (100) acres, the second step in the procedure is the "Preliminary Plat" stage.

10.4.2.2 PROCEDURE

A request for approval of a Conceptual Plan, as a step in the Planned Development procedure, shall be submitted to the Office of the Planning and Zoning Administrator and subsequently shall be referred to the Planning and Zoning Commission for public hearing, review, and recommendation. The required procedure for review of the Plan shall be:

257.1.1 Submission of the items required of a Conceptual Plan petitioner as identified under the "Submission Requirements" sections of this Article. Said submission requirements fall into two general categories:

10.4.2.2.1.1 Submission of data required at the time application is made for Conceptual Plan Approval;

10.4.2.2.1.2 Submission of data required at the time of the first public hearing pertaining to the specific Conceptual Plan.

258.1.1 The Planning and Zoning Commission shall hold a public hearing on the application for a Planned Development Conceptual Plan in accord with the procedures established for special uses in this Ordinance.

259.1.1 Following the public hearing and review of the Conceptual Plan submission, the Planning and Zoning Commission shall within thirty (30) days, unless an extension is requested by the petitioner, recommend approval, modification, or disapproval of the Conceptual Plan, and the reasons therefore, or indicate why a report and recommendation cannot be rendered to the Village Board.

260.1.1 In its communication to the Village Board, the Planning and Zoning Commission shall set forth "findings of fact," in accordance with the "findings of fact" section of this Article, on which the recommendation is based and describing how the Conceptual Plan meets the standards and objectives stated in this Article.

261.1.1 The Village Board, after receipt of the Conceptual Plan from the Planning and Zoning Commission, shall approve, modify, or disapprove the Plan within sixty (60) days, unless an extension is requested by the petitioner. In the case of approval, or approval with modification, the Village Board shall pass a resolution approving the Conceptual Plan. Said ordinance shall provide for a change in the official Village Zoning Map indicating that the subject site is approved for a Planned Development for further allowing for any approved zoning amendments, variances, and/or special uses. However, once these map changes are made, the petitioner must submit subsequent Preliminary Plat data in accordance with the schedule set forth in the "Revocation and Extension" section of this Article. If same is not done, all map changes authorized by the Village Board shall revert back to the original zoning designation affixed to the subject property in accordance with the same "Revocation and Extension" section of this Article. The Village Board may require such special conditions as it may deem necessary to insure conformance with the objectives and standards established in this Article.

262.1.1 It is emphasized that no building or construction whatsoever may take place within the proposed Planned Development and no permits may be issued, until the Final Plat and accompanying data has been submitted, approved, and recorded. Approval of the Conceptual Plan shall constitute an interim zoning acceptance of the land use and density concepts specified therein, and shall indicate the general acceptance of the Village Board to approve a "Preliminary Plat" that carries out, refines, and implements the concepts expressed in the Conceptual Plan. The Conceptual Plan and a Preliminary Plat for the first stage or stages of a Planned Development may be filed and approved simultaneously.

10.4.3 STEP 3 - PRELIMINARY PLAT PROCEDURE

10.4.3.1 INTENT

It is the intent of the Preliminary Plat submission to obtain tentative approval from the Village for the plans, design, and program that the petitioner contemplates compliance with. If the Preliminary Plat is approved, the petitioner can proceed to the Final Plat stage with reasonable assurance that the Final Plat will be approved if substantially in compliance with the Preliminary Plat. If the Preliminary Plat is submitted without the benefit of first completing the optional Conceptual Plat stage of the Planned Development procedure, a relatively detailed submission is required to assure the Village that the proposed Planned Development substantially conforms to the objectives and standards expressed in this Article. If a Conceptual Plat has already been submitted and approved, the submission of the Preliminary Plat either in stages or in total is expected to refine the originally approved concept.

Any parcel of property may be eligible for consideration as a Planned Development using the Preliminary Plat procedure. However, each petitioner for Preliminary Plat approval should be aware that the objectives and standards for Planned Developments, as expressed in this Article, must be clearly integrated into the Planned Development submission. Failure to do so will result in disapproval.

10.4.3.2 PROCEDURE

A request for approval of a Preliminary Plat, as a step in the Planned Development procedure, shall be submitted to the Office of the Zoning Administrator, which shall refer same to the Planning and Zoning Commission for public hearing, review and recommendation. The required procedure for review of the Preliminary Plat shall be:

263.1.1 Submission of the items required of a Preliminary Plat petitioner as identified under the "Submission Requirements" Section of this Article. Said submission requirements fall into two general categories:

10.4.3.2.1.1 Submission of data required at the time application is made for Preliminary Plat approval;

10.4.3.2.1.2 Submission of data required at the time of the first public hearing pertaining to the specific Preliminary plat.

264.1.1 The Planning and Zoning Commission shall hold a public hearing on the application for a Planned Development Preliminary Plat in accord with the procedures established for special uses in this Ordinance. If a public hearing was held on a Conceptual Plan for the subject Planned Development, a second public hearing is required with the submission of the Preliminary Plat. The sophisticated submission required at the time of the Preliminary Plat hearing is significantly different from that required at the Conceptual Plan stage. In the first stage concepts are being reviewed, at the Preliminary Plat stage precise plans and designs are the subject of scrutiny. The public has the right to witness and voice opinions at both stages.

265.1.1 Following the public hearing and review of the Preliminary Plat submission, the Planning and Zoning Commission shall within thirty (30) days, unless an extension is requested by the petitioner, recommend approval, modification, or disapproval of the Preliminary Plat, and the reasons therefor, or indicate why a report and recommendation cannot be rendered to the Village Board. In its communication to the Village Board, the Planning and Zoning Commission shall set forth "findings of fact," in accordance with the "Findings of Fact" section of this Article, on which the recommendation is based and describing how the Preliminary Plat meets the standards and objectives stated in this Article.

266.1.1 The Village Board, after receipt of the Preliminary Plat from the Planning and Zoning Commission, shall approve, modify, or disapprove the Plat within sixty (60) days, unless an extension is requested by the petitioner. If not approved within sixty (60) days it shall be deemed disapproved. In the case of approval, or approval with modification, the Village Board shall authorize the Plat Officer to sign the Preliminary Plat. If the Preliminary Plat is the first submission made as part of the Planned Development procedure, the Village Board shall pass an ordinance for a change in the Official Village Zoning Map indicating that the subject site is approved for a Planned Development and further allowing for any approved zoning amendments, variances, and/or special uses. The petitioner must submit subsequent Final Plat data in accordance with the schedule set forth in the "Revocation and Extension" Section of this Article. If same is not done, all map changes authorized by the Village Board shall revert back to the original zoning designation affixed to the subject property in accordance with the same "Revocation and Extension" Section of this Article. The Village Board may require such special conditions as it may deem necessary to ensure conformance with the objectives and standards established in this Article. It is emphasized that no building or construction, excluding public improvements, may take place within the proposed Planned Development, and no permits may be issued, until the Final Plat and accompanying data has been submitted, approved, and recorded. Several projects or stages may compose the overall Planned Development. If this is the case, the Final Plat may be submitted and approved in several stages in accordance with the agreed to development schedule processed with Preliminary Plat data. Permits shall be issued pursuant to the processing, approval, and recording of each separate stage of the overall Final Plat. Approval of a Preliminary Planned Development Plat shall not constitute approval of the Final Plat. Rather, it shall be deemed an expression of approval to the layout submitted on the Preliminary Plat and as a guide to the preparation of the Final Plat, which will be submitted for approval of the Village and subsequent recording, upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any. The Final Plat shall be approved if it conforms with the Preliminary Plat.

267.1.1 The Preliminary and Final Plats may be filed and approved simultaneously.

10.4.4 STEP 4 - FINAL PLAT PROCEDURE

10.4.4.1 INTENT

The purpose of the Final Plat is to designate with particularity the land subdivided into conventional lots as wells as the division of other lands, not so subdivided, into common open space and building sites. The Final Plat is intended as a document to be recorded. The Final Plat shows the exact location of facilities, while the Preliminary Plat shows the general location of the same facilities.

10.4.4.2 PROCEDURE

The Final Plat shall be submitted as a Planned Development Plat and shall conform substantially to the Preliminary Plat as approved and, if desired by the petitioner, may be submitted in stages with each stage reflecting the approved Preliminary Plat which is proposed to be recorded and developed; provided, however, that each stage submitted conforms to all requirements of these regulations. The required procedure for approval of a Final Plat shall be:

268.1.1 Submission of the items required of a Final Plat petitioner as identified under the "Submission Requirements" Section of this Article. Said submission shall be made to the Office of the Zoning Administrator or Plat Officer, as may be determined, for certification that the Final Plat is in conformance with Planned Development Regulations and in agreement with the approved Preliminary Plat.

269.1.1 The Planning and Zoning Commission shall review the Final Plat data within thirty (30) days after submission. A public hearing is not required. After review of the Final Plat, the Planning and Zoning Commission shall, within thirty (30) days, unless an extension is requested by the petitioner, recommend approval or disapproval, and the reasons therefore to the Village Board.

270.1.1 The Village Board, after receipt of the Final Plat from the Planning and Zoning Commission, shall approve, or disapprove the Final Plat within a period of sixty (60) days, unless an extension is requested by the petitioner. If not approved within sixty (60) days it shall be deemed disapproved. In the case of approval, the Village Board shall authorize the Plat Officer to sign the Final Plat. Permits are issued only after the Final Planned Development Plat and any required supporting data have been recorded with the County Recorder of Deeds, and shall be issued in full conformance with the Planned Development. Proof of the recording of the Final Plat shall be provided to the Building Commissioner. The construction authorized by the Building Permit shall be in full compliance with the Final Planned Development Plat, as recorded.

10.5 SUBMISSION REQUIREMENTS

10.5.1 CONCEPTUAL PLAN STAGE (OPTIONAL)

10.5.1.1 CONCEPTUAL PLAN SUBMITTAL

At the time application is made for Conceptual Plan approval, the following items must be submitted to the Office of the Zoning Administrator:

271.1.1 Application - A written application for a Planned Development on forms supplied by the Office of the Zoning Administrator.

272.1.1 Fee - A fee, established by the Village Board, that is suitable to cover costs incurred by the Village for review of the specific proposal. If special planning, engineering, architectural or other consultants must be retained by the Village for review of the proposed Planned Development, the petitioner shall be so notified, and all costs for said consultants expended by the Village - not covered by the filing fee - shall be reimbursed by the petitioner.

273.1.1 Notification List - A list of the names and addresses of owners of all property that is situated within one hundred seventy five (175) feet of the property lines of the subject site. This list shall be current as of the date of submission. People appearing on said list will be sent notice of the public hearing in compliance with statutory requirements. In addition, the responsible fire protection district (if any), affected school districts, affected park districts, and affected sanitary and/or drainage district shall appear on a separate list of notification. The County Highway Department will also be notified. Additional parties, specified by the petitioner, may appear on the notification list. Interested community groups, such as homeowner's associations, may request notification for projects within adjoining areas. Failure to provide an accurate list of names and addresses of owners of all property that is situated within one hundred seventy five (175) feet of the property lines of the subject site shall be cause for immediate dismissal of the Planned Development application as well as forfeiture of all fees and expenses incurred.

274.1.1 Ownership - A statement of present and proposed ownership of all land within the development.

275.1.1 Legal Description - A legal description of the subject site.

276.1.1 Taxes - Proof shall be furnished to indicate that there are no delinquent taxes constituting a lien on the whole or on any part of the property. Such proof may take the form of paid tax bills to the date of submission of the Planned Development application, a statement from the title insurance company indicating that no liens affect the subject site, or a letter from the County Assessor or

Treasurer affirming that there are no delinquent taxes of the property.

10.5.1.2 CONCEPTUAL PLAN HEARING DOCUMENTATION

At the time of the public hearing on the Conceptual Plan, two (2) copies of all subsequent listed information shall be submitted (with the exception of non-reproducible exhibits). Failure to submit any of the required information, without a specific written waiver from the Planning and Zoning Commission, shall constitute grounds for dismissal of the Planned Development petition. Waiver of specific submission elements may be requested of the Planning and Zoning Commission, in writing, at the time the Planned Development Conceptual Plan application is made. The Planning and Zoning Commission will decide upon the waiver request at its next regularly scheduled meeting; the petitioner will be notified of the decision, and the public hearing will then be scheduled. Specific grounds for waiver must be stated by the petitioner. The Conceptual Plan submission shall include the following:

277.1.1 Concept Plan - A drawing of the Planned Development shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. The Plan shall indicate the concept of the development with refinements to indicate the overall land use pattern, general circulation system, open space or park system, and major features of the development. This Section does not require a detailed site plan of buildings, walks, etc. The Plan should include:

10.5.1.2.1.1 Boundary lines and dimensions of the subject site.

10.5.1.2.1.2 Existing and proposed easements--general location and purpose.

10.5.1.2.1.3 Streets on, adjacent, or proposed for the tract, including all rights-of-way and pavement widths.

10.5.1.2.1.4 Land use patterns proposed for the subject site.

10.5.1.2.1.5 Map data--name of development, name of site planner, north point, scale, date of preparation.

278.1.1 Site Data - A list of pertinent site data, including:

10.5.1.2.1.6 Description and quantity of land uses.

10.5.1.2.1.7 Acreage of site.

10.5.1.2.1.8 Number of dwelling units proposed and anticipated population.

10.5.1.2.1.9 Area of industrial, commercial, institutional, recreational, and circulation land uses proposed.

10.5.1.2.1.10 Densities of residential areas.

10.5.1.2.1.11 Bedroom mixes.

279.1.1 Objectives - A statement indicating how the proposed Planned Development corresponds to and complies with objectives for Planned Developments as previously stated in this Article.

280.1.1 Schedule - Development schedule indicating:

10.5.1.2.1.12 Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the Plat and through supporting graphic material.

10.5.1.2.1.13 Approximate dates for beginning and completion of each stage.

10.5.1.2.1.14 If different land use types are to be included within the Planned Development, the schedule must include the mix of uses anticipated to be built in each stage.

281.1.1 Environmental Information - Data identifying existing natural and environmental site conditions, including:

10.5.1.2.1.15 Topography - A topographic map, if possible underlying the concept plan, at a minimum of two (2) foot contour intervals unless approved at another interval by the Village Engineer.

10.5.1.2.1.16 Flood Plain - Information from the most current source specified by the Village indicating the location and extent of the regulatory flood plain.

10.5.1.2.1.17 Soils - Information from the most current U.S. Department of Agriculture - Soil Conservation Service Soils Catalog indicating the location and species of soils. If said information is not available, soil borings may be submitted.

10.5.1.2.1.18 Location and extent of existing vegetation.

10.5.1.2.1.19 A depiction of existing surface drainage patterns and proposed retention and detention areas.

282.1.1 Utilities - Statement indicating that sanitary sewer, storm sewer, and water are directly available to the site, or if well and septic systems are proposed, a statement from a licensed professional engineer indicating that the proposed development can be suitably served by such systems. If utilities are not directly available to the subject site, but can be made available in a manner consistent with the Village's Comprehensive Plan, prudent engineering principles, and with utility capacity parameters, then utilities may be permitted to be extended to the site. If

extension of utilities is proposed, the petitioner shall submit a statement indicating the estimated improvement costs and projected source of funding for the necessary improvements. The petitioner shall specify what proportion of the utility improvements made necessary as a result of the subject development, if any, s/he will pay for. For purposes of this Section, utilities shall be considered to be "not directly available" if located more than four hundred (400) feet from the boundaries of the subject site. This provision shall apply to the extension of sanitary sewer, storm sewer, and water utilities only.

283.1.1 Traffic Analysis - An informal study providing information on the existing road network, and adjunct vehicle volumes, and the effect the proposed Planned Development will have on the existing (or improved) road network. If traffic or roadway improvements external to the subject site are anticipated as a result of the proposed development, the petitioner shall submit a statement indicating the nature and extent of those contemplated improvements. Included in said statement shall be information pertaining to what proportion of the external traffic and roadway improvements made necessary as a result of the Planned Development, if any, the developer will pay for. All internal traffic and roadway improvements associated with the Planned Development shall be paid for by the developer.

284.1.1 Tax and School Impact - A study indicating the sources and amounts of revenue to be generated to various governmental jurisdictions as a result of the development, expected school-age children generation, and estimated cost of providing service to the development that will be absorbed by the Village and the affected school districts.

285.1.1 Market Analysis - Depending upon the types of land uses proposed to be included in a Planned Development, information shall be provided from one (1) or more of the following categories:

10.5.1.2.1.20 Planned Developments proposed to contain any residential uses shall require submission of at least the following market data:

10.5.1.2.1.20.1 Details about the proposal pertaining to: housing types, floor area of dwellings, estimated price ranges, number of bedrooms, densities, amenities included, etc.

10.5.1.2.1.20.2 An evaluation of the historical market pattern for the types of units proposed shall be included with the permit application. Building permit issuance trends and/or surveys of existing recently constructed residential developments shall be used in this evaluation.

10.5.1.2.1.20.3 Total anticipated demand in the Village for the type of unit(s) proposed shall be estimated for the immediately subsequent five (5) year period. The percent of that demand which would be absorbed by the proposed Planned Development shall be identified. Methods used in determining the five (5) year demand shall be indicated.

- 10.5.1.2.1.21** Planned Developments proposed to contain any commercial uses shall require submission of at least the following market data:
- 10.5.1.2.1.21.1** Details about the proposal pertaining to: number of users, floor area of each use area, bulk of buildings, price or rent ranges, floor area ratios, place of residence of prospective employees, etc.
 - 10.5.1.2.1.21.2** Trade area which the commercial development is intended to serve.
 - 10.5.1.2.1.21.3** Location of comparable commercial developments within the trade area.
 - 10.5.1.2.1.21.4** Population and effective per capita buying income of the trade area.
 - 10.5.1.2.1.21.5** Anticipated sales volume of the commercial development.
- 10.5.1.2.1.22** Planned Developments proposed to contain any industrial uses shall require submission of at least the following market data:
- 10.5.1.2.1.22.1** Details about the proposal pertaining to: number of users, floor area of each use area, bulk of buildings, price or rent ranges, floor area ratios, approximate number of employees, place of residence of prospective employees, etc.
 - 10.5.1.2.1.22.2** Location of other industrial development within the community.
 - 10.5.1.2.1.22.3** Market area for anticipated industries.

286.1.1 Land Use and Zoning Exhibit - A graphic portrayal of existing land use and zoning patterns within a minimum of 1,320 feet of the subject site.

10.5.2 PRELIMINARY PLAT STAGE

10.5.2.1 PRELIMINARY PLAN APPLICATION

At the time application is made for Preliminary Plat approval, the following items must be submitted to the Office of the Zoning Administrator:

287.1.1 If Preliminary Plat is the first Planned Development submission to be made - All six (6) items listed in section 10.5.1.1 (Conceptual Plan submission requirements) shall be required to be submitted instead at the Preliminary Plat Stage.

288.1.1 If Conceptual Plan approval has been granted:

- 10.5.2.1.1.1A** notarized letter submitted by the owner(s) or their agent indicating the intent to file a Preliminary Plat as soon as a public hearing can be scheduled by the Planning and Zoning Commission. Said letter shall serve as a Preliminary Plat application.

10.5.2.1.1.2 Fee - A Preliminary Plat filing fee, established by the Village Board to cover costs incurred by the Village for review of the specific proposal. If special planning, engineering, architectural, or other consultants must be retained by the Village for review of the proposed Planned Development, the petitioner shall be so notified, and all costs for said consultants expended by Village - not covered by the filing fee - shall be reimbursed by the petitioner.

10.5.2.1.1.3 Notification List - A list of the names and addresses of owners of all property that is situated within one hundred seventy five (175) feet of the property lines of the subject site. This list shall be current as of the date of submission. People appearing on said list will be sent notice of the public hearing in compliance with statutory requirements. In addition, the responsible fire protection district (if any), affected school districts, affected park districts, and the affected sanitary and/or drainage district shall appear on a separate list of notification. The County Highway Department will also be notified. Additional parties, specified by the petitioner, may appear on the notification list. Interested community groups, such as homeowner's associations, may request notification for projects within adjoining areas. Failure to provide an accurate list of names and addresses of owners of all property that is situated within one hundred seventy five (175) feet of the property lines of the subject site shall be cause for immediate dismissal of the Planned Development application as well as forfeiture of all fees and expenses incurred.

10.5.2.2 PRELIMINARY PLAN HEARING DOCUMENTATION

At the time of the public hearing on the Preliminary Plat, two (2) copies of all subsequent listed information shall be submitted (with the exception of non-reproducible exhibits). Failure to submit any of the required information, without a specific written waiver from the Planning and Zoning Commission, shall constitute grounds for dismissal of the Planned Development petition. Waiver of specific submission elements may be requested of the Planning and Zoning Commission, in writing, at the time the Planned Development Preliminary Plat application is made. The Planning and Zoning Commission will decide upon the waiver request at its next regularly scheduled meeting; the petitioner will be notified of the decision, and the public hearing will then be scheduled. Specific grounds for waiver must be stated by the petitioner. The Preliminary Plat submission shall include the following:

289.1.1 All ten (10) items listed in Section 10.5.1.2 (Conceptual Plan Hearing Documentation) shall be required to be submitted at the Preliminary Plat Stage, if the Preliminary Plat is the first Planned Development Submission to be made; however, the item in Section 10.5.1.2.1 is not required. If Conceptual Plan approval has been granted, these items need not be resubmitted.

290.1.1 Detailed Plan - A drawing of the Planned Development shall be prepared at a scale of not less than 1" = 50' unless approved at another scale by the Village

Engineer and shall show such designations as proposed streets (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one (1) or more sheets and drawing, and must include:

- 10.5.2.2.1.1** Boundary lines and dimensions of the subject site.
- 10.5.2.2.1.2** Existing and proposed easements - general purpose and width.
- 10.5.2.2.1.3** Streets on, adjacent, or proposed for the tract.
- 10.5.2.2.1.4** Utility extensions of water lines, sanitary sewers, and storm sewers.
- 10.5.2.2.1.5** Land use designations for the subject site.
- 10.5.2.2.1.6** Retention and detention areas.
- 10.5.2.2.1.7** Residential lots (average lot size and minimum lot size shall be specified).
- 10.5.2.2.1.8** General location, purpose and height, in feet or stories, of each building other than single-family residences.
- 10.5.2.2.1.9** Map Data - name of development, name of site planner, north point, scale, date of preparation.

291.1.1 Architectural Plans - Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings, and the number, size and type of dwelling units. Also provide floor area of building types and total ground coverage of buildings.

292.1.1 Adjacent Property Information - Topography of property within two hundred fifty (250) feet of the subject site, at a minimum of five (5) foot contour intervals, with natural drainage patterns indicated and with the subject site's topography and drainage patterns depicted. The location, size, and vertical elevation of adjacent, or the closest sanitary sewer, storm sewer, and watermain, as well as documentation of these facilities' points of origin.

293.1.1 Community Benefit Statement - A written statement comparing the relative benefits that will accrue to the community as a result of this site being developed under Planned Development provisions as opposed to conventional zoning. Specific mention should be made of open space, natural features, and architectural design. This statement supplements the "Objectives" statement that may be required with the submission of the Conceptual Plan or the Preliminary Plat. The "Objectives" statement differs from this statement, in that each of the objectives listed in Section 10.2 of this Article must be specifically addressed. In contrast,

the "Community Benefit Statement," which accompanies a detailed site plan, provides a developer the opportunity to define with particularity why his proposal merits approval and how it will serve the community better than a conventional development.

10.5.3 FINAL PLAT STAGE

At the time the Final Plat is filed with the Planning and Zoning Commission for review and recommendation, the following items must be submitted:

10.5.3.1 FINAL DETAILED PLAN

A final Planned Development Plat, suitable for recording with the County Recorder of Deeds, shall be prepared. The purpose of the Final Plat is to designate with particularity the land subdivided into conventional lots as well as the division of other land, not so treated, into common open areas and building areas. The Final Plat shall include:

- 294.1.1 An accurate legal description of the entire area under immediate development within the Planned Development.
- 295.1.1 A Planned Development Plat of all lands which are a part of the Final Plat being submitted, and meeting all the requirements for a Final Plat. If lands which are a subject of the Final Plat are to be subdivided, than a subdivision plat is also required.
- 296.1.1 An accurate legal description of each separate unsubdivided use area, including common open space.
- 297.1.1 Designation of the location of the building pads, or areas, or setback lines or setback standards for all buildings to be constructed.
- 298.1.1 Certificates, seals, notarizations, and signatures required for the dedication of lands, and recording the document.
- 299.1.1 Tabulation of separate unsubdivided use area, including land area, number of buildings, number of dwelling units, number of bedrooms, and dwelling units per acre.

10.5.3.2 COMMON OPEN SPACE DOCUMENTS

All common open space shall be either conveyed to a municipal or public corporation, conveyed to a not-for-profit corporation or entity established for the purpose of benefiting

the owners and residents of the Planned Development, or retained by the developer with legally binding guarantees, in a form approved by the Village Attorney, verifying that the common open space will permanently be preserved as open area. All land conveyed to a not-for-profit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.

10.5.3.3 FINAL SYSTEMS PLANS

Final plans, with all required detail, shall be submitted, including:

300.1.1 Engineering plans showing how the site is to be serviced with sewer, water, well, and/or septic systems (as agreed to during the Preliminary Plat Stage).

301.1.1 Lighting plans.

302.1.1 Drainage and storm water retention and detention plans.

303.1.1 Road plans, including curbs and gutters if required, on-site/off-site signalization, acceleration, deceleration lanes, etc.

304.1.1 Sidewalk, paths, and cycle trails.

305.1.1 Landscape Plans showing the type and location of plant material, berms, and other aesthetic treatments.

10.5.3.4 PUBLIC FACILITIES

All on-site and/or off-site public facilities and improvements made necessary as a result of the Planned Development shall be either constructed in advance of the approval of the Final Plat or subdivider's bond or approved letters of credit posted to guarantee construction of the required improvements. The subdivider's bond or approved letters of credit, payable to the Village of Innsbrook, shall be sufficient to cover the full cost of the improvements plus ten (10) percent. Detailed construction plans shall be submitted for all public facilities to be built.

10.5.3.5 CONSTRUCTION PLANS

Detailed plans shall be submitted for the design, construction, or installation of site amenities; including buildings, landscaping, lakes, and other site improvements.

10.5.3.6 CONSTRUCTION SCHEDULE

A final construction schedule shall be submitted for that portion of the Planned Development for which approval is being requested.

10.5.3.7 GUARANTEE DEPOSIT

A deposit shall be made to the Village in cash, letter of credit approved by the Village Board in a form acceptable to the Village Attorney, or maintenance bond equal to fifteen (15) percent of the estimated cost of public facility installations. The deposit shall be a guarantee of satisfactory performance of the facilities constructed within the Planned Development and shall be held by the Village for a period of eighteen (18) months from the date of acceptance of the facilities by the Village. After such eighteen (18) months, the deposit shall be refunded if no defects have developed, or if any defects have developed, then the balance of such deposit shall be refunded after reimbursement for amounts expended to correct defective facilities.

10.5.3.8 DELINQUENT TAXES

A certificate shall be furnished from the appropriate County Official (See Appendix B) that no delinquent taxes exist and that all special assessments constituting a lien on the whole or any part of the property of the Planned Development have been paid.

10.5.3.9 COVENANTS

Final agreements, provisions, or covenants which will govern the use, maintenance and continued protection of the Planned Development shall be approved by the Village and recorded at the same time as the Final Planned Development Plat.

10.6 CHANGES IN THE PLANNED DEVELOPMENT

The Planned Development shall be developed only according to the approved and recorded Final Plat and all supporting data. The recorded Final Plat and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the Planned Development project as set forth therein.

Changes to the recorded Planned Development may be made as follows:

10.6.1 MAJOR CHANGES

Changes which alter the concept or intent of the Planned Development including increases in density, changes in the height of buildings, reductions of proposed open space, changes in total bedroom counts of more than five (5) percent, changes in bedroom

mixes of more than five (5) percent, changes in the development schedule, changes in road standards, or changes in the final governing agreements, provisions, or covenants, may be approved only by submission and reconsideration of a new Preliminary and/or Final Planned Development Plat, or relevant portion thereof, and supporting data and following the Preliminary or Final Plat procedure.

If the major change alters data or evidence submitted during the Conceptual Plan or Preliminary Plan or Preliminary Plat stage, then the resubmission must begin at the Preliminary Plat stage. If only Final Plat evidence or data is altered as a result of the major change, then the resubmission shall begin at the Final Plat stage.

If major changes are proposed, a new public hearing shall be required during resubmission of the Preliminary or Final Plat.

All changes to the "original" Final Plat shall be recorded with the County Recorder of Deeds as amendments to the Final Plat or reflected in the recording of a new "corrected" Final Plat.

10.6.2 MINOR CHANGES

The Village Board may, in accordance with procedures established in their rules, approve minor changes in the Planned Development which do not change the concept or intent of the development. Minor changes shall be any change not defined as a major.

10.7 REVOCATION AND EXTENSION

A Planned Development special use shall become null and void and the subject property shall thereupon be rezoned to its most appropriate district classification, as deemed suitable by the Village Board acting upon the recommendation of the Planning and Zoning Commission, in any case where said Planned Development has:

10.7.1 RECEIVED CONCEPTUAL PLAN APPROVAL

Received Conceptual Plan approval and where the Preliminary Plat of said Planned Development, or the first phase of the Preliminary Plat if construction is to take place in phases, has not been submitted for approval within two (2) years after the date of approval of said Conceptual Plan:

10.7.2 RECEIVED PRELIMINARY PLAT APPROVAL

Received Preliminary Plat approval and where the Final Plat of said Planned Development, or the first phase of the Final Plat if construction is to take place in phases, has not been submitted for approval within one (1) year after the date of approval of said Preliminary Plat; or

10.7.3 RECEIVED FINAL PLAT APPROVAL

Received Final Plat approval and where the construction of said Planned Development, as authorized by the issuance of a building permit, has not begun within (1) year after the date of approval of said Final Plat dealing with such construction.

Further, if construction of a Planned Development falls more than two (2) years behind the building schedule filed with the Final Plat of said Planned Development, the Village Board, acting upon the recommendation of the Planning and Zoning Commission shall either extend said schedule or initiate action to revoke the Planned Development special use. In doing so, one (1) year extensions in the building schedule filed with the Final Plat of a Planned Development may be granted by the Village Board, acting upon the recommendation of the Planning and Zoning Commission. If the Village Board so stipulates when acting favorably on a Planned Development, the Planning and Zoning Commission may be delegated the authority of granting such one (1) year extensions in said building schedule of said Planned Development.

10.8 FINDINGS OF FACT

The Planning and Zoning Commission shall, after the public hearing, set forth to the Village Board the reasons for the recommendation, and said recommendation shall set forth with particularity what respects the proposal would be in the public interest, including but not limited to findings of fact on the following:

10.8.1 CONSISTANCY

In what respects the proposed plan is consistent with the stated purpose of the Planned Development regulations and with the Objectives stated in Section 10.1 herein.

10.8.2 MEETS STANDARDS

The extent to which the proposed plan meets the standards of the Planned Development regulations as set forth in Section 10.2 herein.

10.8.3 DEPARTS FROM REGULATIONS

The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, dimension, area, bulk, and use, and the reasons why such departures are deemed to be in the public interest.

10.8.4 PROVISIONS FOR THE PUBLIC

The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated

common open space, and furthers the amenities of light and air, recreation and visual enjoyment.

10.8.5 COMPATIBILITY

The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.

10.8.6 DESIRABILITY

The desirability of the proposed plan as regards physical development, tax base and economic well-being of the Village.

10.8.7 CONFORMITY

The conformity with Village objectives.

10.9 CONDITIONS AND GUARANTEES

Prior to the granting of any Planned Development, the Planning and Zoning Commission may recommend, and the Village Board may stipulate, such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation, and other elements of the Planned Development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area and to secure compliance with the standards specified in Section 10.3. In all cases in which Planned Developments are granted, the Village Board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the approval of the Planned Development are being, and will be, complied with.

11 OFF-STREET PARKING AND LOADING

11.1 PURPOSE AND SCOPE

The following regulations, applicable to all zones, are established to increase safety and lessen congestion in the public streets, to adequately provide for parking needs associated with the development of land and increased automobile usage, to set standards for the requirement of off-street parking and loading facilities according to the amount of traffic generated by each use, and to eliminate the on-street storage of vehicles along major traffic routes.

11.2 OFF-STREET PARKING

11.2.1 GENERAL REQUIREMENTS

11.2.1.1 DUTY TO MAINTAIN AND PROVIDE

The duty to provide and maintain off-street parking space shall be the joint and/or separate responsibility of the operator and/or owner of the use and/or land for which off-street parking space is required to be provided and maintained.

11.2.1.2 EXISTING USES

For land, structures, or uses actually used, occupied, or operated on the effective date of this Ordinance, there shall be provided such off-street parking space as was required for such land, structures, or uses by any previous Ordinance. If such land, structures, or uses are enlarged, expanded, or changed there shall be provided, for that increment of expansion only, at least the amount of off-street parking space that would be required hereunder if the increment were a separate land, structure or use established or placed into operation after the effective date of this Ordinance.

11.2.1.3 NEW USES

For all uses established or placed into operation after the effective date of this Ordinance there shall be constructed, provided, preserved, and maintained the amount of off-street parking space hereafter set forth.

11.2.1.4 MAINTENANCE

All off-street parking space, whether provided in accordance with the provisions of this Ordinance or in accordance with the provisions of any former Ordinance, shall be maintained as hereinafter required.

11.2.1.5 FORM OF PARKING

Parking and loading spaces for all types of uses may be provided either in garages or open parking areas conforming with the provisions of this Ordinance.

11.2.2 LOCATION

Off-street parking spaces shall be located on the same zoning lot as the building, structure, or use to which they are accessory, except that the Village Board of Trustees may, by means of a covenant or other acceptable means, allow part or all of the off-street parking spaces for a particular building, structure, or use to be located on a lot other than the zoning lot occupied by said building, structure, or use.

11.2.2.1 PARKING IN STREET-SIDE YARDS

In the AFM, R-L and R-M zoning districts, no vehicle (powered or towed) shall be parked in street-side yards; except upon a driveway which is normally incidental to a single-family residence or other allowed use, and then only if authorized by the building and subdivision codes of the Village. Parking in street-side yards in residential districts may be permitted for short periods involving special events where normal parking cannot accommodate the number of vehicles involved. In the M-F, C-N, C-H, and I zoning districts, no parking shall be permitted in the street-side yard. There shall be no parking in emergency access or fire access lanes.

11.2.2.2 PARKING IN SIDE OR REAR YARDS

Parking may be located in the required side or rear yards of any zoning district, provided that a five (5) foot landscaped area be used to separate the parking area from the lot line in all zoning districts except for classifications where single-family detached residences are allowed. In zoning districts where single-family detached residences are allowed, parking may be located in any required side or rear yard. In cases where the height of a permitted building exceeds forty (40) feet in height, parking in the side or rear yard shall be limited to the internal three-fourths (3/4ths) of the provided side or rear yard.

11.2.2.3 ADJACENT TO A RESIDENTIAL DISTRICT

In any district, on any lot devoted to other than single-family use, if any front lot line, side lot line, or rear lot line separates the lots from or is across the street or alley from a lot in a residential district, the off-street parking shall not be located closer to such lot line than the minimum front yard depth, side yard depth, side yard width or rear yard depth (as the case may be) prescribed by the district in which the off-street parking area is located, in no case however, shall this distance be less than ten (10) feet.

Further, all off-street parking areas containing more than four (4) spaces shall be effectively screened on each side adjoining or fronting on any property situated in any Residence District by a wall, fence, or densely planted, compact hedge not less than three (3) feet nor more than six (6) feet in height.

11.2.3 LOCATION OF PARKING AISLES OR ACCESS DRIVE

All parking aisles shall be subject to compliance with setback requirements for parking imposed elsewhere in this Section.

11.2.4 PROVISION OF PARKING FACILITIES

Separate off-street parking space shall be provided for each use or the parking space required of two (2) or more uses located on the same zoning lot may be combined and used jointly, provided, however:

11.2.4.1 COLLECTIVE PROVISION OF FACILITIES

Off-street parking facilities for separate uses may be provided collectively, if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of parking spaces, in relation to the use served, are observed. Further, no parking space or portion thereof, shall serve as the required space for more than one (1) use, unless otherwise specifically authorized in accordance with this Ordinance.

11.2.4.2 JOINT USE OF FACILITIES

If groups of buildings contain uses which vary in their parking requirements, the number of parking spaces required shall be the sum of the individual requirements of each use. However, where peak parking requirements occur at distinctly difference times of the day or at difference times of the week as determined by the Village Board of Trustees, pursuant to the recommendation of the Planning and Zoning Commission, joint parking facilities may be shared by two (2) or more uses if so authorized.

11.2.5 DESIGN, DEVELOPMENT, AND MAINTENANCE

Every parcel of land hereafter used as a public or private parking area greater than four (4) spaces, including a commercial parking lot and an automobile or trailer sales lot, shall be designed, developed, and maintained in accordance with the following requirements. The parking area:

11.2.5.1 REPAIR, DISMANTLING, AND SERVICING OF VEHICLES

Shall not be used for the repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.

11.2.5.2 DRAINAGE AND SURFACING

Shall be graded for proper drainage and provided with an all-weather surfacing maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris.

11.2.5.3 ACCESS

Shall be designed such that each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.

11.2.5.4 INTERFERENCE WITH TRAFFIC MOVEMENT

Shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement.

11.2.5.5 ENTRANCE AND EXIT POINTS

Shall be provided with entrances and exists each of which shall not be less than twelve (12) feet in width nor more than twenty-five (25) feet in width, excluding any lane control island or other such device as may be commonly used to separate traffic.

11.2.5.6 CURBING AND GUARDS

Shall be provided with curbs, wheel guards, or bumper guards located along all exterior parking lot lines in such a manner so as to prohibit protrusion of any portion of a parking vehicle(s) beyond established parking area.

11.2.5.7 LIGHTING

Shall, if hazards exist which can be eliminated or lessened by properly designed and located lighting, be required to be illuminated. The Planning and Zoning Commission may recommend, and the Village Board of Trustees may authorize, any required parking facilities to be illuminated at such hours and in such a manner as deemed to be in the best interest of the public safety and security. Lighting facilities, if required, shall be so arranged and operated so that they neither unreasonably disturb occupants of adjacent properties nor interfere with traffic. All exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residence district.

11.2.5.8 LANDSCAPING

Shall be landscaped with not less than one (1) tree of not less than two and one-half (2 1/2) inches in caliper for each ten (10) parking spaces measured according to permitted stall widths and lengths and shall be maintained on a continuing basis. Each tree shall occupy not less than one hundred (100) square feet of landscaped area. Location of landscaped areas is at the discretion of the developer of property owner, and may be adjacent to the minimum landscaped area (front, side, rear yard) prescribed by the district in which the off-street parking is located as additional landscaped area or may be located in interior planting islands. Minimum width of planting islands at the location where the tree is planted shall be six (6) feet. Planting shall be so located as to foster an environmentally sound planted area and to not unduly interfere with snow removal. The

selection of trees shall be from the Village approved list of parkway trees (See Chapter 9 Subdivision Regulations, Section 9.2.2.7) or acceptable substitutes may be approved in writing by the Village Board of Trustees.

11.2.6 SIZE OF PARKING AREA AND SPACE

Each off-street parking space and area shall be designed in accord with, and have an area of not less than that required by Table 11-1. Angle parking of a type not specified below is not permitted.

Table 11-1 PERMITTED PARKING CONFIGURATIONS

Type	Stall Width	Stall Length	Aisle Width	Bay Width
45 Degree Angle	9	18	14	50
60 Degree Angle	9	19	18	56
75 Degree Angle	9	19	20	58
90 Degree Angle	9	18	24	60
Parallel	8	22	N.A.	N.A.

Footnotes:

1. Dimensions in feet.
2. Handicap Parking Spaces = 12'6" wide, space width dimensions parallel to aisle: 45 degrees - 17'8", 60 degrees - 14'6", 75 degrees - 13'0", 90 degrees - 12'6".
3. Measured perpendicular to center line of access road beginning with face of curb.
4. Measured perpendicular face to face of curb or ground bumper; the overall bay width dimension includes two stall lengths and one aisle width.
5. Street pavement serves as aisle width and as bay width; parallel parking is not permitted along access drives or in parking garages.
6. Each parking space shall have a vertical clearance of at least seven (7) feet and shall be of usable shape and condition.

11.2.7 UNITS OF MEASUREMENTS

For purposes of this Section, the following units of measurement shall apply:

11.2.7.1 FLOOR AREA

In the case of offices, merchandising, or service type of uses, "Floor Area" shall mean the gross floor area used or intended to be used by tenants and/or owners or for service to the public as customers, patrons, clients and patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used for non-public purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores of buildings, for toilet or restrooms, for utilities, or for dressing rooms, fitting or alteration rooms.

11.2.7.2 DWELLING UNIT

A dwelling unit shall mean a room or group of rooms providing living quarters for a family or household.

11.2.7.3 SEAT OF BENCH

A seat shall be the space intended for one (1) individual; in place where patrons or spectators occupy benches, pews, or other seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat.

11.2.7.4 EMPLOYEES

Parking spaces required on an employees basis shall be based on the maximum number of employees on the premises at any one time whether on duty or residing therein.

11.2.7.5 FRACTIONS

When units of measurement result in the requirement of a fractional space, any fraction shall require one (1) parking space.

11.2.8 SPACE REQUIRED

Off-street parking spaces shall be provided in accordance with the minimum requirements as hereinafter set forth.

11.2.8.1 RESIDENTIAL USES

306.1.1 Single-Family Detached Dwellings - Two (2) spaces shall be provided for each dwelling unit.

307.1.1 Townhouse and Two-Family Dwellings - Two (2) spaces shall be provided for each dwelling unit.

308.1.1 Multiple-Family Dwellings - Two (2) spaces shall be provided for each dwelling unit with one (1) or more bedrooms. One and one-half (1 1/2) spaces shall be provided for every efficiency or studio dwelling unit.

11.2.8.2 COMMERCIAL USES

309.1.1 Amusement Establishments, as follows:

310.1.1 Bowling Alleys: Five (5) parking spaces shall be provided for each alley, plus additional spaces as may be required herein for affiliated uses, such as bars, restaurants, etc.

311.1.1 Pool and Billiard Halls, Amusement Parks and Establishments, Indoor Amusements: Three (3) parking spaces shall be provided for each one thousand

- (1,000) square feet of floor are plus three parking spaces for each one thousand (1,000) square feet of gross land area.
- 312.1.1 Dance Halls, Skating Rinks: Ten (10) parking spaces shall be provided for each one thousand (1,000) square feet of floor area.
- 313.1.1 Handball, Racquet, Squash, and Tennis Courts and Clubs: Four (4) parking spaces shall be provided for each court, plus additional spaces as may be required herein for affiliated uses as retail stores, restaurants, etc.
- 314.1.1 Swimming Pools: One (1) parking space shall be provided for each five thousand (5,000) square feet of gross land area and seventy-five (75) square feet of water area.
- 315.1.1 Automobile Laundry (Car Wash) - Stacking spaces shall be provided to accommodate waiting automobiles equal in number to five (5) times the maximum capacity of the automobile laundry for each wash rack, plus one (1) parking space for each two (2) employees. Maximum capacity, in this instance, shall mean the greatest number of automobiles undergoing some phase of laundering at the same time.
- 316.1.1 Automobile Service Station Facilities - Two (2) parking spaces shall be provided for each island of pumps plus two (2) parking spaces for each service stall plus one (1) parking space for each two (2) employees.
- 317.1.1 Barber Shop - One (1) parking space shall be provided for each one hundred fifty (150) square feet of floor area.
- 318.1.1 Beauty Salon - One (1) parking space shall be provided for each one hundred fifty (150) square feet of floor area.
- 319.1.1 Business Machine Sales and Service - One (1) parking space shall be provided for each two hundred fifty (250) square feet of floor area.
- 320.1.1 Cartage and Express Facilities - One (1) parking space shall have provided for each vehicle maintained on the premises, plus one (1) space for each two (2) employees.
- 321.1.1 Catering Establishments - One (1) parking space shall be provided for each two hundred fifty (250) square feet of floor area.
- 322.1.1 Clothing and Costume Rental - One (1) parking space shall be provided for each two hundred fifty (250) square feet of floor area.
- 323.1.1 Commercial Stadiums, Fairgrounds, Rodeos, Grandstands, and Race Tracks - One (1) parking space shall be provided for each four (4) seats provided.
- 324.1.1 Food Stores, Grocery Stores, and Supermarkets - One (1) parking space shall be provided for each two hundred (200) square feet of floor area.
- 325.1.1 Fuel and Ice Plants and Storage - One (1) parking space shall be provided for each two (2) employees.
- 326.1.1 Furniture and Applicant Stores and Establishments for Repair of Household Equipment and Furniture - One (1) parking space shall be provided for the first

- one thousand (1,000) square feet of floor area, plus one (1) space for each additional six hundred (600) square feet of floor area.
- 327.1.1 Glass Products, Production and Sales - One (1) parking space shall be provided for each two (2) employees.
- 328.1.1 Golf Courses - Sixty (60) parking spaces shall be provided for each nine (9) holes of regular golf, or forty (40) space for every nine (9) holes of Par "3," or Pitch and Putt Golf.
- 329.1.1 Heliports and Airports, Private and Commercial - Parking spaces shall be provided in adequate number as determined by the Office of the Zoning Administrator.
- 330.1.1 Hotels, Motels, Inns, Apartment Hotels, Auto Courts and Tourist Homes - One (1) parking space shall be provided for each guest or sleeping room or suite, plus one (1) additional space for each employee.
- 331.1.1 Leather Goods and Luggage Stores - One (1) parking space shall be provided for each two hundred fifty (250) square feet of floor area.
- 332.1.1 Mail Order House (see "Retail Stores" if direct sales are involved) - One (1) parking space shall be provided for each one (1) employee.
- 333.1.1 Motor Vehicle, Motorcycle, Bicycle, and Other Outdoor Recreational Vehicle Sales, Rental and Service - One (1) parking space shall be provided for each two hundred (200) square feet of floor area, plus one (1) parking space for each three thousand (3,000) square feet of gross land area.
- 334.1.1 Newspaper Distribution Agency - One (1) parking space shall be provided for each two hundred fifty (250) square feet of floor area.
- 335.1.1 Outdoor Rifle Range, Trap or Skeet Shooting Range - One (1) parking space shall be provided for each two thousand (2,000) square feet of gross land area.
- 336.1.1 Photostatting, Blueprinting Establishments - One (1) parking space shall be provided for each two hundred fifty (250) square feet of floor area.
- 337.1.1 Physical Culture and Health Clubs, Reducing Salons, and Gymnasiums, excluding those with spectator seating - One (1) parking space shall be provided for each one hundred fifty (150) square feet of floor area.
- 338.1.1 Plumbing and/or Electrical Equipment Showrooms and Shops - Three (3) parking spaces shall be provided for each one (1) employee.
- 339.1.1 Printing and Publishing Establishments - One (1) parking space shall be provided for each two (2) employees.
- 340.1.1 Radio, Recording and Television Studios - One (1) parking space shall be provided for each two hundred fifty (250) square feet of floor area.
- 341.1.1 Recreation and Community Center Building - One (1) parking space shall be provided for each two hundred fifty (250) square feet of floor area.
- 342.1.1 Repair of Shoes, Clothing and Hats - One (1) parking space shall be provided for each two hundred fifty (250) square feet of floor area.

- 343.1.1 Restaurants or Establishment Dispensing Food and/or Beverages for Consumption on the Premises (not including drive-in establishments) - One (1) parking space shall be provided for each one hundred (100) square feet of floor area, or one (1) parking space for each three (3) seats, plus one (1) parking space for each employee, whichever is greater.
- 344.1.1 Restaurants (carry-out) - One (1) parking space shall be provided for each fifty (50) square feet of floor area.
- 345.1.1 Restaurants (drive-in) and/or Refreshment Stand (where food and/or beverage is consumed in a vehicle) - One (1) parking space shall be provided for each twenty (20) square feet of floor area, but not less than ten (10) spaces.
- 346.1.1 Retail Stores (unless listed separately) - One (1) parking space shall be provided for each two hundred (200) square feet of floor area.
- 347.1.1 Roadside Stands - As determined by the Village Board of Trustees to adequately provide for all parking off of the public right-of-way, but not less than six (6) spaces.
- 348.1.1 Stables and Riding Academies - Parking spaces shall be provided in adequate number as determined by the Village Board of Trustees.
- 349.1.1 Tailor and Dress Making Shops - One (1) parking space shall be provided for each two hundred fifty (250) square feet of floor area.
- 350.1.1 Taverns, Cocktail Lounges and Night Clubs - One (1) parking space shall be provided for each one hundred (100) square feet of floor area or parking spaces equal in number to thirty (30) percent of the capacity in persons, whichever is greater.
- 351.1.1 Taxidermist - One (1) parking space shall be provided for each employee.
- 352.1.1 Telephone Exchange and Equipment Buildings - One (1) parking space shall be provided for each person employed on the premises, plus one space for each five thousand (5,000) square feet of floor area which is not devoted to electrical or transmission equipment.
- 353.1.1 Theaters (indoor) - One (1) parking space shall be provided for each four (4) seats up to four hundred (400) seats, plus one (1) for each six (6) seats over four hundred (400) seats.
- 354.1.1 Theaters (outdoor) - Reservoir parking space shall be provided equal to ten (10) percent of the vehicle capacity of the theater.
- 355.1.1 Travel Bureaus and Transportation Ticket Agencies - One (1) parking space shall be provided for each two hundred fifty (250) square feet of floor area.
- 356.1.1 Undertaking Establishments and Funeral Parlors - Six (6) parking spaces shall be provided for each chapel or parlor, or one (1) for each fifty (50) square feet of floor area used for services, whichever is greater, plus one (1) parking space for each funeral vehicle kept on the premises.

11.2.8.3 OFFICE USES

- 357.1.1 Banks, Savings and Loans, and Financial Institutions - One (1) parking space shall be provided for each two hundred (200) square feet of floor area. Drive-in establishments shall provide six (6) stacking spaces per teller or customer service area.
- 358.1.1 Business or Professional Offices; not elsewhere listed - Five (5) parking spaces shall be provided for the first one thousand (1,000) square feet of floor area and one (1) parking space shall be provided for each additional three hundred (300) square feet of floor area.
- 359.1.1 Laboratories, Research and Testing - One (1) parking space shall be provided by every two hundred fifty (250) square feet of floor area.
- 360.1.1 Medical or Dental - Four (4) parking spaces shall be provided for each doctor on staff, plus two (2) parking spaces for every three (3) employees.

11.2.8.4 INDUSTRIAL USES

- 361.1.1 Industrial and Manufacturing Uses, or any Establishments Engaged in Production, Processing, Cleaning, Servicing, Testing or Repair of Materials, Goods or Products - One (1) parking space shall be provided for each three (3) employees, enterprise, based on the largest shift.
- 362.1.1 Penal and Correctional Institutions - Two (2) parking spaces shall be provided for each three (3) employees, plus spaces adequate in number and determined by the Village Board.
- 363.1.1 Public Utility and Service Uses - Two (2) parking spaces shall be provided for each three (3) employees, plus spaces adequate in number as determined by the Village Board.
- 364.1.1 Truck Terminals - Two (2) parking spaces shall be provided for each three (3) employees, plus one (1) space for each truck.
- 365.1.1 Warehouses and Storage Buildings - Two (2) parking spaces shall be provided for each three (3) employees, plus one (1) space for each vehicle used in the conduct of the enterprise.
- 366.1.1 Wholesale Establishment (but not including warehouses and storage buildings other than accessory) - Two (2) parking spaces shall be provided for each three (3) employees, plus one (1) space for each eight hundred (800) square feet of floor area in access of four thousand (4,000) square feet.

11.2.8.5 SCHOOLS, INSTITUTIONS AND PLACES OF ASSEMBLY

- 367.1.1 Animal Hospitals and Veterinary Clinics - Four (4) parking spaces shall be provided per doctor, plus one (1) space for each additional employee.
- 368.1.1 Auditoriums, Gymnasiums, Convention Halls, and Other Places of Assembly - Parking space shall be provided equal to thirty (30) percent the capacity of the facility in persons.
- 369.1.1 Churches, Temples, Synagogues and Chapels - One (1) parking space shall be provided for each four (4) seats in the main auditorium.
- 370.1.1 Colleges, Universities, and Trade Schools - One (1) parking space shall be provided for each five (5) students (based on the maximum number of students that the facility is designed to handle at any one time), plus two (2) spaces for each three (3) employees.
- 371.1.1 Elementary and Junior High Schools - Two (2) parking spaces shall be provided for each classroom. However, if a place of assembly is provided in the school and the parking spaces provided for the place of assembly is equal to or in excess of the requirement for the classrooms, the classroom requirements need not be provided.
- 372.1.1 High Schools - One (1) parking space shall be provided for each eight (8) students (based on the maximum number of students that the facility is designed to handle at any one time), plus two (2) spaces for each classroom. However, if a place of assembly is provided in the school and the parking space provided for the place of assembly is equal to or in excess of the requirement for the classroom, the classroom requirement need not be provided.
- 373.1.1 Hospitals - One (1) parking space shall be provided for each two (2) beds, plus two (2) spaces for each three (3) employees.
- 374.1.1 Nursery Schools - One (1) parking space shall be provided for each employee.
- 375.1.1 Nursing Homes, Convalescent Center, Geriatric Center and Similar Type Establishments - One (1) parking space shall be provided for each five (5) beds, plus two (2) spaces for each three (3) employees, plus one (1) for each doctor assigned to the staff.
- 376.1.1 Libraries, Art Galleries, Museums, and Aquariums - One (1) parking space shall be provided for each eight hundred (800) square feet of floor area
- 377.1.1 Parish, Parsonage, Rectory, Convent, Monastery, Nunnery and Religious Retreat - One (1) parking space shall be provided for each one thousand (1,000) square feet of floor area.
- 378.1.1 Philanthropic and Eleemosynary Institutions - One (1) parking space shall be provided for each five hundred (500) square feet of floor area.
- 379.1.1 Private Clubs and Lodges - Parking spaces shall be provided equal in number to thirty (30) percent of the capacity in persons.

11.2.8.6 PLANNED UNIT DEVELOPMENTS

Parking facilities shall be provided on the basis of the required spaces for each individual use, except as specified in Chapter 10.

11.2.8.7 OTHER USES

For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed uses, or as determined by the Village Board of Trustees, after its receipt of recommendation from the Planning and Zoning Commission.

11.2.8.8 ACCESSIBLE PARKING

Where parking is provided, accessible parking spaces shall be provided in compliance with Table 11-2. This section does not apply to privately owned residential uses or those parking spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles or vehicular impound and motor pools where lots accessed by the public are provided with an accessible passenger loading zone.

Table 11-2 ACCESSIBLE PARKING SPACES

Total Parking Spaces Provided	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 % of total
1,001 and over	20, plus one for each 100, or fraction thereof, over 1,000

11.2.9 MODIFICATIONS

The Village Board of Trustees may authorize a modification, reduction, or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the residence, business, trade, industry or other use, or the exceptional shape or size of the property or other exceptional situations or condition which would justify such action. Prior to authorizing a modification to these parking requirements, the Village Board of Trustees shall consider the recommendation of the Planning and Zoning Commission.

11.3 OFF-STREET LOADING

11.3.1 WHEN REQUIRED

Off-street loading space shall be required and maintained in connection with any building or part thereof, hereafter erected or altered which is to be occupied by uses requiring the receipt or distribution of materials or merchandise.

11.3.2 LOCATION

11.3.2.1 SAME LOT

Off-street loading space shall be located on the same lot as the structure for which provided.

11.3.2.2 REQUIRED YARDS

Off-street loading space may occupy all or any part of any required yard space, other than the front yard or side yard adjoining a street. The Village Board of Trustees may authorize off-street loading in the front or side yard adjoining a street if such authorization would not result in traffic hazards.

11.3.2.3 LANDSCAPING

Off-street loading spaces that adjoin or are across the street from property zoned for any residential use, shall have a dense evergreen planting, fence, masonry wall, or such other screening, as may be determined by the Village Board of Trustees. The Village Board of Trustees shall also determine the height, location, and density of screening used to provide adequate protection to adjoining property. In making its determination, the Village Board of Trustees shall consider the recommendation of the Planning and Zoning Commission.

11.3.2.4 INTERSECTION OF ADJACENT STREETS

No permitted or required loading berth shall be located within thirty (30) feet of the nearest point of intersection of any two (2) streets.

11.3.3 DUTY TO PROVIDE

The duty to provide the off-street loading space herein required shall be the joint and/or separate responsibility of the operator and owner of the structure or structures for which off-street loading space is required to be provided. No structure shall be designed, erected, altered, used or occupied unless the off-street loading space herein required is provided in at least the amount herein set forth; provided, however, that off-street loading space need not be provided for structures actually used, occupied and operated on the effective date of this Ordinance unless, after the effective date of this Ordinance, such structures are enlarged or expanded, or the uses within such structures are enlarged, expanded or changed, so as to require a greater amount of off-street loading space than

the amount of off-street loading space not required to be furnished by reason of the foregoing exclusion, in which event, the structures hereby excluded shall not be used, occupied, or operated unless there is provided for the increment only of such structures, and maintained as herein required, at least the amount of off-street loading space that would be required hereunder if the increment were a separate structure.

11.3.4 DESIGN, DEVELOPMENT, AND MAINTENANCE

Every parcel of land hereafter used for off-street loading space shall be designed, developed, and maintained in accordance with the following requirements. Off-street loading space:

11.3.4.1 REPAIR, DISMANTLING, AND SERVICING OF VEHICLES

Shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies if such loading facilities are within five hundred (500) feet of a Residence or Commercial District.

11.3.4.2 DRAINAGE AND SURFACING

Shall be graded for proper drainage and provided with an all-weather surfacing material capable of bearing a line load of two hundred (200) pounds per square foot and shall be maintained at all times in such a manner as to prevent the release of dust and to be free to dust, trash, and debris.

11.3.4.3 ACCESS AND MANEUVERING

Shall be provided with entrances and exits and each of which shall not be less than twelve (12) feet in width, nor more than thirty-six (36) foot of width, excluding any lane control island or other such device as may be commonly used to separate traffic, and shall be so designed as to provide adequate vehicular access and maneuvering space in a manner which does not unduly interfere with safe vehicular traffic movement.

11.3.4.4 PROTECTION

No portion of a vehicle shall project into a street, alley, or other public right-of-way while being loading or unloaded.

11.3.4.5 SIZE

Unless otherwise specified, a required off-street loading berth shall be at least twelve (12) feet in width by at least thirty (30) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.

11.3.4.6 OFF-STREET PARKING REQUIREMENTS

Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

11.3.4.7 CENTRAL LOADING FACILITIES

Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:

- 380.1.1 Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at-grade.
- 381.1.1 Total off-street loading berths provided shall meet the minimum requirements herein specified, based on the sum of several types of uses served. (Area of types of uses may be totaled before computing number of loading berths).
- 382.1.1 No zoning lot served shall be more than five hundred (500) feet removed from the central loading area.
- 383.1.1 The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

11.3.4.8 BELOW MINIMUM REQUIRED FACILITIES

Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space serving that zoning lot.

11.3.5 AMOUNT OF SPACE REQUIRED

At least the following amounts of off-street loading space shall be provided, plus an area or means adequate for maneuvering, ingress and egress:

11.3.5.1 RESIDENTIAL USES AND COMMERCIAL TRANSIENT USES

Hotels, Motels, Lodging Houses, Apartment Hotels, and Multi-Family Dwellings: For buildings containing 10,000 to 200,000 square feet of floor area, one (1) off-street loading berth shall be provided, plus one (1) additional loading berth for each additional 200,000 square feet of floor area or fraction thereof. Each such loading berth for buildings in excess of 100,000 square feet of floor area shall not be less than twelve (12) feet in width by sixty-five (65) feet in length.

11.3.5.2 COMMERCIAL USES

- 384.1.1 Undertaking establishments and Funeral Parlors: For buildings containing 8,000 to 100,000 square feet of floor area, one (1) loading berth shall be provided, plus one (1) additional loading berth for each additional 100,000 square feet of floor area or fraction thereof.
- 385.1.1 For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of floor area, plus one (1) additional loading berth for each additional 100,000 square feet of floor area or fraction thereof. Each such loading berth for buildings in excess of 100,000 square feet of floor area shall not be less than twelve (12) feet in width by sixty-five (65) feet in length.
- 386.1.1 Amusement Establishments.
- 387.1.1 Bowling Alleys.
- 388.1.1 Dance Halls.
- 389.1.1 Gymnasium.
- 390.1.1 Pool Halls.
- 391.1.1 Skating Rinks.
- 392.1.1 Swimming Pools.
- 393.1.1 For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 150,000 square feet of floor area, plus one (1) additional loading berth for each additional 150,000 square feet of floor area or fraction thereof. Each such loading berth for buildings in excess of 20,000 square feet of floor area shall be not less than twelve (12) feet in width by sixty-five (65) feet in length.
- 394.1.1 Radio and television stations and studios.
- 395.1.1 Recording studios.
- 396.1.1 For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 200,000 square feet of floor area, plus one (1) additional loading berth for each additional 200,000 square feet of floor area or fraction thereof. Each such loading berth for buildings in excess of 100,000 square feet of floor area shall not be less than twelve (12) feet in width by sixty-five (65) feet in length.
- 397.1.1 Schools; music, dance, business, and trade.
- 398.1.1 Theaters, indoor.
- 399.1.1 For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 5,000 to 40,000 square feet of floor area. For buildings containing 40,000 to 100,000 square feet of floor area two (2) loading berths shall be provided, plus one (1) additional loading berth for each additional 100,000 square feet of floor area or fraction thereof. Each such loading berth for buildings in excess of 10,000 square feet of floor area shall be not less than twelve (12) feet in width by sixty-five (65) feet in length.

400.1.1 Cartage and express facilities.

401.1.1 Mail order houses.

402.1.1 Printing and publishing.

11.3.5.3 OFFICE USES

For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of floor area; for each additional 100,000 square feet of floor area up to 500,000 square feet, one (1) additional loading berth shall be provided, plus one (1) additional loading berth for each additional 500,000 square feet of floor area or fraction thereof in excess of 500,000 square feet. Each such loading berth for buildings in excess of 100,000 square feet of floor area shall not be less than twelve (12) feet in width by sixty-five (65) feet in length.

403.1.1 Banks and financial institutions.

404.1.1 Medical and dental clinics.

405.1.1 Offices, business, and professional.

406.1.1 Offices of labor organizations.

11.3.5.4 INDUSTRIAL USES

407.1.1 For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 5,000 to 40,000 square feet of floor area; for buildings containing 40,000 to 100,000 square feet of floor area two (2) loading berths shall be provided, plus one (1) additional loading berth for each additional 100,000 square feet of floor area or fraction thereof. Each such loading berth for buildings in excess of 10,000 square feet of floor area shall be not less than twelve (12) feet in width by sixty-five (65) feet in length.

408.1.1 Any productions, processing, cleaning, servicing, testing, repair, or storage of distribution.

409.1.1 Fuels, petroleum, flammable liquids, fats, or oils-storage and wholesale distribution.

410.1.1 Motor freight terminals.

411.1.1 Storage and warehousing.

412.1.1 For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of floor area, plus one (1) additional loading berth for each additional 100,000 square feet of floor area or fraction thereof. Each such loading berth for buildings in excess of 20,000 square feet of floor area shall be not less than twelve (12) feet in width by sixty-five (65) feet in length.

413.1.1 Airports and commercial heliports.

414.1.1 Sewage treatment plants.

11.3.5.5 SCHOOLS, INSTITUTIONS, AND PLACES OF ASSEMBLY

415.1.1 For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of floor area plus one (1) additional loading berth for each additional 100,000 square feet of floor area or fraction thereof. Each such loading berth for buildings in excess of 20,000 of floor area shall be not less than twelve (12) feet in width by sixty-five (65) feet in length.

416.1.1 Arenas.

417.1.1 Auditoriums.

418.1.1 Hospitals.

419.1.1 Institutions for the care and treatment of alcoholics, drug addict patients, or the insane or feeble-minded.

420.1.1 Nursery schools.

421.1.1 Penal and correctional institutions.

422.1.1 For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 150,000 square feet of floor area, plus one (1) additional loading berth for each additional 150,000 square feet of floor area or fraction thereof. Each such loading berth for buildings in excess of 20,000 square feet of floor area shall be not less than twelve (12) feet in width by sixty-five (65) feet in length.

423.1.1 Banquet halls.

424.1.1 Convention halls.

425.1.1 Exhibition halls.

426.1.1 Recreation Buildings or Community Center, non-commercial - For buildings containing 10,000 to 100,000 square feet of floor area one (1) loading berth shall be provided. For each additional 100,000 square feet of floor area up to 500,000 square feet, one (1) additional loading berth shall be provided, plus one (1) additional loading berth for each additional 500,000 square feet of floor area or fraction thereof in excess of 500,000 square feet. Each such loading berth for buildings in excess of 20,000 square feet of floor area shall be not less than twelve (12) feet in width by sixty-five (65) feet in length.

11.3.5.6 PLANNED UNIT DEVELOPMENTS

Loading berths shall be provided on the basis of the required berths for each individual use.

11.3.5.7 OTHER USES

For all other uses, loading facilities shall be provided in accordance with Table 11-3:

Table 11-3 LOADING FACILITY BERTH SCHEDULE

Floor Area (max ft² x1,000)	Number of Berths	Berth Size (ft.)
10	1	12 x 30
25	2	12 x 30
40	2	12 x 65
100	3	12 x 65
250	4	12 x 65

For each additional 200,000 square feet of floor area, over 250,000 square feet of floor area, one (1) additional loading berth, not less than twelve (12) feet in width by sixty-five (65) feet in length shall be provided.

11.3.6 MODIFICATIONS

The Village Board of Trustees may authorize a modification, reduction, or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the business, trade, industry, or other use, or the exceptional situation or condition, would justify such action. Prior to authorizing a modification to these off-street loading requirements, the Village Board of Trustees shall consider the recommendation of the Planning and Zoning Commission.

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12 SIGNS

12.1 SCOPE AND APPLICABILITY

All signs and other advertising devices and structures shall be permitted in the Village only in accordance with the applicable provisions of the Sign Ordinance of the Village of Innsbrook.

12.2 PURPOSE

The following regulations relating to signs are established to:

- Provide for maximum safety of motorists using the streets and pedestrians along public ways.
- Provide necessary identification with reasonable, orderly and effective display of signs and outdoor advertising to avoid the “canceling out” effect of conflicting adjacent signs and to conserve property values.
- To maintain and enhance the visual environment, and to preserve the right of citizens to enjoy Innsbrook’s scenic beauty.
- Further support the general purpose and intent of the Innsbrook Zoning Ordinance and Comprehensive Land Use Plan of the Village.
- Provide an administrative framework for controlling the establishment and maintenance of signs in the Village and for the enforcement of the standards and regulations established herein.

12.3 GENERAL PROVISIONS APPLICABLE TO ALL ZONES

12.3.1 SIGN REQUIREMENTS AND CONDITIONS

12.3.1.1 OBSTRUCTION

No sign shall be erected or maintained at any location whereby reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device.

12.3.1.2 WORDING

No sign shall use any word, phrase, symbol, shape, form, or character in such manner as to interfere with moving traffic.

12.3.1.3 ILLUMINATION

No illuminated or indirectly illuminated sign shall be permitted within fifty (50) feet of property in any residential zone unless the illumination of the sign is so designed that it does not shine light directly onto any adjacent property or onto any street.

12.3.1.4 HEIGHT

No part of any sign attached to a building shall be erected to a height greater than that permitted for such building. Freestanding signs shall not exceed eight (8) feet in height, unless modified by other sections of this Ordinance.

12.3.1.5 GROUND SIGN MAINTENANCE

The owner, lessee, or manager of a ground sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

12.3.1.6 OFF-PREMISE SIGNS

Off-premise signs which may be, or may hereafter become rotted, unsafe, unsightly, or abandoned shall be repaired or removed by the licensee or owner of the sign, or upon notice of the Zoning Officer.

12.3.1.7 RIGHT-OF-WAY CLEARANCE

No part of any sign shall extend into the public right-of-way, except those signs established by, or by order of any governmental agency

12.3.1.8 SCREENING

No single face sign or other sign where the exposed sign structure would be generally within public view will be permitted unless appropriate screening or a decorative cover is provided.

12.3.1.9 ACTIVE SIGNS

Unless specifically permitted elsewhere in this Ordinance no sign is permitted which includes flashing lights, moving parts, or noise emissions.

12.3.1.10 PROJECTING SIGNS

The bottom edge of a projecting sign shall be a minimum of 7.5 feet above the ground. Projecting signs shall be fixed in place and not swing or move in any way, be pinned away from the wall by six (6) inches, extend from the wall at a 90 degree angle, and extend no more than one (1) foot into the public right-of-way.

12.3.1.11 SIGN ATTACHMENT

No sign shall be affixed directly to a tree, utility pole, light pole, traffic control device, barn, shed, or roof of a building or structure. No sign over two (2) square feet may be suspended by chains, ropes, or other means that readily permit the sign to swing or move freely.

12.3.1.12 SIGNS ON VEHICLES

Any sign attached or painted onto an inoperable and unlicensed motor vehicle in view of the public right-of-way or any sign attached to a licensed vehicle which is maintained in full view of the right-of-way or on the property to which the sign thereon refers for a period of more than seven consecutive days.

12.3.1.13 PORTABLE SIGNS

No portable signs are permitted including, but not limited to, signs on trailers, A-frame or sandwich board signs unless permanently attached to the ground or firmly attached to a permanent structure so that they are not readily portable; paper or cardboard signs wrapped around or fastened to support poles or forms which are readily portable and not permanently attached to the ground or a building are also prohibited.

12.3.1.14 SPECIAL ATTENTION DEVICES

Unless permitted under other sections of this Sign Ordinance or unless granted under the Special Use Procedures of the Innsbrook Zoning Ordinance, special attention attracting devices including, but not limited to, banners, pennants, searchlights, balloons or other gas-filled figures, propellers, spinners, streamers, reflectors, strobe lights, flashing lights, strings of lights and similar devices serving for purposes of attracting attention, promotion or advertising are prohibited. This restriction includes special attention attracting devices placed on, in or behind store-front windows. For special occasions such as grand openings, special promotions or other similar special occasions not exceeding seven (7) days in duration and not occurring more than two (2) times annually for any one zoning lot, banners, pennants streamers and balloons, less two (2) feet in diameter, may be permitted on private property provided that they are not a detriment to the health and safety of the general public.

12.3.1.15 SIGNS ON STRUCTURES

No sign shall be painted directly on the wall or roof of a building or directly on a fence or other accessory structure or directly on any paved surfaces other than required traffic control information.

12.3.1.16 SIGNS FACING RESIDENTIAL PROPERTY

No sign shall be located at the rear of premises facing residential property.

12.3.1.17 OBSOLETE SIGNS

Obsolete business signs which advertises an activity, business, product or service no longer available on the premises where the sign is located and/or sign structures no longer in use are prohibited and must be removed within fourteen (14) days after written notification from the Zoning Administrator.

12.3.1.18 NEON TUBING

Neon tubing, outside of a Sign Area and independent of any information conveyed by a sign permitted under this Section, which is used as an architectural element or feature of a building or other structure is prohibited from being affixed directly or indirectly to any building or structure, except as a special use in a C-H zoning district.

12.3.1.19 OFF-PREMISE SIGNS

Off-premise advertising signs are prohibited unless modified by other sections of this Ordinance.

12.3.1.20 SCENIC ROADSIDE SIGNS

No signs shall be permitted in areas designated as Scenic Roadsides without approval from the Village Board of Trustees with recommendations from the Planning and Zoning Commission.

12.3.2 EXEMPT SIGNS

Signs are permitted for the following uses and purposes without a permit unless otherwise stated.

12.3.2.1 PARKING AREA

For each permitted or required parking area that has a capacity of more than five (5) cars, one (1) sign, not more than two (2) square feet in area, designating each entrance or exit; and one (1) sign, not more than nine (9) square feet in area, designating the conditions of use of the parking area.

12.3.2.2 SIGNS IN RESIDENTIAL AREAS

One (1) sign per zoning lot, not more than nine (9) square feet in area. Corner lots may have one (1) additional sign. Such signs shall be removed when they fall into a state of disrepair.

12.3.2.3 GOVERNMENT APPROVED

Signs established by, or by order of, any governmental agency.

12.3.2.4 SUBDIVISION

For each real estate subdivision that has been approved in accordance with the Innsbrook Subdivision Regulations, there may be one (1) sign located on some portion of the property being offered for sale. This sign shall not be more than three hundred (300) square feet in area. One (1) additional similar sign shall be permitted for each one hundred (100) lots in the subdivision. These signs shall comply with the yard required in the zone in which they are located. These signs shall be permitted only during the time some portion of the land offered for sale remains unsold and an active sales program is underway. Permits for such signs are required and shall be issued for a one (1) year period and may be renewed for additional one (1) year periods to allow time for reasonable display.

12.3.2.5 WITHIN ENCLOSED BUILDING

Signs within completely enclosed buildings and not visible from the outside of the building.

12.3.2.6 HOUSE NUMBER/NAMEPLATES

House numbers and name plates not exceeding two (2) square feet in area for each residential, business or industrial building. Such house number/name plates shall be clearly visible from the street serving the property at the point of entry into the property.

12.3.2.7 MEMORIAL

Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other non-combustible material not more than four (4) square feet in area.

12.3.2.8 TEMPORARY SHOW WINDOW

When a sale of goods or services is being conducted by a business establishment, a non-illuminated sign shall be permitted on the interior surface of a glass show window. Such a sign shall be in addition to all other authorized signs, and shall not exceed fifty (50) square feet in size. No temporary show window sign shall be permitted to be affixed to the exterior of any window, wall or other exterior surface of the structure.

12.3.2.9 PERMANENT WINDOW (NON-ILLUMINATED)

A non-illuminated sign painted or lettered directly on a window shall be in addition to all other authorized signs, and shall not exceed twenty-five (25) percent of total glass area of the window or glass door on which it is located. Such sign shall not be construed to be a window promotional sign.

12.3.2.10 VEHICULAR

Vehicular signs on a truck, bus, trailer or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.

12.3.2.11 PERMANENT NEIGHBORHOOD

Neighborhood identification signs in any zone including a sign, masonry wall, landscaping, or other similar material and feature.

12.3.2.12 AWNING

Awnings with signs consisting of one (1) line of copy upon the border of the awnings not exceeding six (6) square feet of copy area.

12.3.2.13 TEMPORARY SEASONAL

Temporary Seasonal signs may be permitted, not over twelve (12) square feet in area for a period of not more than sixty (60) days before and five (5) days after an event without obtaining a permit. No sign shall be located within fifteen (15) feet of the public right-of-way at a street intersection, nor over the right-of-way.

12.3.2.14 BUILDING DETAILS

Building details that are an integral part of the overall architectural design of a building or works of art that are not so located that their primary purpose is as a special attention attracting device.

12.4 PROVISIONS APPLICABLE TO RESIDENTIAL ZONES

In the residential zones, signs shall be permitted as follows:

12.4.1 EXEMPT

Signs identified in Section 12.3.2 Exempt Signs that are proposed to exceed the standards specified in that Section must be processed as a Special Use or Variance under the provisions of the Innsbrook Zoning Ordinance.

12.4.2 PRINCIPAL USE

For any permitted principal use other than a residential use, one (1) sign, not to exceed twenty-four (24) square feet in area, is permitted. The sign must be set back from all property lines at least one (1) foot for each one (1) square foot of sign area.

12.5 PROVISIONS APPLICABLE TO BUSINESS AND INDUSTRIAL ZONES

In the Business and Industrial Zones, signs shall be permitted as follows:

12.5.1 TOTAL SIGN AREA

The total surface area of all, business and identification signs on a lot shall not exceed the total area determined by applying the ratio of permitted sign area in square feet to linear feet of street frontage as shown in Table 12-1.

12.5.2 NUMBER OF GROUND SIGNS

The number of business ground sign structures for a zoning lot shall not exceed the number shown in Table 12-1.

12.5.3 FACE AREA

The surface area in square feet of any one (1) face of any permitted business sign shall not exceed the area shown in Table 12-1.

12.5.4 NON-BUSINESS/NON-INDUSTRIAL SIGNS

For non-business and non-industrial uses, signs are permitted as regulated by the Business classifications on Table 12-1.

Table 12-1 – NUMBER/AREA REGULATIONS FOR SIGNS IN BUSINESS/INDUSTRIAL ZONES

Zone	Type of Sign		Area/Frontage ²		# of Signs ^{3,5}		Max Face Area ⁴	
	Permitted	Special ¹	Permitted	Special ¹	Permitted	Special ¹	Permitted	Special ¹
C-N-2⁸	Business	---	3:1 ⁶	4:1	1	3	150	300
C-H-2⁸	Business	---	3:1 ⁶	4:1	1	3	150	300 ⁷
I	Business	---	2:1	3:1	1	3	150	300

Notes:

1. Any Permitted Sign which exceeds the standards provided in the "Permitted" columns, but does not exceed the stated standards in the "Special" columns, may be processed as a Special Use.
2. Total sign area permitted in square feet: compared to lineal feet of street frontage.
3. Number limit shown is for all sign structures erected on the ground which may or may not have one or more signs or sign faces on each sign structure.
4. Maximum sign size per sign face including ground, wall and other signs requiring permits (sq. ft.).

5. For corner lots, one ground sign structure is permitted per street frontage.
6. The maximum total sign area in square feet compared to lineal feet of street frontage for permitted signs shall not exceed one thousand (1,000) square feet. Proposals to exceed this maximum must follow the provisions for Special Use under the Zoning Ordinance.
7. One temporary business sign to promote new attractions in the C-H zone, not to exceed twenty-four (24) months, may be authorized with a maximum of six hundred fifty (650) square feet.
8. Each one (1) lineal foot of neon tubing, attached to a building or structure for attention attracting purposes shall be counted as one (1) square foot of signage and shall be calculated as part of the maximum total sign area permitted for a particular use or development.

12.5.5 WALL SIGNS

No wall sign shall project above the roof or parapet line more than forty-eight (48) inches nor extend into any required yard more than eighteen (18) inches from the wall to which it is attached.

12.5.6 ROOF SIGNS

No sign shall be permitted to be erected directly upon the roof of any building

12.5.7 BUSINESS GROUND SIGNS

Only one business ground sign shall be permitted to be erected within the front yard or corner side yard for each street frontage of a business or industrial use on a lot, and the bottom edge of any ground sign erected in the front yard or corner side yard shall be at least one (1) foot above ground level or the top edge of the sign shall be less than four (4) feet in height. Such sign, including its sign structure, shall be set back from all property lines adjacent to a street one (1) foot for every ten (10) square feet of sign area for the largest single face of any sign, and in no case shall the setback be less than one-fourth (1/4) of any required front or corner side yard distance. No business ground sign shall exceed a height of eight (8) feet above the grade of the closest public right-of-way line, unless approved as a Special Use. Business ground signs which are proposed to exceed these height limits shall follow the provisions for Variances under the Zoning Ordinance.

12.5.8 BILLBOARDS

12.5.8.1 NEW BILLBOARDS

No new billboards shall be erected within the political boundaries of the Village of Innsbrook in all locations beyond 660 feet from interstate and primary highways except in Billboard Plazas in designated areas of Special Control pursuant to Section 12.5.8.3. Such new billboards shall require a special use permit and shall conform to the height, size, lighting and spacing requirement as prescribed in this Section, as modified by the designation of any area of Special Control in which the billboard is erected.

427.1.1 HEIGHT

All billboards shall be no greater than 30 feet in height.

428.1.1 SIZE

All billboards shall be no greater than 80 square feet in area. Only one billboard shall be permitted on each billboard structure.

429.1.1 LIGHTING

In addition to the lighting restrictions of 226.540(1), RSMo (Supp. 1997), which shall apply to all billboards in the Village of Innsbrook, no billboard shall be so illuminated that it:

- Interferes with the safety of aircraft flight in the vicinity of the billboard.
- Interferes with the use or enjoyment of property of any adjacent landowners.
- Allows the illumination source to be directly visible from any right-of-way or adjoining property.

430.1.1 SPACING

(All measurements shall be made parallel to the roadway between perpendiculars extended from the billboard locations in questions.):

12.5.8.1.1 Interstate highways and freeways on the federal-aid primary systems:

12.5.8.1.1.1 No billboard shall be erected within two thousand (2,000) feet of an existing billboard on either side of the highway.

12.5.8.1.1.2 No billboard shall be erected within two thousand (2,000) feet of an interchange, intersection at grade, or safety rest area.

12.5.8.1.1.2 Within the limits of the Village of Innsbrook, no billboard shall be erected within one thousand (1,000) feet of an existing billboard on either side of the highway.

431.1.1 DESIGNATED SCENIC ROADSIDES

No billboards shall be permitted in areas designated as Scenic Roadsides.

432.1.1 MINIMUM SETBACKS

All billboard structures must be located at least 20 feet from any property line and placed so as not to pose a visibility or other hazard to vehicular traffic in the vicinity of the sign.

433.1.1 AREAS OF SPECIAL CONTROL

Areas of Special Control established under Section 12.5.8.3 may have regulations more or less restrictive than those in this section, consistent with the character of the Area of Special Control.

12.5.8.2 BILLBOARDS - PROHIBITED

The following are expressly prohibited unless specifically approved as a special use by the Village Trustees:

434.1.1 ANIMATED AND MOVING BILLBOARDS

Billboards employing movement including, but not limited to, changeable copy signs, pennants, flags, banners, streamers, propellers, discs, and searchlights.

435.1.1 FLASHING BILLBOARDS

Billboards that include lights which flash, blink, or turn on and off intermittently, not including time and temperature signs.

436.1.1 GLARING BILLBOARDS

Billboards employing direct, indirect, internal, flashing or other illumination with light sources or reflectivity of such brightness that constitute a hazard to ground or air traffic or a nuisance, as determined by the Administrator.

437.1.1 INFLATABLE BILLBOARDS AND OBJECTS

Including, but not limited to, balloons.

438.1.1 ROOF BILLBOARDS

Billboard which are erected or painted on a roof or which extend in height above the roofline of the building on which sign is erected.

439.1.1 SIMULATED TRAFFIC SIGNS OR OBSTRUCTIONS

Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street or highway intersection, or extend into the public right-of-way.

440.1.1 VEHICULAR BILLBOARDS

Signs displayed on parked or stationary vehicles, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity. Vehicular billboards shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

12.5.8.3 AREAS OF SPECIAL CONTROL

441.1.1 The Board of Trustees by Ordinance and following Notice and Hearing, may designate any of the following Areas of Special Control

12.5.8.3.1.1 Architectural, historic, or scenic areas or scenic roadsides

12.5.8.3.1.2 Billboard plazas

442.1.1 The Administrator shall maintain and shall continually revise a zoning map of the Village of Innsbrook on which the Administrator shall indicate the boundaries of all designated Areas of Special Control.

443.1.1 The Board of Trustees shall adopt special regulations for billboards in Areas of Special Control which shall be consistent with the character of the Area of Special Control.

12.5.8.4 GENERAL DESIGN AND CONSTRUCTION STANDARDS

All billboards shall be designated, constructed and maintained in accordance with the following standards:

444.1.1 All billboards shall comply with applicable provisions of the 2009 International Building Code and the 2008 Electrical Code.

445.1.1 All billboards regulated by this ordinance shall be constructed of permanent materials and shall be attached to the ground, by direct attachment to a rigid wall, frame or structure.

446.1.1 All billboards shall be maintained in good structural condition in compliance with all building and electrical code and in conformance with this code at all times.

12.5.8.5 NON-CONFORMING BILLBOARDS

447.1.1 REMOVAL

Non-conforming billboards and billboard structures shall be removed at the owner's or lessor's expense under the following circumstances:

12.5.8.5.1.1The billboard is abandoned.

12.5.8.5.1.2The billboard becomes damaged or dilapidated to 50% or more of its physical structure or economic value.

12.6 NON-CONFORMANCE

12.6.1 EXISTING

Signs existing on the effective date of this Ordinance, or any amendment hereto, which do not conform to the regulations set forth herein, shall be non-conforming signs. No non-conforming signs shall be rebuilt, structurally altered or moved to a new location without being brought into compliance with the requirements of this Ordinance.

12.6.2 ON PREMISES OF NON-CONFORMING USE

Business signs on the premises of a non-conforming use or building may be continued, but such signs shall not expand in number, area, height, or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of adoption of the Zoning Ordinance.

12.6.3 NON-CONFORMING PROHIBITED

Non-conforming signs which are listed in the Prohibited Sign Section of this Ordinance and have a value of less than five hundred dollars (\$500.00) shall be removed within ten (10) days after receiving written notice by the Zoning Administrator.

12.6.4 DISCONTINUED BUSINESS/ACTIVITY

Non-conforming signs, including off-premise advertising signs or those of any business or other legal entity which ceases the activities to which the signs apply or which is replaced by a different business or other entity, shall be removed, relocated or rebuilt in a conforming manner or permitted to continue only as a Special Use with a specific amortization agreement established by the Village Board of Trustees with recommendations from the Planning and Zoning Commission. The time period for the amortization agreement shall not be less than five (5) years or more than fifteen (15) years. The specific time period for the amortization for a specific sign shall consider the extent of the difference between the non-conforming condition or conditions of the sign and the requirements of the Village Sign Ordinance, as well as the extent of any economic hardship in altering or removing the specific sign to assure conformity with the provisions of the Village Sign Ordinance.

12.6.5 NON-CONFORMING OFF-PREMISE ADVERTISING

Anything to the contrary notwithstanding, any non-conforming off-premise advertising signs shall be removed immediately as a condition precedent to the issuance of a building permit for any improvement on the lot, the value of which improvement is at least 50% of the value of the sign. The value of the sign shall include the total value of the physical improvements such as poles, base, sign face, and other elements and shall include the value of any remaining lease in place for the sign or sign face(s).

12.6.6 UNSAFE

Any non-conforming sign which the Zoning Administrator finds to be unsafe shall be removed immediately.

12.7 PERMITS, ADMINISTRATION AND ENFORCEMENT

12.7.1 SIGN PERMIT APPLICATION

On and subsequent to the effective date of this Ordinance, any person proposing to erect any business, advertising or other sign not specifically listed as an exempt sign shall submit to the Zoning Officer an application for a sign permit. Application for such permit shall be accompanied by detailed plans, including proposed advertising copy, and other necessary information to determine the location and compliance with all applicable regulations. A permit shall be issued within ten (10) days of the date of an application submission including fees or the applicant shall receive a written notice indicating the status of the application.

12.7.2 PERMIT FEES

Permit fees for business, advertising, and other signs, as established by the Village Board and which may be periodically amended, must be submitted at the time application is made for the sign permit.

12.7.3 PERMIT EXPIRATION

If the work associated with a sign permit has not been completed within one (1) year of the date of the issuance of the permit, such permit shall become null and void.

13 NON-CONFORMING USES, LOTS AND STRUCTURES

13.1 PURPOSE

The Innsbrook Zoning Ordinance has established separate districts and standards, each of which are appropriate for the uses and standards of that district. It is the purpose of this Chapter to regulate those non-conforming uses, lots, and structures which substantially and adversely affect the orderly development and taxable value of other conforming property in each district, and to specify those circumstances and conditions under which those non-conforming uses, lots, or structures shall be permitted to exist with restrictions.

13.2 APPLICABILITY

13.2.1 LEGAL NON-CONFORMING USES, LOTS, AND STRUCTURES

Uses, lots, and structures existing lawfully prior to the effective date of this Ordinance which, by reason of this Ordinance, are no longer conforming, shall be considered as legally non-conforming and shall be subject to all regulations imposed hereafter.

13.2.2 ILLEGAL NON-CONFORMING USES, LOTS, AND STRUCTURES

Uses, lots, and structures existing unlawfully prior to the effective date of this Ordinance, and which remain unlawful, shall be considered illegal and--unless remedial action is taken (e.g. special use authorized or brought into conformance by another acceptable zoning device permitted by this Ordinance) shall be amortized in conjunction with Section 13.7 hereinafter; except that illegal non-conforming signs shall be amortized in conjunction with Chapter 12.

13.2.3 PREVIOUS NON-CONFORMING, USES, LOTS, AND STRUCTURES WHICH BECOME CONFORMING AS A RESULT OF THE COMPREHENSIVE ORDINANCE AMENDMENT

Uses, lots, and structures existing lawfully or unlawfully prior to the effective date of this Ordinance, which are made lawful as a result of the provisions of this Ordinance, shall be considered as conforming.

13.3 AUTHORITY TO CONTINUE LEGAL NON-CONFORMING BUILDINGS, STRUCTURES, AND USES THEREOF

Any legal non-conforming building, structure, or use thereof, excluding signs, which existed at the time of the adoption of this Ordinance and which remains non-conforming, and any such building, structure, or use thereof, excluding signs, which shall become non-conforming upon the adoption of this Ordinance or of any subsequent amendment thereto, may be continued only in accordance with the regulations which follow:

13.3.1 REPAIRS AND ALTERATIONS

Ordinary repairs and alterations may be made to a non-conforming building or structure, provided that no structural alterations shall be made in or to such building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law, or except to make the building or structure, and use thereof, conform to the regulations to the district in which it is located.

A building in a residential district containing non-conforming residential uses may be repaired or altered to improve livability and health conditions, provided no changes are made that would increase the number of dwelling units or the bulk of the building.

13.3.2 ADDITIONS AND ENLARGEMENTS

A non-conforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such non-conforming building or structure, and use thereof, including all additions and enlargements thereto, is made to conform to all the regulations of the district in which it is located or unless application is made for conversion to a special use as specified in Section 13.8.

A non-conforming building or structure, which is non-conforming only as to bulk, shall not be added to or enlarged in any manner unless such additions and enlargements thereto conform to the applicable regulations of the district in which it is located or unless application is made for conversion to a special use as specified in Section 13.7.

13.3.3 RELOCATION OF BUILDING OR STRUCTURE

No building or structure, which does not conform to all of the regulations of the district in which it is located, except those required by law, shall be moved in whole or in part to any other location unless every portion of which building or structure which is moved and the use thereof is made to conform to all regulations of the district into which it is moved.

13.3.4 RESTORATION OF DAMAGED BUILDING OR STRUCTURE

A building or structure, or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty (50) percent of the cost of restoration of the entire building or structure new shall not be restored, except as required by law, unless said building or structure, and the use thereof, shall conform to all regulations of the district in which it is located.

In the event that such damage or destruction is less than fifty (50) percent of the cost of restoration of the entire building or structure new, no repairs or reconstruction shall be

made unless such restoration is started within one (1) year from the date of the partial destruction and is diligently prosecuted to completion.

13.3.5 DISCONTINUANCE OF USE OF NON-CONFORMING BUILDING OR STRUCTURE

A building, structure, or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is vacant, unoccupied, and not used on effective date of this Ordinance, or thereafter becomes vacant and remains unoccupied, or is not used for a continuous period of one (1) year, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located.

13.3.6 EXPANSION OF USE IN NON-CONFORMING BUILDING OR STRUCTURE

13.3.6.1 IN BUILDING OR STRUCTURE DESIGNED OR INTENDED FOR NON-CONFORMING USE

The non-conforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure, except those required by law, shall be made unless such changes or structural alterations and the use thereof conform to all the regulations of the district in which the building or structure is located.

13.3.6.2 ACCESSORY USES

No accessory use shall be added to a lot which is non-conforming or to a lot containing a non-conforming building or structure.

13.3.6.3 CHANGE OF A NON-CONFORMING USE IN NON-CONFORMING BUILDING OR STRUCTURE

The non-conforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to any other conforming or non-conforming use allowed within the same or a more restrictive zoning district that allows the existing non-conforming use as a permitted use; but no change shall extend or otherwise modify any provisions made in this Ordinance for elimination of such non-conforming building or structure, and the use thereof.

13.3.6.4 CHANGE TO A CONFORMING USE

Whenever all or any part of a building or structure occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of this Ordinance, such premise shall not thereafter be used or occupied by a non-conforming use.

13.4 NON-CONFORMING USE OF CONFORMING BUILDINGS OR STRUCTURES

The lawfully existing non-conforming use of part of or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued subject to the following provisions:

13.4.1 REPAIRS AND ALTERATIONS

Repairs, alterations, and structural changes may be made to a conforming building or structure occupied by a non-conforming use, all or substantially all of which is designed or intended for a use permitted in the district in which it is located, provided said repairs, alterations, or structural changes conform to the regulations of the district in which said building or structure is located.

13.4.2 RESTORATION OF DAMAGED BUILDING OR STRUCTURE

A building or structure, all or substantially all of which is designed or intended for a use which is permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty (50) percent of the cost of restoration of the entire building new, except as required by law, shall not be restored, unless said building or structure and the use thereof shall conform to all the regulations of the district in which it is located.

In the event such damage or destruction is less than fifty (50) percent of the cost of restoration of the entire building new, no repairs or reconstruction shall be made unless such restoration is started within one (1) year from date of the partial destruction and is diligently prosecuted to completion.

13.4.3 DISCONTINUANCE OF NON-CONFORMING USE OF CONFORMING BUILDING OR STRUCTURE

If a non-conforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of six (6) consecutive months, it shall not thereafter be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.

13.4.4 EXPANSION OF NON-CONFORMING USE IN CONFORMING BUILDING OR STRUCTURE

The non-conforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be extended into any other portion of such building or structure.

13.4.5 CHANGE OF A NON-CONFORMING USE IN CONFORMING BUILDING OR STRUCTURE

No non-conforming use shall be changed to another non-conforming use if located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

13.4.6 CHANGE TO A CONFORMING USE

Whenever all or any part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is occupied by a non-conforming use and is subsequently changed to or replaced by a use conforming to the provisions of this Ordinance, such premises shall not thereafter be used or occupied by a non-conforming use.

13.5 NON-CONFORMING USE OF LAND

The non-conforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the following provisions:

13.5.1 DISCONTINUANCE OF A NON-CONFORMING USE

If a non-conforming use of land is discontinued for a period of six (6) consecutive months, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.

13.5.2 EXPANSION OF A NON-CONFORMING USE

A non-conforming use of land shall not be expanded or extended beyond the area it occupies.

13.5.3 CHANGE OF A NON-CONFORMING USE

A non-conforming use of land may be changed to any other non-conforming use allowed within a more restrictive zoning district that allows the existing non-conforming use as a permitted use.

13.5.4 CHANGE TO A CONFORMING USE

Whenever a non-conforming use of land is changed to or replaced by a conforming use of land, such premises shall not thereafter be used or occupied by a non-conforming use.

13.6 NON-CONFORMING LOTS

Legal non-conforming lots existing at the time of the adoption of this Ordinance, may be utilized for uses that are permitted in the zone in which the lot is located, provided that the non-conforming lot complies with following provisions:

13.6.1 PERMITTED USE

A non-conforming lot (existing prior to the effective date of this Ordinance) may be used for any permitted, special, temporary, or accessory use allowed in the zone in which the lot is located.

13.6.2 SITE AND STRUCTURE PROVISIONS

The use of any non-conforming lot for a conforming use permitted in the zone in which the lot is located is subject to the site and structure provisions, and other requirements of that zone except those specific requirements that directly resulted in the lot's non-conforming status.

13.6.3 CONTIGUOUS NON-CONFORMING LOTS

Where two (2) or more contiguous lots with continuous frontage, or combination of contiguous lots and portions of lots with continuous frontage, are under single ownership or unified control at or after the time of the passage of this Ordinance, and if all or part of the lots do not meet the required bulk provisions for lots within the zone in which the lots are located, they shall be considered to be an undivided parcel for the purposes of this Ordinance. Such contiguous groups of non-conforming lots may be resubdivided into new lots where each new lot, to the greatest extent possible, conforms to the standards of the district in which they are located; they may not however be built upon as separate and individual non-conforming lots without review by the Village Board of Trustees, acting upon the recommendation of the Planning and Zoning Commission to determine if they should be considered as one (1) lot, individual lots, or if resubdivision is required.

13.7 AMORTIZATION OF NON-CONFORMING OR UNLAWFUL BUILDINGS, STRUCTURES, LOTS, OR USES

Any legal non-conforming building, structure, lot or use, excluding signs, which existed at the adoption of this Ordinance and which remains non-conforming, and any such building, structure, or use which shall become non-conforming upon the adoption of this Ordinance or of any subsequent amendment thereto, shall be discontinued and cease in accordance with the following. All non-conforming and unlawful buildings, structures,

lots, or uses, excluding signs, shall cease to exist within one (1) year of the effective date of this Ordinance or as the situation warrants, may be permitted, on appeal to the Planning and Zoning Commission and the approval of the Village Board of Trustees, to cease to exist in accordance with the following schedule:

13.7.1 DISCONTINUED USE

Where no building or structure is employed in connection with such use, discontinued within one (1) year.

13.7.2 ACCESSORY OR INCIDENTAL USE LESS THAN \$2,000

Where the only buildings or structures or other physical improvements employed are accessory or incidental to such use and have an assessed valuation on the effective date of this Ordinance of not more than two thousand dollars (\$2,000), discontinued within two (2) years.

13.7.3 IMPROVEMENTS \$2,000 TO \$20,000

Where all or substantially all of the improvements employed in a non-conforming building, structure, lot or use which have an assessed valuation on the effective date of this Ordinance of more than two thousand dollars (\$2,000), but less than twenty thousand dollars (\$20,000), discontinued within five (5) years.

13.7.4 IMPROVEMENTS GREATER THAN \$20,000

Where all or substantially all of the improvements employed in a non-conforming building, structure, lot or use which have an assessed valuation on the effective date of this Ordinance of twenty thousand dollars (\$20,000) or more, then said non-conforming building, structure, lot or use shall have an amortization period established by the Village Board of Trustees upon the recommendation of the Planning and Zoning Commission.

13.7.5 LAND ACCESSORY TO NON-CONFORMING USE

Where a non-conforming use of land is accessory to the non-conforming use of a building or structure, shall be discontinued on the date on which the non-conforming use of the building or structure is discontinued.

13.7.6 BUSINESS USE IN RESIDENTIAL DISTRICT

In all residence districts, any use which lawfully exists at the adoption of this Ordinance, but is permitted only in a business or industrial district and which is located in a building, all or substantially all of which is designed or intended for a residential purpose, shall be entirely discontinued and shall thereafter cease operation within three (3) years from the date of the adoption of the Ordinance. This provision shall not affect permitted "home occupations."

The period specified for a discontinuance shall begin upon the date it becomes non-conforming pursuant to this Ordinance.

13.8 CONVERSION TO A SPECIAL USE

Any non-conforming building, structure, or use may be converted to a permitted "special use" by the granting of a special use permit, as authorized in Chapter 14, Section 14.11. This conversion may occur only when it is shown that the non-conforming building, structure, or use is providing a particular service to the residents of Innsbrook, and that the use is not detrimental to the Village as a whole or to adjacent properties.

14 ADMINISTRATION AND ENFORCEMENT

14.1 ORGANIZATION

The administration of this Ordinance is hereby vested in the Office of Planning and Zoning and in the administrative officer responsible for that office, the Planning and Zoning Administrator. When used in this Ordinance, the terms "Planning and Zoning Administrator" and "Office of the Planning and Zoning" shall be interchangeable and shall be deemed to refer to the Office and not the individual position. Other responsibilities for the administration and enforcement of this Ordinance shall be vested in the Planning and Zoning Commission, the Board of Trustees and the Board of Adjustment as hereinafter specified.

14.2 OFFICE OF PLANNING AND ZONING

14.2.1 ESTABLISHMENT AND STAFFING OF OFFICE

The Office of Planning and Zoning and the position of Planning and Zoning Administrator are hereby established. The Planning and Zoning Administrator shall be appointed by the Village Board of Trustees Chairman subject to the majority consent of the Village Board of Trustees. The Planning and Zoning Administrator shall possess the credentials and qualifications to equitably, impartially, and knowledgeably administer and enforce the terms of this Ordinance. If deemed necessary by the Village Board of Trustees Chairman and authorized by the Village Board of Trustees, the Village Administrator or any other qualified Village employee may serve as the Planning and Zoning Administrator. The Planning and Zoning Administrator, while appointed by the Village Board of Trustees Chairman, serves at the pleasure of the Village Board of Trustees and may for cause, be removed from office by majority vote of said Board. The Village Board of Trustees Chairman shall provide the Office of Planning and Zoning with all ancillary personnel deemed necessary to the efficient and proper operation of said office.

14.2.2 RESPONSIBILITIES

All responsibilities hereinafter listed in this subsection shall be vested in the Office of Planning and Zoning, and it shall be the duty of the Planning and Zoning Administrator to assure, to the best of his/her abilities, that said responsibilities are properly and diligently executed:

14.2.2.1 ISSUE PERMITS OR CERTIFICATES

Issue, and when applicable, renew all permits or certificates (See Appendix B) required by the several provisions of this Ordinance or as may be required to be issued as a matter of Village policy.

14.2.2.2 MAINTAIN RECORDS

Make and maintain records of all matters pertaining to zoning within the Village of Innsbrook including, but not limited to, permit and certificate issuance, zoning applications for amendments, variances, special uses, etc., inspections, County zoning matters or adjacent municipal zoning matters affecting the Village of Innsbrook, signs, and all correspondence, protests, objections or comments pertaining to Village zoning matters.

14.2.2.3 MAINTAIN AND PUBLISH ZONING MAP

Maintain, and publish for public dissemination and sale, no later than March 31st of each year, the Zoning Map of the Village of Innsbrook, and keep all records and amendments pursuant thereto.

14.2.2.4 CONDUCT INSPECTIONS

Conduct inspections as prescribed by this Zoning Ordinance and such other inspections as are necessary to assure compliance with the various provisions hereof.

14.2.2.5 PERFORM OTHER DUTIES ASSIGNED

Perform such other duties as are, from time to time, assigned or delegated by the Village Administrator or as may be designated elsewhere in this Ordinance.

14.2.2.6 MAP NON-CONFORMING USES

Map all non-conforming and unlawful uses existing within the Village of Innsbrook, keep records pertaining to such uses, and enforce the applicable provisions of Chapter 13.

14.2.2.7 PROVIDE PUBLIC INFORMATION

Provide and maintain a source of public information relative to all matters arising out of this Ordinance.

14.2.2.8 RECEIVE APPLICATIONS AND PETITIONS

Receive, file, and forward to the appropriate Village Board or Commission all applications and petitions for such action as such Boards or Commissions are required to act upon pursuant to the provisions of this Ordinance.

14.2.2.9 RENDER INTERPRETATIONS

Render, when called upon to do so, administrative interpretations regarding the zoning of specific properties within the Village of Innsbrook, and the effect such zoning has on the lot, bulk, and/or the intensity of use.

14.2.2.10 ADVISE OF PENDING ZONING MATTERS

Advise all interested Village and other governmental agencies of pending zoning matters, and when called upon to do so, notify property owners and/or homeowner's associations.

14.2.2.11 SERVE AS LIAISON

Serve as liaison to the Village Board of Trustees, the Planning and Zoning Commission, and the Board of Adjustment, and keep those Boards and Commissions abreast of all zoning matters and of the "state of practice" in community planning and zoning.

14.2.2.12 ATTEND MEETINGS

Attend meetings of the Village Board and Commissions when ordered to do so by the Village Administrator.

14.2.2.13 ISSUE ZONING CERTIFICATES

Issue zoning certificates (See Appendix B) when so authorized.

14.2.2.14 ISSUE TEMPORARY USE PERMITS

When in compliance with this Ordinance, issue temporary use permits.

14.3 BOARD OF ADJUSTMENT

14.3.1 MEMBERSHIP AND PARTICIPATION

The Board of Adjustment is hereby established in accordance with Chapter 89, RSMO. The word "*Board*" as used in this Title, shall be construed to mean the Board of Adjustment. The Board of Adjustment is a five-member body of citizens appointed by the Chairman of the Village Board of Trustees, subject to confirmation by the Village Board of Trustees, which is authorized to hear appeals from landowners regarding the strict application of the regulations of the Village of Innsbrook's Zoning Ordinance and other related ordinances, as well as interpretations of requirements. The Board was established to hear petitions relating to yard setback distances for buildings, structures, and parking areas, sign size requirements, reconstruction or alteration of non-conforming structures, and interpretations of the intent of the Zoning Ordinance. It is not empowered to legislate or revise the Zoning Ordinance, nor does the granting of a variance by the Board supersede or void any trust indentures, easements, or deed restrictions previously placed on the property. The Innsbrook Board of Adjustment was established under the Village of Innsbrook Ordinance Number 9.

14.3.2 JURISDICTION

The Board of Adjustment is hereby vested with the following jurisdiction and authority to wit:

- To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Commissioner or Village Administrator in the enforcement of this Title.
- To hear and decide all matters referred to it or upon which it is required to pass under the provision of this Title or under State law.
- To permit the extension of a district where the boundary line of a district divides a lot in a single ownership at the time of the passage of this Title.
- To interpret the provisions of this Title in such a way as to carry out the intent and purpose of said document.
- In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Title, to vary or modify the application of any of the regulations or provisions of this Title relating to the construction or alteration of buildings or structures or the use of land so that the spirit of this Title shall be observed, public safety and welfare secured and substantial justice done.

14.3.3 APPEALS TO THE BOARD OF ADJUSTMENT

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

An appeal stays all proceedings in furtherance of the action appealed from unless the Village Administrator certifies to the Board after the notice of appeal shall have been filed with him/her that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the Village Administrator and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

14.3.4 MEETINGS AND RULES

14.3.4.1 AUTHORIZATION

The Board of Adjustment may authorize variances where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Title so that the spirit of this Title shall be observed, public safety and welfare secured and substantial justice done. However, no variance shall be authorized unless the Board of Adjustment determines, after public hearing notice and hearing pursuant to Section 14.18, that the requirements set forth in this Section have been satisfied.

14.3.4.2 FILING AND SUBMISSION REQUIREMENTS

An application for variance shall be filed in the office of the Village Zoning Administrator who, after determining that the application contains all the information required and that all applicable fees have been paid, shall forward the application to the Board of Adjustment. The application shall contain the following information as well as such additional information as the Board of Adjustment may prescribe by regulation filed with the Village Administrator.

- 448.1.1 The particular requirements of this Title which prevent the proposed use or construction;
- 449.1.1 The characteristics of the subject property which prevent compliance with the requirements of this Title;
- 450.1.1 The particular hardship which would result if the particular requirements of this Title were strictly applied to the subject property; and
- 451.1.1 The reduction of the minimum requirements of this Title which would be necessary to permit the proposed use of construction.

14.3.4.3 STANDARDS FOR VARIANCE

The Board of Adjustment shall not grant a variance unless it shall, in each case, make specific written findings of fact directly based on the particular evidence presented to it that support the following conclusions:

- 452.1.1 The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant;
- 453.1.1 The granting of a variance will not adversely affect the right of adjacent property owners or residents;
- 454.1.1 The strict application of the provisions of this Title from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- 455.1.1 Granting the variance will not adversely affect the public health, safety, order, convenience or general welfare of the community; and

456.1.1 Granting the variance desired will not violate the general spirit and intent of this Title.

14.3.4.4 REVIEW CONSIDERATION STANDARD

In determining whether the evidence presented supports the grant of a variance, the Board of Adjustment shall consider the extent to which the evidence demonstrates that:

- 457.1.1 The particular physical surroundings, shape or topographical condition of the property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of this title were literally enforced;
- 458.1.1 The request for a variance is not based exclusively upon the desire of the owner, lessee, occupant or applicant to secure more than a reasonable financial return from the property;
- 459.1.1 The granting of a variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the property is located.
- 460.1.1 The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood.

14.3.4.5 CONDITIONS AND RESTRICTIONS

In granting variances, the Board of Adjustment may impose such conditions and restrictions upon the property benefited by the variance as may be necessary to comply with the standards set out in Subsection (D) herein, to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood and to carry out the general purpose and intent of this Title. Failure to comply with any of these conditions or restrictions shall constitute a violation of this Chapter punishable as provided in Section 14.11 herein.

14.3.4.6 DECISIONS AND RECORDS

The Board of Adjustment shall render a written decision on an application for a variance without reasonable delay and in no case later than thirty (30) days after the public hearing regarding such variance.

14.3.4.7 PERIOD OF VALIDITY

No variance granted by the Board of Adjustment shall be valid for a period longer than one hundred eighty (180) days from the date granted, unless it is appealed to a duly constituted court or unless within such period:

461.1.1 A building permit is obtained and the construction, alteration or moving of the structure is commenced; or

462.1.1 The use permit, to the extent required, is obtained and a corresponding use commenced.

The Board of Adjustment may grant variance extensions not exceeding one hundred eighty (180) day each, without notice or hearing, upon written application.

14.3.5 VARIANCE APPEALS - REQUIRED VOTE

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement decision or determination of any such administrative official, or to decide in favor of the applicant or any matter upon which it is required to pass under any such Ordinance or to effect any variance in such Ordinance.

14.3.6 BOARD OF ADJUSTMENT -- DECISIONS SUBJECT TO REVIEW -- PROCEDURE

Any person or persons jointly or severally aggrieved by, any decision of the Board, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons or any officer, department, board or bureau of the municipality, may present to the circuit court of the county or City in which the property affected is located a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his/her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under this Title shall have preference over all other civil actions and proceedings.

14.3.7 EFFECT OF DENIAL OF A VARIANCE

No application for a variance which has been denied wholly or in part by the Village Board of Trustees shall be resubmitted for a period of one (1) year from the date of said order of denial, except on grounds of new evidence or proof of changed conditions found to be valid by said Village Board.

14.4 PLANNING AND ZONING COMMISSION

14.4.1 PARTICIPATION IN ZONING MATTERS

As referred to in this Ordinance, the Planning and Zoning Commission is that appointed body created, in accordance with the Revised Statutes of the State of Missouri as the Village of Innsbrook Planning and Zoning Commission. Said Planning and Zoning Commission shall have advisory jurisdiction in zoning matters as specified in the following subsection, and as outlined in the Village of Innsbrook Ordinance Number 8.

14.4.2 JURISDICTION

The Village of Innsbrook Planning and Zoning Commission is hereby vested with the following jurisdiction and authority to:

14.4.2.1 CONDUCT HEARINGS AND RECOMMEND ACTION

Conduct public hearings, and to recommend action to the Village Board, on special uses, planned developments, and zoning amendments.

14.4.2.2 RECOMMEND AND PERFORM STUDIES

Recommend to the Village Board that specific aspects of this Ordinance be studied and the reasons therefor, and upon the approval of the Village Board, to study and recommend changes to this Ordinance.

14.4.2.3 INSURE CHANGES CONFORM TO COMPREHENSIVE PLAN

Make recommendations to the Village Board to insure that any changes in this Ordinance are in strict conformance with all aspects of the Village of Innsbrook Comprehensive Plan.

14.4.2.4 OTHER MATTERS

Review and make recommendations upon all other matters referred to it by this Ordinance.

14.4.3 MEETINGS AND RULES

All meetings of the Planning and Zoning Commission shall be held on the first Wednesday of every month, and at such times as the Planning and Zoning Commission may determine. All meetings conducted by the Commission shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent. The Chairman, or in his/her absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each questions, or if absent, or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment, and every order, requirement, decision, or determination of the Planning and Zoning Commission shall be filed immediately in the Office of Planning and Zoning and shall be public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Commission for that purpose.

14.4.4 REQUIRED VOTE

All final decisions arrived at by the Planning and Zoning Commission shall require a majority vote of all Commission members in attendance, providing that a quorum of at least four (4) members are present.

14.4.5 EFFECT OF PLANNING AND ZONING COMMISSION ACTION

In all instances, action taken by the Village of Innsbrook Planning and Zoning Commission is advisory to the Village Board of Trustees. Sequences of submission of Planning and Zoning Commission recommendations to the Village Board are enumerated within other subsections herein. The Village Board shall make final administrative determinations relating to the Zoning Ordinance including those for special uses, planned developments, and zoning amendments. All such decisions of the Village Board are final, subject to change only upon proper judicial review and order or upon a change ruling by the Village Board.

14.5 VILLAGE BOARD OF TRUSTEES

14.5.1 PARTICIPATION IN ZONING MATTERS

As referred to in this Ordinance, the Village Board is that elected body created in accordance with the Revised Statutes of the State of Missouri, as the Village of Innsbrook Board of Trustees. Said Village Board has jurisdiction in zoning matters as specified in the following subsection, and as outlined in the Village of Innsbrook Ordinance Number 5.

14.5.2 JURISDICTION

The Village of Innsbrook Board of Trustees is hereby vested with the following jurisdiction and authority to:

14.5.2.1 ACT ON ZONING MATTERS

Approve, disapprove, or modify all proposed special uses, planned developments, and zoning amendments, upon receipt of recommendations from the Planning and Zoning Commission.

14.5.2.2 ACT ON APPEALS

Approve, disapprove, or modify all appeals to any order, requirement, decision, or determination made by the Office of Planning and Zoning, upon receipt of recommendations from the Planning and Zoning Commission.

14.5.2.3 ACT ON SCHEDULES

Approve, disapprove, or modify all schedules for amortization of non-conforming or unlawful buildings, structures, or uses, upon receipt of recommendations from the Planning and Zoning Commission.

14.5.2.4 MAKE DETERMINATIONS

Make determinations of "similar and compatible uses" in accord with provisions of this Title, upon receipt of recommendations from the Planning and Zoning Commission.

14.5.2.5 ACT ON RECOMMENDATIONS

Act upon the periodic recommendations of the Planning and Zoning Commission as to the current status of this Ordinance.

14.5.2.6 INSURE CHANGES CONFORM TO COMPREHENSIVE PLAN

Upon receipt of recommendations from the Planning and Zoning Commission, insure that any changes in this ordinance are in conformance with all aspects of the Village of Innsbrook Comprehensive Plan.

14.5.2.7 ACT ON ALL OTHER RECOMMENDATIONS

Act upon all other recommendations from the Planning and Zoning Commission concerning matters related to this Ordinance.

14.5.3 FINALITY OF DECISIONS OF THE VILLAGE OF TRUSTEES

All decisions of the Village of Innsbrook Board of Trustees relating to the various provisions of this Ordinance, specifically those concerned with special uses, planned developments, interpretations, amortization schedules, and zoning amendments, after the proper procedure herein outlined has been adhered, shall, in all instances, be the final administrative determination, subject to change only upon proper judicial review and order or upon amendment to the ruling by said Village Board.

14.6 ZONING CERTIFICATES AND PLATS

14.6.1 REQUIREMENTS

Before any building or other structure, or part thereof, shall be erected, constructed, reconstructed, enlarged, moved, or structurally altered, and before the use of any building, structure, or land is changed within the Village, a zoning certificate shall be obtained from the Office of Planning and Zoning. Said certificate shall specify its purpose and to what extent it permits development or use of a property. In cases where a special use is authorized, the special use permit shall serve as the zoning certificate. In cases where a temporary use is authorized, the temporary use permit shall serve as the zoning classification of property, and each authorized zoning enforcement officer shall be aware of the terms and permissiveness of each zoning classification.

14.6.2 PLATS

Every application for a zoning certificate shall be accompanied by:

14.6.2.1 CERTIFIED PLAT DRAWING

A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions and certified by a Land Surveyor licensed by the State of Missouri, as a true copy of the piece or parcel lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land. Digital Copies of such plat shall also be provided.

14.6.2.2 PLAT DRAWING SHOWING IMPROVEMENTS

A plat, in duplicate, drawn to scale in such form as may, from time to time, be prescribed by the Planning and Zoning Administrator, showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building or structure or land, , all existing and proposed utilities and public improvements and such other information as may be required by the Planning and Zoning Administrator for the proper enforcement of this Zoning Ordinance. Digital Copies of such plat shall also be provided.

One copy of each of the two (2) plats shall be attached to the application when it is

submitted to the Office of the Planning and Zoning Administrator for a zoning certificate and shall be retained by the Planning and Zoning Administrator as public record.

14.7 INTERPRETATION OF THE ZONING ORDINANCE

14.7.1 INTERPRETATIONS OF SPECIFIC PROVISIONS

When a specific provision of this Ordinance is, in the opinion of the Planning and Zoning Administrator, ambiguous or open to interpretation, said provision shall be referred to the Planning and Zoning Commission by the Planning and Zoning Administrator, and said provisions shall be publicly discussed at said Boards' next regularly scheduled meeting. The Planning and Zoning Commission may elect to continue discussion of the specific provision at its immediately subsequent regular meeting, and shall therewith or subsequent thereto, recommend to the Village Board of Trustees for adoption an interpretation of said provision. The adoption or modification of the recommended interpretation of the provision by the Village Board shall be final and binding.

If, in the opinion of an applicant or interested citizen, a specific zoning provision is ambiguous or open to interpretation, the Planning and Zoning Administrator shall determine if in fact said provision is so. If the Planning and Zoning Administrator determines that a specific provision is generally understood and is capable of being equitably and consistently administered, said Planning and Zoning Administrator's judgment shall serve as administrative determination, subject only to Planning and Zoning Commission review and Village Board approval upon a property prosecuted appeal. If the Planning and Zoning Administrator agrees that a specific provision is open to interpretation, and s/he cannot render or does not want to render a definition, said provision shall be referred to the Planning and Zoning Commission in accordance with the procedure outlined in the immediately preceding paragraph.

14.7.2 SIMILAR AND COMPATIBLE USES

It is inevitable that certain forthright and justifiable uses of land will be missing from district listings of uses. An applicant for an unlisted use shall have the right to apply for said use as a special use in any zoning district where said use is thought to be justified. The procedure and standards for special uses contained in Section 14.9 shall be adhered to requiring a public hearing by the Planning and Zoning Commission, pertaining to said special use application pursuant to Section 14.18. The Planning and Zoning Commission shall recommend to the Village Board, who shall thereupon determine if there is legitimate cause to believe that the proposed use might be compatible with other uses listed in the zoning district as well as to evaluate if the proposed special use is compatible with adjoining properties and land uses, regardless of zoning classification. In making said determination, the following conditions shall be considered:

14.7.2.1 CONSISTENCY WITH PERMITTED USES

Said use's potential of being consistent, compatible, and homogeneous with uses listed as permitted uses in the requested zoning district.

14.7.2.2 USE PERMITTED IN OTHER ZONING CLASSIFICATIONS

In what other zoning classification, if any, the requested use is listed as permitted or special, and if said use--if listed in other districts--might be better processed in another district.

14.7.2.3 EXTENT OF COMPLIANCE

The extent to which the proposed use complies with the "Description of District" of the particular zoning classification.

14.7.2.4 POTENTIAL COMPLIANCE OF PROPOSED USE

The potential that the proposed use has of completing or disturbing the rationale and integrity of the requested zoning classification.

If the Village Board, acting upon the recommendation of the Planning and Zoning Commission, determines that the requested use can legitimately be processed as a special use in the requested district, the Planning and Zoning Commission's finding shall be considered for action by the Village Board. If the Village Board, acting upon the recommendation of the Planning and Zoning Commission, determines that no probable cause exists to believe that the proposed use can comply with requirements of the requested zoning district nor can it be compatible and consistent with other uses listed in the district, then the applicant shall be advised that the requested use is prohibited in the requested zoning district, and consideration of a special use for said use shall not be allowed.

The Planning and Zoning Commission, upon consideration and decision pertaining to an allegedly "similar and compatible use," shall recommend to the Village Board for adoption, that said use be cataloged in the specific district as a special use if so authorized by the Planning and Zoning Commission, or shall in the files of the of the Planning and Zoning Administrator, be listed as prohibited in said district. This procedure shall obviate the need for duplicated study of a specific use in a specific district.

Upon special use approval of a "similar and compatible use," said use shall abide by the "Site and Structure Provisions" of the applicable zoning district, or shall abide by more restrictive site and structure provisions as may be imposed by the Village.

14.7.3 ZONING MAP INTERPRETATIONS

See Section 3.1.

14.8 ZONING AMENDMENTS

14.8.1 AUTHORITY

The regulations imposed and the district created under this Zoning Ordinance may be amended from time to time by the Village of Innsbrook Board of Trustees. No such amendment shall be made without consideration of existing conditions, the conservation of property values, the directions of building to the best advantage of the entire Village, and the uses to which property is devoted at the time of the adoption of any such amendatory Ordinances.

14.8.2 INITIATION OF AMENDMENT

Amendments may be proposed by a Trustee of the Village Board, a member of the Planning and Zoning Commission, a member of the Board of Adjustment, an officer within the Office of Planning and Zoning or by any person owning or having an interest in specific properties within the Village of Innsbrook. Two types of amendments are possible: text amendments to this Ordinance and amendments affecting specific properties, which generally do not affect other property's zoning (map amendments).

14.8.3 APPLICATION FOR AMENDMENT

An application for an amendment shall be filed with the Office of Planning and Zoning in such form and accompanied by such information as this Ordinance and the Planning and Zoning Administrator may specify. A fee schedule for processing of zoning amendments shall be established, by rule, by the Village Board.

14.8.4 TEXT AMENDMENTS

Amendments to the text of the Innsbrook Zoning Ordinance may be initiated by any party with such authority, as specified in Section 14.10.2. When a text amendment is proposed, the Planning and Zoning Commission shall conduct a public hearing pursuant to Section 14.18.

The Planning and Zoning Commission, within sixty (60) days after the close of the hearing on the proposed text amendment, shall make written findings of fact, and submit same together with a recommendation, to the Village Board.

In its findings of fact, the Planning and Zoning Commission shall consider:

14.8.4.1 EFFECT ON COMPREHENSIVE PLANNING

The effect the text amendment would have on comprehensive planning in the community and the extent to which the proposed amendment would be consistent with Innsbrook's planning objectives.

14.8.4.2 CONDITION AMELIORATION

The extent to which the text amendment will ameliorate a condition in the zoning ordinance which is not conducive to proper community planning; e.g. the need for the amendment.

14.8.4.3 BENEFIT TO PROPERTY OWNERS

The degree to which all property owners in the community, zoned in similar classifications, would be benefited or affected by the zoning text amendment; and, the extent to which the proposed amendment would or would not benefit or affect one (1) or a selected and small group of property owners only.

14.8.4.4 EXTENT OF SUBSTANTIATION

The extent to which any formal, written protest pertaining to the proposed amendment, in accordance with Section 14.16 herein, can be substantiated on a factual basis.

14.8.4.5 CONSISTENCY WITH OTHER PROVISIONS

The consistency of the proposed text amendment with other provisions in this Ordinance.

14.8.4.6 DEFICIENT CONDITION

The extent to which the text amendment will ameliorate a condition in this Ordinance which is, from a legal or administrative standpoint, deficient.

14.8.4.7 NEED FOR AMENDMENT

The need for the zoning text amendment.

14.8.4.8 IMPACT ON OTHER ORDINANCE PROVISIONS

Whether or not the proposed text amendment, if adopted, will require other provisions of this Ordinance to be changed or modified and, if so, the way in which the Ordinance will have to be further modified and amended.

Upon receipt of findings of fact and recommendations from the Planning and Zoning Commission, the Village Board shall act upon the proposed text amendment within sixty (60) days. The decision reached by the Village Board shall take into account the

submitted findings of fact and recommendations. If a text amendment is adopted by the Village Board, said amendment shall be included in an ordinance passed by said Village Board.

14.8.5 MAP AMENDMENTS

Amendments affecting specific properties which, generally, do not affect other property's zoning (map amendment) may be initiated by any party with such authority, as specified in Section 14.10.2. When a map amendment is proposed, the Planning and Zoning Commission shall conduct a public hearing pursuant to Section 14.18.

The Planning and Zoning Commission, within sixty (60) days after the close of the hearing on the proposed text amendment, shall make written findings of fact, and shall submit these findings together with a recommended course of action to the Village Board.

In its findings of fact, the Planning and Zoning Commission shall consider:

14.8.5.1 APPROPRIATE USES

Whether the uses permitted by the proposed amendment would be appropriate in the area concerned.

14.8.5.2 ADEQUATE PUBLIC FACILITIES

Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional dwelling units likely to be constructed as a result of such change.

14.8.5.3 COMPATIBILITY WITH PROPOSED INFRASTRUCTURE

Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers in the vicinity.

14.8.5.4 IMPACT ON ZONED RESIDENTIAL CAPACITY

Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Village and the probable effect of such change on the cost of providing public services.

14.8.5.5 IMPACT ON VACANT LAND

The amount of vacant land which is currently zoned for similar development in the Village or in contiguous areas, and particularly in the vicinity of the area included in the proposed amendment, and any special circumstances which may make part of such vacant land unavailable for development.

14.8.5.6 RATE OF LAND DEVELOPMENT

The recent rate at which land is being developed in the proposed district of the Village, and particularly in the vicinity of the area included in the proposed amendment.

14.8.5.7 GROWTH OF EXISTING NEIGHBORHOODS

The effect of the proposed amendment upon the growth of existing neighborhoods as envisaged by the Innsbrook Comprehensive Plan.

14.8.5.8 IMPACT ON OTHER LIKELY DEVELOPMENT

Whether other areas designated for similar development are likely to be so developed if the proposed amendment is adopted, and whether the designation for such future development should be withdrawn from such areas by further amendment of this Ordinance.

14.8.5.9 CHANGE IN USE

If the proposed amendment involves a change from a residential to a non-residential designation, whether more non-residential land is needed in the proposed location to provide business services or employment for the residents of the Village.

14.8.5.10 EXISTING USES

Existing uses and zoning within the general area of the property in question.

14.8.5.11 IMPACT ON PROPERTY VALUES

The extent to which property values are diminished by particular zoning restrictions.

14.8.5.12 PROMOTION OF PUBLIC WELFARE

The extent to which the restriction of property values of the petitioner promotes the health, safety, morals, or general welfare of the public.

14.8.5.13 MINIMUM ADJUSTMENT

Whether the proposed amendment is the minimum adjustment necessary to allow the reasonable use of the property.

14.8.5.14 PROTEST SUBSTANTIATION

The extent to which any formal written protest pertaining to the proposed amendment, in accordance with Section 14.16 herein, can be substantiated on a factual basis.

Upon receipt of the findings of fact and recommendation from the Planning and Zoning Commission, the Village Board shall act upon the proposed map amendment within sixty (60) days. The decision reached by the Village Board shall take into account the submitted findings of fact and recommendations. If a map amendment is adopted by the Village Board, said amendment shall be included in an ordinance passed by said Village Board.

The Planning and Zoning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant.

14.8.6 EXTENSIONS

If an application for a proposed amendment is not acted upon finally by the Village Board within sixty (60) days of the time of receipt of the Planning and Zoning Commission's recommendations, it shall be deemed to have been denied unless an additional and specific period of consideration time is granted by the Village Board.

14.8.7 EFFECT OF DENIAL OF AMENDMENT

No application for an amendment which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of said order of denial, except on grounds of new evidence or proof of changed conditions found to be valid by the Village Board.

14.8.8 REPEAL

In any case where a change of boundary lines of the zoning district map has taken place and where no development has occurred within one (1) year, the Planning and Zoning Commission may hold a public hearing, pursuant to Section 14.18, and recommend to the Village Board of Trustees that such zoning be affirmed or repealed and rezoned to its most appropriate district classification. Thereupon, based on such recommendation by said Planning and Zoning Commission, the Village may either affirm or repeal and rezone to its most appropriate district classification said zoning amendment.

For this purpose, a zoning amendment shall be deemed to have been established on the date of its approval by a majority of the Village Board of Trustees.

14.9 SPECIAL USES

14.9.1 PURPOSE

The purpose of special use permits is to provide the Village with a procedure for determining the appropriateness of a proposed use not otherwise permitted by the regulations of the district in which it is located. The appropriateness of the use shall be determined in consideration of surrounding uses, activities and conditions of the site and

of surrounding areas. Based upon this determination, and the favorable findings of facts listed below, the Village may decide to permit, reject or conditionally permit the use for which the special use permit is sought.

14.9.2 INITIATION OF SPECIAL USE

Any person owning or having an interest in the subject property may file an application to use such land for one or more of the special uses provided for in the Ordinance in the zoning district in which the land is situated.

14.9.3 APPLICATION

An application for a special use or expansion of a special use shall be filed with the Office of Planning and Zoning on a form prescribed by said Office. The application shall be accompanied by such plans and/or data prescribed by the Office of Planning and Zoning and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in Article 14, Section 14.9.6.

14.9.4 NOTICE AND HEARING

All special use permits shall comply with the notice and hearing provisions of Section 14.18.

14.9.5 AUTHORIZATION

For each application for a special use, the Planning and Zoning Commission shall report to the Village Board its findings and recommendations, including the stipulations of additional conditions, and guarantees that such conditions will be complied with when they are necessary for the protection of the public interest within sixty (60) days of the public hearing. Upon receipt of the findings of fact and recommendations of the Planning and Zoning Commission, the Village Board shall act upon the proposed application for special use within sixty (60) days. Failure to act shall be deemed to be disapproval. The decision reached by the Village Board shall take into account the submitted findings of fact and recommendations. If a special use is granted by the Village, said special use shall be included in an Ordinance passed by said Village Board. If the special use is granted in said ordinance, the Planning and Zoning Administrator shall issue a special use permit to the applicant subject to all applicable rules, regulations and conditions.

14.9.6 STANDARDS

No special use, including Planned Developments or Cluster Residential Developments, shall be recommended by the Planning and Zoning Commission unless written findings of fact based directly on the particular evidence presented to it supports said recommendation. The written findings of fact shall respond in the affirmative to the

following standards and include a brief description for each response.

14.9.6.1 PUBLIC WELFARE

The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.

14.9.6.2 INJURY TO OTHER PROPERTY

The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

14.9.6.3 IMPEDE OTHER DEVELOPMENT

The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

14.9.6.4 PROVISION OF INFRASTRUCTURE

Adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.

14.9.6.5 TRAFFIC CONGESTION

Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

14.9.6.6 SPECIAL USE CONFORMANCE

The special use conforms to the applicable regulations of this Ordinance, the Comprehensive Plan, and other applicable Village regulations, except as such regulations may in each instance be modified by the Village Board, pursuant to the recommendation of the Planning and Zoning Commission.

14.9.6.7 PROTEST OF PROPOSED SPECIAL USE

The Planning Commission has reviewed and considered any and all formal written protests pertaining to the proposed special use, in accordance with Section 14. 6 herein, the protests have been substantiated on a factual basis.

14.9.7 CONDITIONS AND GUARANTEES

Prior to the granting of any special uses, the Planning and Zoning Commission may recommend and the Village Board may impose, such conditions and restrictions upon the

establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 14.9.6 of this Article. In all cases for which special uses are granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the granting of the special use are being, and will be, complied with.

14.9.7.1 MAJOR AND MINOR CHANGES

463.1.1 Major Changes - Any change which departs from the use or site and structure provisions of the district applicable to the special use other than departures that may have been part of the conditions and guarantees provided for in Section 14.9.7 of the initial Special Use Ordinance or Agreement shall constitute a major change.

Any change which alters the concept of the special use, including departures which exceed the conditions and guarantees provided in Section 14.9.7 of the initial Special Use Ordinance or Agreement, shall constitute a major change. If major changes are proposed, a new public hearing shall be required before the Planning and Zoning Commission with an application for a major change to the special use and in compliance with all provisions of Section 14.9, entitled "Special Uses."

464.1.1 Minor Changes - Request for action on changes which do not alter the concept of the special use in regard to the conditions and restrictions upon the establishment, location, construction, maintenance, or operation of the special use as may have been imposed by the Village Board (as provided in Section 14.9.7) may be submitted as minor changes to the Village Board upon application for a minor change through the Office of Planning and Zoning which shall be forwarded to the Village Board for action.

Minor changes shall not depart from the use or site and structure provisions of the district applicable to the special use except as may have been provided for the initial Special Use Ordinance or Agreement. The Village Board may approve or deny the request as a minor change. If the Village Board determines the request is not a minor change, the applicant may apply for a major change request as outlined above.

14.9.8 EFFECT OF DENIAL OF A SPECIAL USE

No application for a special use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Village Board.

14.9.9 REVOCATION

In any case where a special use has been granted, and where no special use development has taken place within one (1) year of granting thereof, then without further action by either the Plan Commission or Village Board, said special use shall become null and void.

For the purpose, a special use shall be deemed to have been established on the date of issuance of a building permit for the special use, if no construction is involved, then the date of issuance of an occupancy permit. If a special use is revoked by operation of this provision, Section 14.11.9, and if such special use was granted in conjunction with an amendment of a zoning district created pursuant to this ordinance, said amendment of a zoning district shall be revoked concurrently with revocation of the special use and the zoning of the subject property shall thereupon be rezoned to its most appropriate district classification, as deemed suitable by the Village Board.

14.10 FEES

Any application for an amendment, special use, variance, appeal, or interpretation shall be accompanied by a fee. The fee shall be established by the Village Board. No such fee, however, shall be charged in the case of applications filed, in accord with this Ordinance, by members of the Planning and Zoning Commission, Board of Adjustment, or Village Board, or by the Planning and Zoning Administrator. All fees shall be collected by the Planning and Zoning Administrator who shall account for them to the Village Board.

14.11 VIOLATIONS AND PENALTIES

Penalties for violations of any provision this Zoning Ordinance or other regulation made under the authority of the Zoning Ordinance shall be as follows:

The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00) for each and every day that such violation continues or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of Section 82.300, RSMo., however, for the second (2nd) and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each and every day that such

violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.

Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

Nothing herein contained shall prevent the Village from taking such other lawful action as it deems necessary to prevent or remedy any violation.
Ord. No. 137, 8/2/2010

14.12 INJUNCTIVE RELIEF

If the Planning and Zoning Administrator shall determine, upon due investigation, that any parcel of land, building, or structure fails to conform to the requirements as set forth in the provisions of this Ordinance, and the owner or owners of such building, structure, or property shall fail, after due notice, to cause such property to conform with the provisions of this Ordinance, the Planning and Zoning Administrator may, in addition to any other remedies, penalties, or means of enforcement, request the Village Attorney to make application on behalf of the Village to any court of competent jurisdiction for an injunction requiring compliance with said provision of this Ordinance or for such order as the court may deem necessary or appropriate to secure such compliance. The Village Attorney may then institute such proceedings on behalf of the Village of Innsbrook as provided by law.

14.13 DISCLOSURE OF BENEFICIARIES OF A TRUST

The liabilities hereunder imposed on an owner shall attach to a trustee under a land trust, holding title to such building, structure, or premises without the right of possession, management, or control, unless said trustee in a proceeding under said provisions of this Ordinance discloses in a verified pleading or in an affidavit filed with the court, the name and last known address of each person who was a beneficiary of the trust at the time of the alleged violation and of each person, if any, who was then acting as agent for the purpose of managing, controlling, or collecting rents, as the same may appear on the records of the trust.

14.14 PROTESTS

Written protests pertaining to action on an amendment or special use (including planned developments) will be accepted from the owners of twenty (20) percent of the frontage immediately adjoining the property proposed for receiving an amendment or special use; or by twenty (20) percent of the owners of property whose land has frontage across an

alley or directly opposite therefrom. Protests by such property owners shall only be deemed valid if:

14.14.1 EVIDENCE

The protest is made only after an authorized representative of the affected property owners has considered evidence in the case.

14.14.2 SUBMISSION

The protest is made in writing and submitted to the Office of Planning and Zoning not earlier than seven (7) days after the public hearing has taken place, and not later than thirty (30) days after the hearing has taken place, and provided that said written protest is circulated by the protesting party to all parties in the case represented by counsel.

14.14.3 TESTIMONY

An authorized representative of the protesting property owners be required, on request of any party in the case--including the Village--to give oral testimony under oath to support the protest.

14.14.4 BASIS FOR PROTEST

The protest is directly related to the items on which the Planning and Zoning Commission base their respective findings of fact.

14.15 ENFORCEMENT

Administration and enforcement provisions of the Zoning Ordinance of the Village of Innsbrook including, but not limited to Special Uses, Variances, Penalties, and other procedural matters, shall be considered a part of this Ordinance.

14.16 SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, but shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

14.17 EFFECTIVITY

This Ordinance shall be in full force and effect from and after its passage, approval and publication form as provided by law.

14.18 NOTICE & HEARINGS

Whenever the provisions of this Title require notice and hearing, the following procedures herein shall govern.

14.18.1 TIME OF PUBLICATION, CONTENT

It is the responsibility of the Zoning Administrator to see that notice, commencing not more than thirty (30) days nor less than fifteen (15) days prior to the hearing date, of the time and place of the hearing is published in a newspaper of general circulation qualified to publish legal notice in the Village of Innsbrook and posted on the official website of the Village of Innsbrook. The notice shall state the date, time and place of the hearing, the name of the person making the application, the specific action requested and a general description of the location of the subject property. When applicable, the notice shall also state where copies of reports, documents, applications, plans or other relevant materials will be accessible for public inspection prior to the hearing. The cost of publication in said newspaper shall be at the applicant's expense.

14.18.2 POSTING NOTICE

In addition to publishing notice, the Zoning Administrator shall post notice, consisting of the same information as required in paragraph (1), in at least two (2) places on the subject property or its immediate vicinity, as well as at the Village Hall of the Village of Innsbrook. Notice shall be posted at least fifteen (15) calendar days prior to the public hearing at points nearest to the rights-of-way of any street or roadway abutting such land so as to be clearly visible to the traveling public. The notice, as posted, shall contain a caption in large letters stating the nature of the proposed action.

14.18.3 NOTIFICATION OF NEIGHBORING LANDOWNERS

The applicant shall make a good faith effort to mail notice, consisting of the same information as required for publication in paragraph (1), to all landowners of record within one hundred eighty-five (185) feet from each legal boundary of the subject property. This notice shall be sent by certified mail at applicant's expense. The applicant shall provide to the Zoning Officer no less than seven (7) days prior to the public hearing receipts of the certified mailing. The Zoning Administrator shall verify the accuracy of the receipts and compliance with the ordinance. Failure to submit receipts on time shall automatically continue the hearing to the next hearing date. The submission of said receipts shall serve proof of the applicant's good faith effort to provide additional notice to the adjacent property owners. In addition to the receipts, the applicant shall provide the Zoning Administrator with a map showing the subject property and any neighboring properties affected under this paragraph along with the locator numbers of each property shown. All applicants shall be required to sign a form, attached to the application, that they have read and understand these notification requirements. For any subsequent required public hearings, the applicant shall provide to the Zoning Administrator the

notification letters properly sealed in an envelope, addressed to the property owners within one hundred eighty-five (185) feet and with the proper postage attached to be sent regular mail. The Zoning Administrator shall then review the envelopes with the list of property owners to verify that applicant has made a good faith attempt to notify said property owners.

14.18.4 RECORD OF PROCEEDING

The Zoning Administrator shall provide for maintaining a record of the hearing and for taking statements, evidence and testimony.

14.18.5 HEARING DATES

The Zoning Administrator shall establish and maintain a schedule of hearing dates and corresponding application submittal deadlines.

14.18.6 MINIMUM NOTICE

Failure to comply with any additional notice or posting requirements herein which are greater than required by state law shall not be a basis for invalidation of any approval or enactment.

15 EFFECTIVE DATE

15.1 INITIAL ADOPTION

15.1.1 CHAPTERS ADOPTED

Ordinance No. 10 adopted the Zoning Order and Subdivision Regulations of Warren County on 7/23/1998.

The chapters adopted by Village of Innsbrook Ordinance 93 are 1, 2, 3, 4, 9, 10, 14, and 15 on 9/4/2007.

15.1.2 APPENDICES ADOPTED

Appendices A, B, and C are adopted by this action.

15.1.2.1 APPENDIX A

This appendix supersedes and replaces Village of Innsbrook Ordinance 82 (On Site Septic Regulations) on 3/7/2006.

15.1.2.2 APPENDIX C

The zoning map in this initial adoption reflects the zoning map in effect at the time the Village was incorporated as modified by Annexation Ordinances 29, 31, 32, 33, 39, 44, 46, 52, 55-58, 74 and 79 and Rezoning Ordinances 48, 67, 74,76, 80, 81 and 88.

15.1.3 DATE OF ADOPTION

The Village of Innsbrook Zoning Order was adopted by the action of the Village of Innsbrook Board of Trustees in approving Village of Innsbrook Ordinance 93 on 9/4/2007.

15.2 FULL ADOPTION

15.2.1 CHAPTERS ADOPTED

The chapters adopted by Village of Innsbrook Ordinance No. 113 (1/2009) are 2 (revised), 4 (revised), 5, 6, 7, 8, 11, 12, 13, and 15 (revised). By this action Ordinances 35 (Billboards), 70 (Home based business), 71 (Accessory structures definitions and regulations 8/10/2004), and 107 (Exclusion of mobile homes) are superseded and replaced.

15.2.1.1 CHAPTER 2 (REVISED)

This chapter was revised to include definition of terms for the additional chapters adopted by this action.

15.2.1.2 CHAPTER 4 (REVISED)

This chapter was reformatted to be consistent with other chapters. Permitted and special use designations were removed from the chapter and moved to a table contained in Appendix F.

15.2.1.3 CHAPTER 15 (REVISED)

This chapter has been revised to reflect the action taken by the full adoption process.

15.2.2 APPENDICES ADOPTED

Appendices A (revised), D, E, and F are adopted by this action.

15.2.2.1 APPENDIX A (REVISED)

This appendix was revised to reflect changes to section A.1.2.

15.2.2.2 Chapter 14 (revised)

Revised Section 14.13 “Violations and Penalties” to meet state statute requirements on 8/2/2010.

15.3 REVISION TO ZONING CODE – 2011

15.3.1 Chapters Adopted

Ordinance No. 146 (6/7/2011) reflects changes to Chapter 1, 2, 3, 4, 10, 12, 14, and 15 and Appendix A, E and F. Exhibit “A” in Ordinance shows the changes in red.

Appendix C – Zoning Map reflects changes in zoning by Ordinance Nos. 95 and 103, boundary adjustments in Ordinance Nos. 123 & 124 and annexation boundary change by Ordinance Nos. 94, 101, 102 and 142.

15.4 REVISION TO ZONING CODE - 2013

15.4.1 Ordinance No. 187 (11/12/2013) reflects amendments to Chapters 1, 2, 3, 4, 5, 6, 7, 11, 12, 14, 15 and Appendices A, E & F. Exhibit "A" in Ordinance reflects the changes.

15.5 REVISION TO ZONING CODE - 2017

15.5.1 Ordinance No. 237 (02/13/2017) reflects amendments to Appendix A. Exhibit "A" in Ordinance reflects the changes.

15.5.2 Appendix C – Zoning Map reflects changes in zoning by Ordinance Nos. 231 & 234 and annexation boundary change by Ordinance No. 233.

APPENDIX A SEWAGE DISPOSAL SYSTEMS IN THE VILLAGE OF INNSBROOK

A.1 GENERAL

This rule establishes the requirements and regulations for sewage disposal systems operating within the Village of Innsbrook. It recognizes the State of Missouri as the experts in the design, installation, inspection, and operation of such systems. As such these experts will have full authority to issue permits, inspect, enforce regulations and standards, investigate complaints, and collect fees for their services.

A.2 DEFINITIONS

- **Major Modification and Repairs**- The redesigning, alteration, or expansion of an onsite wastewater treatment system by relocation of the system or a part of the system; replacement of septic tank; or construction of a new absorption field.
- **Minor Repairs** – Minor Repairs are allowed to be done without a permit. (*Examples of minor repairs would be*, but not limited to:
 - *Replacing no more than one length (10') of broken or collapsed pipe*
 - *Replacing broken/missing clean-outs;*
 - *Installing risers on tanks to bring the manhole closer to final grade;*
 - *Replace baffles inside tanks;*
 - *Pumping of tanks;*
 - *Adjustment of distribution devices;*
 - *Replacement of pumps, floats, or control panels and;*
 - *Performing routine maintenance of system.*

A.3 CENTRAL SEWAGE DISPOSAL SYSTEMS

Systems or treatment facilities that process more than 3,000 gallons per day of waste from structures within the Village of Innsbrook shall be designed, installed, inspected, and operated in accordance with the requirements and regulations published by the Missouri Department of Natural Resources (DNR) [Section 644 RSMo].

A.4 ON-SITE SEWAGE TREATMENT SYSTEMS

On-site systems that process 3,000 gallons per day or less of waste from structures within the Village of Innsbrook shall be designed, installed, inspected, and operated in accordance with **Sections 701.025 through 701.059 RSMo** and with **Title 19 CSR 20-3.060 Minimum Construction Standards for On-Site Sewage Disposal Systems** of the Rules of Department of Health & Senior Services. More information can be obtained at <http://health.mo.gov/living/environment/onsite/>

A.5 ON-SITE SYSTEM INSPECTION ON TRANSFER OF OWNERSHIP

On-site sewage treatment systems, as defined in section A.4, should be inspected by an inspector licensed by the State of Missouri in accordance with ***Title 19 CSR 20-3.070 Requirements for On-Site Wastewater Treatment System Inspectors/Evaluators.***

Engagement of the services of such an inspector shall be the responsibility of the seller and/or buyer of the property being transferred and will not require a permit from the Village of Innsbrook. Should the system in question not meet the State's Minimum Construction Standards and require major repair, modification, or replacement, the requirements of Section A.4 shall apply.

A.6 SOIL EVALUATORS, INSTALLERS, INSPECTORS AND ENGINEERS

Lists of registered/licensed soil evaluators, installers, inspectors and engineers can be found on the Missouri Department of Health & Senior Services (DHSS) website at the following locations:

- **Soil Evaluators:** <http://health.mo.gov/living/environment/onsite/ose/index.php>
- **Registered Installers:** <http://health.mo.gov/living/environment/onsite/counties/index.php>
- **Licensed Inspectors:** <http://health.mo.gov/living/environment/onsite/inspectors/index.php>
- **Licensed Engineers:** <https://renew.pr.mo.gov/apelsla-licensee-search.asp>

A.7 PERMITS AND VARIANCES

Property owners and their contractors are responsible for the preparation and submittal of the necessary applications, supporting information and reports, as well as any and all fees required to obtain a permit to install or perform major repairs on a *On-Site Sewage Disposal System*, directly to the Missouri Department of Health & Senior Services (DHSS). To apply for an application, contact DHSS at (573) 751-6095 and ask the receptionist for a wastewater application. To assist in the permitting process, a check list and necessary forms can be found on the DHSS website at the following locations:

- **Instructions and Check Off List:**
<http://health.mo.gov/living/environment/onsite/pdf/permitappinstructions.pdf>
- **Construction Permit Application:**
<http://health.mo.gov/living/environment/onsite/pdf/constrpermitapp.pdf>
- **Construction Permit Application Fee:**
<http://health.mo.gov/living/environment/onsite/pdf/permitfee.pdf>
- **Application For Variance:**
<http://health.mo.gov/living/environment/onsite/pdf/varianceapp.pdf>

A.8 REFERENCES AND INFORMATION

Information and assistance with this process can be obtained from the Village of Innsbrook Administrator located at the Village Hall. Additional information and resources can be found on the DHSS website at the following locations:

- **Missouri Laws/DHSS Rules:**
http://health.mo.gov/living/environment/onsite/pdf/onsite_ref_book.pdf
- **Homeowner's Manual:**
<http://health.mo.gov/living/environment/onsite/pdf/SystemOwnersManual.pdf>