

**CITY OF TWIN OAKS
PLANNING AND ZONING COMMISSION MEETING
BOARD CHAMBERS, TWIN OAKS CITY HALL
1381 BIG BEND ROAD
TUESDAY, OCTOBER 27, 2020 6:30 P.M.**

To balance both the need for continuity of government and protection of the health and safety of our residents, business persons and employees, this meeting of the Planning and Zoning Commission will be open to public attendance in person, providing that those who attend wear face coverings and maintain social distancing.

The Commission apologizes for any inconvenience these requirements may pose but it is extremely important all measures in compliance with the orders issued by public health authorities be taken to protect employees, residents, and elected officials during these extraordinary times.

Tentative Agenda

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF THE AGENDA
5. APPROVAL OF THE CONSENT AGENDA
 - a. September 22, 2020 Minutes
6. OLD BUSINESS
 - a. Continued review and revisions of Land Use Code: Title X (Sections 400.420-400.610), special events permits (Section 400.345), and the “Urban Guidelines” Appendix A.
7. MISCELLANEOUS
8. ADJOURNMENT

Frank Johnson
City Clerk

POSTED: October 23, 2020, 2 p.m.

Please note: Any person requiring physical or verbal accommodations should contact the city office 12 hours prior to meeting at 636-225-7873. Copies of public records for this agenda are available on the City’s website or at City Hall for public inspection before and at the time of the meeting.

CUNNINGHAM, VOGEL & ROST, P.C.

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MEMORANDUM

TO: Twin Oaks Planning & Zoning Commission

CC: Frank Johnson, City Clerk

FROM: Paul Rost, City Attorney

RE: Zoning Code Review

DATE: October 22, 2020

Parking Requirements. At the September P&Z Commission Meeting, the Commission again discussed driveways and settled upon a course of action that would greatly simplify the parking requirements by eliminating all references to parking pads, parking pad connectors, turnaround areas, etc., and cleaning up redundancies about what can be parked and where.

The corresponding definitions were also eliminated as they are no longer needed. The simplification also included a differentiation between heavy duty commercial vehicles and light duty commercial vehicles and declared the former as not appropriate for parking in the residential areas. Definitions were created for those two types of commercial vehicles based on the Commission's request last meeting (which aligns with the drawing to the right). Basically, vehicles in the Class 1-3 range are permitted while Class 4-9 trucks are not. Also included in the heavy duty vehicle category is heavy construction equipment.

So, to that end, included in your packet are "compare" and clean version of Article X, Off-Street Parking Regulations, for your final review, as well as the Definitions (Section 400.080) which have been updated accordingly to add/remove Article X defined terms referenced above. Also included for your reference (but no action

EVER WONDER WHAT EACH CLASS OF TRUCK LOOKS LIKE?

US TOO. WE CREATED THIS HANDY INFOGRAPHIC FOR YOU TO USE!

CLASS 1-3 NON-COMMERCIAL VEHICLES
No operator's license
Anyone can drive a minivan or a station wagon.
Famous representation: Lightning McQueen

CLASS 4 BETWEEN 14,000-16,000 POUNDS
You can drive these yourself, but be careful
Box trucks and some delivery trucks
Famous representation: The COSTCO food delivery truck

CLASS 5 BETWEEN 16,001-19,500 POUNDS
Lots of farming equipment
Bucket trucks, cherry pickers
Famous representation: Your local electrical company probably probably has a fleet of bucket trucks

CLASS 6 BETWEEN 19,501-26,000 POUNDS
Beverage trucks, rack trucks, and school buses
You need a CDL for this type of vehicle
Famous representation: The Magic School Bus

CLASS 7 BETWEEN 26,001-33,000 POUNDS
Working trucks you see on a daily basis
Street sweepers, garbage trucks, and city transit buses.
Famous representation: GDM 5303 (a.k.a. that bus from Speed)

CLASS 8 OVER 33,001 POUNDS
Heavy isn't enough of an adjective - these trucks are called severe-duty
Most big rigs, along with cement trucks and dump trucks
Famous representation: Optimus Prime

CLASS 9 FOR VEHICLES THAT DEFY CLASSIFICATION
"The Great Beyond"
A big 18-wheeler can weigh up to 80,000 pounds
Might need to obtain special permits and stick to specific routes
Famous representation: Unicorn

IF YOUR SHOP HANDLES ANY CLASSES, CHECK OUT FULLBAY AND SEE WHAT WE CAN DO FOR YOU!

since it is outside of the zoning code) is Section 217.030 dealing with open storage of unlicensed and inoperable vehicles from the nuisance code that we discussed last meeting as being the proper place to deal with these vehicles.

Assuming we are about finished with parking...

After the Commission reviews and finalizes direction on Article X's parking requirements, the Commission needs to quickly (or slowly) look at Sections 400.420-400.610, consisting of Conditional Uses (not used much but included in your packet), Telecom Towers (already recently updated so not included), Non-conforming Uses, Administration, Amendments, Planning and Zoning Commission (small suggested change about spelling out actual number of members); and Board of Adjustment (added standards to guide the Board). I have minimal comments and suggestions in those.

Also, as discussed awhile back, I have provided you with a proposed **new** Section 400.345 that gives the City Clerk authority grant certain "special event" permits such a *temporary* outdoor dining or displays, seasonal sales outdoors, contractor trailers, and sales offices. It also allows the Board of Aldermen to grant others for things not thought of here.

Finally, the Commission should read through the "[Urban Guidelines](#)" [Appendix A](#) to the Zoning Code (its only 5 pages) and decide if any changes are desired there.

If the Commission gets through all of this, the Zoning Code will be ready to be assembled for one final review and recommendation to the Board of Aldermen. Hooray!

NEW PROPOSED SECTION

Section 400.345 Special Event Permits.

- A. *Requirements and Procedures.* The City Clerk is authorized to issue a permit for the operation or conducting of an amusement activity on a temporary basis within any zoning district. The City Clerk may request a report be submitted by health officials with respect to any public health aspect of the proposal and by the City's police department with respect to any traffic or public safety aspect of the proposal, if appropriate. The permit shall be issued for a specified period of time not exceeding ten (10) days, unless otherwise provided hereafter or within the permit itself. The permit shall contain such conditions as are necessary for protection of public health, safety, and traffic, and the City Clerk may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. This permit is in addition to any building permit, air pollution device, construction or operating permit, highway special use permit, or other permit or license required by law for any proposed activity or facility. No more than two (2) temporary amusement activity permits shall be issued in any calendar year with regard to any particular property; provided; however, that this limitation with respect to the number of temporary amusement activity permits shall not apply to City property, nor to property not held for private or corporate profit and used exclusively for religious worship, schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies.
- B. The following temporary uses shall be allowed on a lot for which the vendor has a property interest:
1. *Outdoor dining/storage.* Outdoor seating at a restaurant or outdoor storage of products or merchandise on a temporary basis (not to exceed thirty (30) days) at any business in the "C" District.
 2. *Amusement activity.* For the purpose of this Subsection, "amusement activity" includes a circus, carnival, fair, art display, trade or animal show, concert, dance, parade, and any similar activity not involving the erection of any permanent structure or facility.
 3. *Seasonal sales.* Christmas tree, pumpkin or other seasonal outdoor sales in any business in the "C" District or at a property used exclusively for religious worship or education for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that nothing shall be displayed within thirty (30) feet of the intersection of the curbline of any two streets.
 4. *Contractor's office.* Contractor's office and equipment sheds (containing no

NEW PROPOSED SECTION

sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of construction of such project.

5. *Real estate office.* Real estate office (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new residential development to continue only until the initial sale or lease of seventy-five percent (75%) of the dwelling units in the development.
- C. *Special Events.* All other special events not fully satisfying the criteria of this Chapter may be granted a special event permit only by the Board of Aldermen after review and report by the City Clerk. This permit may be granted, denied, or made subject to conditions that the Board of Aldermen may deem reasonably necessary to protect the public health, safety, and general welfare. The Board of Aldermen shall review the application based on the intent of this Chapter and the appropriateness of the event in light of the standards set forth herein.
 - D. *Appeals.* Appeals from decisions of the City Clerk concerning special event permits may be appealed to the Board of Adjustment under the procedures set forth in Article XVII of the Zoning Code.

Article X
Off-Street Parking Regulations

Section 400.390 **Residential Parking Requirements.**

A. The requirements for residential parking in the A and B Zoning Districts shall be as follows:

1. *Surface Requirements; Parking only on Paved Surface.* Driveways may be constructed of either hard or porous surfaced materials, provided construction materials comply with building codes and the following:
 - a. Driveways and driveway approaches, including replacement or widening of an existing driveway, will be installed with like material creating a uniform appearance consisting of either hard surface or porous surface or a combination of both.
2. *Curb cuts and Driveway Approaches*
 - a. *Permit Required.* Anyone desiring to hard surface any portion of public right-of-way for a driveway approach shall first apply for a permit for such purpose. No permit shall be granted to hard surface or porous surface any portion of the public right-of-way except for a curb cut for a driveway approach (driveway apron) for such residence.
 - b. *Radius.* Curb cuts shall be designated at a radius to facilitate water and debris flow.
 - c. *Curb Cuts; Circular Drives; Maximum Width.* No lot containing a single-family or multi-family dwelling shall have more than one driveway curb cut (or, driveway approach) and which curbcut shall not exceed twenty-five (25) feet in width; except that such lots may have two (2) curb cuts as part of a circular driveway provided that new curb cuts installed for a circular driveway shall not exceed thirteen (13) feet in width and further provided the two curb cuts are separated by more than 50 feet as measured from the inner edges of the circular drive curb cuts. Lots with circular driveways (i.e., two curb cuts) in place as of November 17, 2010, shall be considered legal non-conforming uses.
 - d. *Corner Lots.* On corner lots, no curb cut shall be located or approved within thirty (30) feet of an intersection, as measured from the point where the extended curb lines of the streets intersect.

- e. *Sidewalks.* Whenever a driveway approach intersects a public sidewalk, such driveway approach should comply with current ADA requirements.

3. *Additional Parking Requirements* in the A & B Districts:

- a. Unlicensed and/or inoperable vehicles or trailers shall be parked or stored only within an enclosed structure in accordance with Section 217.030 of the Twin Oaks Municipal Code.
- b. The total number of recreational vehicles and off-road vehicles parked on a lot shall not exceed two (2) if not stored under roof, and such vehicles if parked outdoors, must be parked on a driveway behind the front elevation line. See Section **400.390(B)**.
- c. *Prohibited Parking.* The following are prohibited in the A & B Districts:
 - 1) No vehicle may be parked except on a driveway.
 - 2) The following are not permitted to be parked in the A & B Districts:
 - i. Heavy-duty commercial vehicles;
 - ii. Any vehicle, excluding recreational vehicles, with a gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds or more. *Exception:* Any type of commercial vehicle, regardless of GVWR, delivering or picking up merchandise for delivery or employed in performing a repair or construction service may park for the purpose of making such pickup, delivery or repair;
 - iii. Vehicles or trailers with a length in excess of twenty-seven (27) feet.
 - 3) Recreational vehicles, off-road vehicles, trailers, pickup camper bodies, trucks having a GWVR exceeding twelve thousand (12,000) pounds, buses, boats and light duty commercial vehicles and equipment shall not be parked or stored in any portion of a front yard.
 - 4) No recreational vehicle, trailer, pickup camper body, truck, bus, or other vehicle shall be occupied for living, sleeping or housekeeping purposes in any zoning district.

B. *Driveway Setback, Lot Line and Construction Requirements; "A" Single Family District.*

1. Setbacks:

- a. No new driveway constructed for a single-family or multi-family dwelling shall be located closer to the lot line than the setbacks set forth in the table below. An existing driveway constructed within the following setbacks may be repaired, replaced or expanded so long as the expansion does not create a greater encroachment into the setbacks as currently exists. In no case shall any part of a driveway cross the lot line.

Driveway	Lot Size (square feet) and street frontage of > 50 feet*	Side Yard Setback (feet)
	Up to 10,980	1
	10,981 to 21,780	3
	21,781 to 43,560	6
	Greater than 43,560	10

***Street frontage of 50 feet or Less:** Notwithstanding the above and regardless of lot size, where a lot's street frontage is less than fifty feet, the side yard setback shall be a minimum of one (1) foot.

- b. No new driveway shall extend beyond the rear elevation line of the dwelling unless connected to a detached garage.
2. *Driveways; lot coverage:* There shall be only one (1) driveway per lot. Driveways shall not occupy more than thirty-five percent (35%) of any front yard area.
3. *Gravel Driveways.* No new driveway may be constructed of rock or gravel.
- a. Existing gravel driveways and parking areas consisting of gravel, which existed on November 17, 2010, may, upon approved permit, continue to be repaired and maintained until replacement is necessary.
 - b. All driveways and driveway approaches must be replaced with complying paving materials at the time of improvement.

Section 400.400 **Non-Residential Parking Requirements.**

A. The requirements for non-residential parking shall be as follows:

City of Twin Oaks Parking Table- Commercial Districts	
Use	Minimum Parking Requirements
Medical and dental offices and clinics	One (1) parking space for each two hundred (200) square feet of floor area of a principal building
Places of public assembly including movie theater, auditorium, church, school, club, wedding chapel, gymnasium	One (1) parking space for every five (5) seats provided
Retail, commercial or service buildings (floor area of one thousand (1,000) square feet or more)	One (1) parking space for every two hundred (200) square feet of floor area on the first floor and for every seven hundred fifty (750) square feet of floor area above the first floor; <ul style="list-style-type: none"> • If the basement is used for any purpose other than storage, utilities or maintenance areas, the portion of the basement area so used shall require one (1) parking space for every seven hundred fifty (750) square feet of floor area so used
Restaurants	One (1) parking space for every two hundred (200) square feet of floor area plus the greater of one (1) parking space for each two (2) employees working on the highest employment shift or five (5) parking spaces
All other uses	One (1) parking space for every three hundred (300) square feet of floor area on the first floor of the principal building plus the greater of one (1) parking space for every seven hundred fifty (750) square feet of floor area above the first floor, or one (1) parking space for every two (2) employees working on the highest employment shift
Parking areas required for all non-residential uses shall be located not more than five hundred (500) feet from the principal building served.	

Section 400.410 **Permit Required/Enforcement.**

A. Anyone desiring to construct, reconstruct, relocate, modify, re-gravel, refurbish or expand any paved surface covered under this Article shall be required to apply to the City for a permit for such

purpose pursuant to Section 515.070 (Article II, Public Utility Excavation Or Other Work Within Public Right-Of-Way Excavations and Public Rights-Of-Way Management), Section 515.170 (Article III, Private Property Site Work), or Section 407.020 (Land Disturbance Code), as applicable.

- B. The Building Commissioner or delegee shall be charged with the responsibility for enforcing this Article, to include the promulgation of regulations necessary to its implementation.

Article X
Off-Street Parking Regulations

Section 400.390 Residential Parking Requirements.

A. The requirements for residential parking in the A and B Zoning Districts shall be as follows:

1. *Surface Requirements; Parking only on Paved Surface.* Driveways may be constructed of either hard or porous surfaced materials, provided construction materials comply with building codes and the following:

- a. Driveways and driveway approaches, including replacement or widening of an existing driveway, will be installed with like material creating a uniform appearance consisting of either ~~all~~ hard surface or ~~all~~ porous surface or a combination of both.
- ~~b. No parking shall be permitted on residential lot except on hard or porous surfaces as defined in Section 400.080 of this Chapter.~~
- ~~c. Any new or existing driveway widened from a single driveway to a double driveway, parking pad, curb cut, turnaround or driveway approach shall be constructed of an approved paving surface in accordance with this Section.~~

2. *Curb cuts and Driveway Approaches*

- a. *Permit Required.* Anyone desiring to hard surface any portion of public right-of-way for a driveway approach shall first apply for a permit for such purpose. No permit shall be granted to hard surface or porous surface any portion of the public right-of-way except for a curb cut for a driveway approach (driveway apron) for such residence.
- b. *Radius.* Curb cuts shall be designated at a radius to facilitate water and debris flow.
- c. *Curb Cuts; Circular Drives; Maximum Width.* No lot containing a single-family or multi-family dwelling shall have more than one driveway curb cut (or, driveway approach) and which curbcut shall not exceed twenty-five (25) feet -in width; except that such lots may have two (2) curb cuts as part of a circular driveway provided that new curb cuts installed for a circular driveway shall not exceed thirteen (13) feet in width and further provided the two curb cuts are separated by more than 50 feet as measured from the inner edges of the circular drive curb cuts. Lots with

~~circular driveways (i.e., two curb cuts) in place as of November 17, 2010, shall be considered legal non-conforming uses. No new curb cut may exceed twenty-five (25) feet;~~

- d. *Corner Lots.* On corner lots, no curb cut shall be located or approved within thirty (30) feet of an intersection, as measured from the point where the extended curb lines of the streets intersect.
- e. *Sidewalks.* Whenever a driveway approach intersects a public sidewalk, such driveway approach should comply with current ADA requirements.

~~f. *Curb Cuts; Circular Drives.* No lot containing a single family or multi-family dwelling shall have more than one driveway curb cut (or, driveway approach) except that such lots may have two (2) curb cuts as part of a circular driveway provided that new curb cuts installed for a circular driveway shall not exceed thirteen (13) feet in width and further provided the two curb cuts are separated by more than X feet as measured from the inner edges of the circular drive curb cuts. Lots with circular driveways (i.e., two curb cuts) in place as of November 17, 2010, shall be considered legal non-conforming uses.~~

3. *Additional Parking Requirements* in the A & B Districts:

- a. Unlicensed and/or inoperable vehicles or trailers shall be parked or stored only within an enclosed structure in accordance with Section 217.030 of the Twin Oaks Municipal Code.
- b. The total number of recreational vehicles and off-road vehicles parked on a lot shall not exceed two (2) and such vehicles, if not stored under roof, and such vehicles if parked outdoors, must be parked on a ~~parking pad or~~ driveway behind the front elevation line. See Section **400.390(B)**.
- c. *Prohibited Parking.* The following are prohibited in the A & B Districts:
 - 1) No vehicle may be parked in a front yard except in a driveway.
 - 2) ~~No vehicle or trailer may be parked in front yard and may only be parked in a side or rear yard except on a parking pad or driveway.~~
 - 3) ~~Vehicles and trailers may not be parked anywhere behind the rear elevation line.~~

Commented [A1]: This would NOT include street motorcycles and other street-legal motor vehicles

Commented [A2]: Compare with d.5 below – consistent?

~~of a structure except on a driveway as defined herein.~~

4)2) The following are not permitted to be parked in the A & B Districts:

- i. ~~Heavy-duty commercial vehicles~~Trucks and trailers designed and manufactured for or used for specific commercial purposes including, but not limited to, wreckers, dump trucks, tracked vehicles, buses and construction vehicles the ;
- ii. Any vehicle, excluding recreational vehicles, ~~in excess with a gross vehicle weight rating (GVWR) of eighteen-fourteen~~ thousand (14,000) pounds ~~or more gross vehicle weight rating (GVWR)~~. *Exception:* Any type of commercial vehicle, regardless of GVWR, delivering or picking up merchandise for delivery or employed in performing a repair or construction service may park for the purpose of making such pickup, delivery or repair;
- iii. Vehicles or trailers with a length in excess of twenty-seven (27) feet.

5)3) Recreational vehicles, off-road vehicles, trailers, pickup camper bodies, trucks having a GVWR exceeding twelve thousand (12,000) pounds, buses, boats and light duty commercial vehicles and equipment shall not be parked or stored in any portion of a front yard.

6)4) No ~~mobile home~~, recreational vehicle, trailer, pickup camper body, truck, ~~or bus~~, or other vehicle shall be occupied for living, sleeping or housekeeping purposes in any zoning district.

B. *Driveway Setback, Lot Line and Construction Requirements; "A" Single Family District.*

1. Setbacks:

- a. No new driveway constructed for a single-family or multi-family dwelling shall be located closer to the lot line than the setbacks set forth in the table below. An existing driveway constructed within the following setbacks may be repaired, replaced or expanded so long as the expansion does not create a greater encroachment into the setbacks as currently exists. In no case shall any part of a driveway cross the lot line.

Driveway, Parking Pad, Turnaround Area	Lot Size (square feet) and street frontage of > 50 feet*	Side Yard Setback (feet)
	Up to 10,980	1
	10,981 to 21,780	3
	21,781 to 43,560	6
	Greater than 43,560	10

***Street frontage of 50 feet or Less:** Notwithstanding the above and regardless of lot size, where a lot's street frontage is less than fifty feet, the side yard setback shall be a minimum of one (1) foot.

b. ~~A parking pad~~~~No new driveway~~ shall ~~not~~ extend ~~into the side yard setback set forth in the table above, nor~~ beyond the rear elevation line of the dwelling unless connected to an ~~already existing~~ detached garage. ~~Parking Pads shall not exceed twenty two (22) feet in width and shall be located on the same side of the lot as the driveway.~~

~~2. Only one (1) parking pad shall be permitted per lot.~~

~~3.2. Driveways; lot coverage:~~ There shall be only one (1) driveway per lot. ~~No driveway located in the front yard shall exceed twenty two (22) feet in width.~~ Driveways, ~~parking pads, turnarounds and pad approaches~~ shall not occupy more than thirty-five percent (35%) of any front yard area.

~~4. The turnaround area shall be no larger than twelve (12) feet by twelve (12) feet, shall not extend into the applicable side yard setback, shall not be used for parking recreational vehicles and shall not be used for storage.~~

~~5. Parking Pads and Pad Connectors.~~

a. ~~A parking pad connector shall match the elevation of both the driveway and the parking pad to which it connects, shall be uninterrupted, may, at a maximum, extend parallel to the driveway at no greater width than the parking pad to which it connects and may not be constructed unless a similarly constructed, otherwise allowed, parking pad exists.~~

6-3. *Gravel Driveways.* No new driveway may be constructed of rock or gravel.

- a. Existing gravel driveways and parking areas consisting of gravel, which existed on November 17, 2010, may, upon approved permit, continue to be repaired and maintained until replacement is necessary.
- b. All ~~parking pads, curb cuts or driveways and~~ driveway approaches must be replaced with complying paving materials at the time of improvement.

Section 400.400 Non-Residential Parking Requirements.

A. The requirements for non-residential parking shall be as follows:

City of Twin Oaks Parking Table- Commercial Districts	
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Places of public assembly including movie theater, auditorium, church, school, club, wedding chapel, gymnasium	One (1) parking space for every five (5) seats provided
Retail, commercial or service buildings (floor area of one thousand (1,000) square feet or more)	One (1) parking space for every two hundred (200) square feet of floor area on the first floor and for every seven hundred fifty (750) square feet of floor area above the first floor; <ul style="list-style-type: none"> If the basement is used for any purpose other than storage, utilities or maintenance areas, the portion of the basement area so used shall require one (1) parking space for every seven hundred fifty (750) square feet of floor area so used
Restaurants	One (1) parking space for every two hundred (200) square feet of floor area plus the greater of one (1) parking space for each two (2) employees working on the highest employment shift or five (5) parking spaces
All other uses	One (1) parking space for every three hundred (300) square feet of floor area on the first floor of the principal building plus the greater of one (1) parking space for every

Rev 10/22/20

	seven hundred fifty (750) square feet of floor area above the first floor, or one (1) parking space for every two (2) employees working on the highest employment shift
Parking areas required for all non-residential uses shall be located not more than five hundred (500) feet from the principal building served.	

Section 400.410 Permit Required/Enforcement.

- A. Anyone desiring to construct, reconstruct, relocate, modify, re-gravel, refurbish or expand any paved surface covered under this Article shall be required to apply to the City for a permit for such purpose pursuant to Section 515.070 (Article II, Public Utility Excavation Or Other Work Within Public Right-Of-Way Excavations and Public Rights-Of-Way Management), Section 515.170 (Article III, Private Property Site Work), or Section 407.020 (Land Disturbance Code), as applicable.
- B. The Building Commissioner or delegee shall be charged with the responsibility for enforcing this Article, to include the promulgation of regulations necessary to its implementation.

Section 217.030. Open Storage of Inoperable Vehicles or Public Safety Hazards Prohibited.

The open storage of inoperable or unlicensed vehicles or other vehicles is hereby deemed by the City Board of Aldermen to constitute a public safety hazard and is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

Section 400.420 **Conditional Uses.**

A. The Board of Aldermen may, after public hearing and making required findings, by conditional use permit authorize the location of any of the following buildings or uses in the zoning districts specified in this Section:

1. Any public building not owned or operated by the City of Twin Oaks located in any zoning district.
2. Community building or recreation field not owned or operated by the City of Twin Oaks located in any zoning district.
3. Nurseries and greenhouses in any zoning district, provided that all principal buildings and accessory buildings shall not be located less than one hundred (100) feet from a lot line.
4. Medical marijuana dispensary in the "C" District where the operation meets the spacing requirements of Section **400.295** and meets the standards contained in Section **400.420(B)**. **[Ord. No. 19-11, 6-5-2019]**

5. Outdoor seating at a restaurant or outdoor storage of products or merchandise at any business in the "C" District.

B. Specific Conditions For Medical Marijuana Dispensaries. Any grant of a conditional use permit under this Section for a medical marijuana dispensary shall include the following conditions for approval: **[Ord. No. 19-11, 6-5-2019]**

1. State License Required. All medical marijuana dispensaries must have the appropriate license and any other required authorization to operate the medical marijuana dispensary from the Missouri Department of Health and Senior Services to operate in the City. Applicant may seek zoning approval prior to being granted a State license, but no final approval shall be given until such State-issued license has been obtained and satisfactory proof of such licensure has been provided to the City. Continued operation in the City shall always require such licensure to remain valid.
2. Outdoor Operations Or Storage. No outdoor operations or storage shall be allowed.
3. Odor Control And Nuisance. Every medical marijuana dispensary shall have and maintain an odor control system at least as stringent as that which is required by State regulations and shall at all times operate in compliance with Chapter **215**, Nuisances, of the City Code.
4. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed or administered on the premises of any medical marijuana dispensary facility.
5. Hours Of Operation. All sales or distribution of medical marijuana and any other products sold to the public through a medical marijuana dispensary shall take place between the hours

of 9:00 A.M. and 9:00 P.M. Monday-Friday, from 9:00 A.M. and 6:00 P.M. Saturday, and from 10:00 A.M. and 6:00 P.M. Sunday.

6. Security. Medical marijuana dispensaries shall be secured and closed to the public after the hours listed in this Subsection **(B)** and no persons not employed by the medical marijuana dispensary may be present in such facility at any time closed to the public. Medical marijuana dispensaries shall have and maintain security systems, equipment, and procedures at least as stringent as those which are required by State regulations.
7. Display Of Licenses Required. The medical marijuana dispensary facility license issued by the State of Missouri and any and all licenses issued by the City of Twin Oaks shall be displayed in a prominent place in plain view near the front entrance of the facility as required by State regulations.
8. Development Plan Or Limited Development Plan Required. No medical marijuana dispensary shall be allowed unless the applicant submits and has approved a development plan or limited development plan pursuant to Section **400.340** as determined by the nature of the application and the terms of Section **400.340**.
9. Additional Requirements. All medical marijuana dispensary facilities shall comply with all generally applicable provisions of the Zoning Code of the City of Twin Oaks, all provisions of Article **XIV**, Section 1 of the Missouri Constitution, as well as any and all rules and regulations promulgated by the Department of Health and Senior Services for the State of Missouri regulating medical marijuana, including but not limited to security requirements, lighting, parking, record maintenance and retention and patient verification requirements.

Section 400.430 Application And Approval Procedures.

- A. Applications for a conditional use permit shall be made to the Board of Aldermen on forms provided by the City together with a site development plan and descriptive material sufficient to describe the intensity and extent of the proposed conditional use. Within thirty (30) days of receipt of an application for conditional use permit, the Code Enforcement Official shall determine the sufficiency of the site development plan and descriptive material and, if determined to be insufficient, the Code Enforcement Official shall provide written guidance to the applicant identifying materials and information necessary to render the application sufficient for review.
- B. Upon the filing of a complete application for conditional use permit with the Board of Aldermen, the City Clerk, after providing copies of the application to the Board of Aldermen, shall refer the application and support documentation to the Planning and Zoning Commission for review, study and report with specific reference to resulting traffic hazards or congestion, fire hazards, effect on the character of the neighborhood, effect on the general welfare of the community and impact on public utility facilities. The Planning and Zoning Commission shall review the application and shall report to the Board of Aldermen the Planning and Zoning Commission's recommendations for approval, disapproval or modification of the proposed conditional use and site development

plan.

- C. Upon receipt of the recommendation of the Planning and Zoning Commission, or if no recommendation is received, upon the expiration of the sixty-day review period, the Board of Aldermen shall schedule and conduct a public hearing on the proposed conditional use and site development plan after having given notice of time, place and purpose of the hearing by publication at least once in a newspaper of general circulation within the City which publication shall appear at least fifteen (15) days prior to the date of the hearing. The Board of Aldermen may continue the hearing from time to time without further publication upon designation at the hearing of the time and place of the continuation and notation of such continuation in the minutes of the Board of Aldermen.
- D. Upon conclusion of the hearing, the Board of Aldermen shall determine whether the proposed conditional use and site development plan will: substantially increase traffic hazards or congestion; substantially increase fire hazard; adversely affect the character of the neighborhood; adversely affect the general welfare of the community; overtax or adversely impact public utilities. If the findings of the Board of Aldermen are negative as to all of the above subjects, the Board of Aldermen shall approve by ordinance the conditional use permit together with such site, use and operational conditions as may be imposed and specified. If the findings of the Board of Aldermen are affirmative as to any of the above subjects, the Board of Aldermen shall disapprove the conditional use.
- E. Proposed construction or development of a conditional use approved pursuant to this Section shall commence within one (1) year of the date of approval by the Board of Aldermen of the conditional use and site development plan or the approval shall lapse and be void.
- F. Any approved conditional use shall continue to be used and operated in accordance with any conditions imposed at the time of approval, provided that the holder of a conditional use permit may apply for modifications of the conditions in accordance with the procedures provided for an original conditional use permit application.

Section 400.450 Continuance of Use.

The lawful use of a building or land existing at the time of the effective date of this Chapter may be continued, although such use does not conform to the provisions of this Chapter; provided that in the event of any change, extension or alteration of the non-conforming use, the right to continue the non-conforming use shall lapse and thereafter the use of the building or land shall conform in all respects to the requirements of this Chapter.

Section 400.460 Discontinuance.

- A. In the event that any non-conforming use or use of a non-conforming building is discontinued for a period of one hundred eighty (180) days, the same shall be deemed to be abandoned and thereafter the use or building shall conform to the requirements of this Chapter for the zoning district in which the use or building is located. Such discontinuance may be evidenced by either:
1. Vacancy of the premises; or
 2. Curtailment of operations constituting the non-conforming use for the requisite period.

Section 400.470 Damage and Restoration.

When a building, the use of which does not conform to the requirements of this Chapter, is damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty percent (50%) of the original structure or fifty percent (50%) of the value of the building as determined by the Code Enforcement Official, the building and use shall not be restored except in conformity with the requirements of this Chapter for the zoning district in which the building and use is situated.

ARTICLE XIV
Administration And Enforcement

**Section 400.480. Code Enforcement Official. [R.O. 2016
§ 400.440; R.O. 2011 § 400.440; Ord. No. 129 § 24,
10-15-2003]**

- A. The City Clerk of the City or one (1) or more other appointees, agencies or entities as may be designated by the Board of Aldermen is hereby designated as the Code Enforcement Official who shall have the duties of enforcing this Chapter and is hereby specifically empowered and directed:
1. To make inspections of buildings and lots as necessary to ascertain compliance with and to enforce provisions of this Chapter;
 2. To issue certificates of occupancy upon compliance of lands, buildings and open spaces with the requirements of Section 400.490 and this Chapter;
 3. To notify in writing, if any violations of the provisions of this Chapter are found, persons responsible for such violation. In giving notification, the Code Enforcement Official shall indicate the nature of the violation and order the action necessary to correct the violation. The Code Enforcement Official shall order discontinuation of any illegal use of land, buildings or structures, removal of illegal buildings or structures or of illegal additions or alterations, discontinuance of any illegal work being done, or take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions;
 4. To cooperate with the City Attorney in the instituting of appropriate actions or proceedings to prevent unlawful erection, conversion, enlargement, reconstruction or structural alteration of any building or unlawful occupancy or use; to restrain, correct or bate such unlawful action;
 5. To cooperate with other officials to the extent such officials have responsibility for administration and enforcement of the Building Code or other similar codes and ordinances to the end that provisions of this Chapter are complied with and efficiently and professionally administered; and
 6. To assist the Board of Aldermen and perform such other duties as the Board of Aldermen may determine.

Section 400.490. Certificates Of Occupancy. [R.O. 2016 § 400.450; R.O. 2011 § 400.450; Ord. No. 84-2 Art. XI § 4, 1-4-1984; Ord. No. 97-15 § 2, 5-21-1997; Ord. No. 01-51 § 1, 6-6-2001; Ord. No. 129 § 25, 10-15-2003; Ord. No. 135 § 1, 11-19-2003; Ord. No. 160 § 1, 10-20-2004]

- A. No land shall be used and no building erected, converted, enlarged, reconstructed or structurally altered after the effective date of this Chapter shall be occupied in whole or in part until a certificate of occupancy is issued by the Code Enforcement Official stating that the use or building complies with the requirements of this Chapter and of the ordinances of the City. Issuance of the certificate of occupancy may include prior review by the officials designated by the City Clerk to administer the City Building Code and by officials of the applicable fire district.
- B. Certificates of occupancy for newly built or altered premises shall be applied for coincidentally with the application for a building permit and shall be issued within ten (10) days after the lawful erection, reconstruction or alteration is completed. A record of all building permits and certificates of occupancy shall be kept on file in the City office and copies shall be furnished on request to any person having a proprietary or tenancy interest in the land, building or premises affected.
- C. Whenever the sale of a building results in a change in the ownership or occupancy, or whenever the premises are rented to any first or successor lessee, or whenever there is a change in use of the premises and more than one hundred eighty (180) days has elapsed since the date of the last occupancy inspection of the premises, the buyer or lessee shall be required to possess an occupancy permit in accordance with the provisions of this Section.
- D. The occupancy permit shall not be issued by the Code Enforcement Official until the building or premises has been inspected and the inspector has affixed to the application for such permit an approval that the proposed use and any buildings or structures involved comply in all respects with the provisions of the approved building permit or City Building Code. If the Code Enforcement Official finds that the use is in compliance with all applicable provisions of this Section and all other applicable City ordinances, he or she may issue said occupancy permit.
- E. The Code Enforcement Official may issue a temporary, thirty-day occupancy permit for a part of a commercial building or for

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temporary occupancy of a residential premises pending completion of construction or repairs provided the proposed use complies with all applicable requirements of the City ordinances.

- F. The inspection fee established in Section 400.500 of this Chapter shall include one (1) reinspection, if required as a result of deficiencies noted in the original inspection. Additional and subsequent inspections required by the Code Enforcement Official in order to verify compliance shall be made only after deposit of a new fee.
- G. No provision contained in this Section shall be interpreted as restricting the right of a seller or lessor to make application and pay the fee for an inspection and occupancy permit.

Section 400.500. Fees And Deposits. [R.O. 2016 § 400.460; R.O. 2011 § 400.460; Ord. No. 84-2 Art. XI § 5, 1-4-1984; Ord. No. 98-8 § 1, 4-1-1998; Ord. No. 01-51 § 1, 6-6-2001; Ord. No. 129 §§ 25 – 26, 10-15-2003; Ord. No. 160 § 2, 10-20-2004; Ord. No. 212 § 4, 4-5-2006; Ord. No. 504 § 1, 9-7-2016]

- A. The fees and deposits for applications, filings, City review, and exceptions and appeals therefrom pertaining to the City's regulation of land use are established as follows:
1. Zoning Code. Filing fees for the various procedures and petitions addressed in Chapter 400, being the City's Zoning Code, and any amendments thereto, to be submitted by applicants at the time of submission of the applicable application shall be as follows:

Application/Permit	Amount Of Fee/ Deposit	Zoning Code Reference
1. Rezoning	\$250.00 plus \$50.00 per acre or part thereof	§ 400.550
2. Text amendments	\$250.00	§ 400.550
3. Site plan approval	\$100.00 plus \$20.00 per acre or part thereof	§§ 400.170, 400.230, 400.370
4. Conditional use permit	\$250.00	§§ 400.420 — 400.430

	Application/Permit	Amount Of Fee/ Deposit	Zoning Code Reference
5.	Board of Adjustment (appeals/ variances)	<p>Single Family Residential</p> <p>\$50.00 for all acreage</p> <p>Commercial and Multi-Family Residential</p> <p>\$100.00 for less than 1/4 acre</p> <p>\$150.00 for 1/4 acre and up to but less than 1/2 acre</p> <p>\$200.00 for 1/2 acre and up to but less than 1 acre</p> <p>\$300.00 for 1 acre or more</p> <p>Signs</p> <p>\$100.00 for signs</p>	<p>§ 400.580</p> <p>§ 400.580</p> <p>§ 410.150</p>
6.	Building permit	<p>\$80.00 (residential)</p> <p>\$150.00 (commercial — new construction/ addition)</p> <p>\$85.00 (commercial — alteration/tenant finish)</p> <p>\$150.00 (demolition for residential/ commercial)</p>	§ 500.020

Application/Permit	Amount Of Fee/Deposit	Zoning Code Reference
7. Occupancy permit (inspections)	\$150.00 initial inspection, including 1 reinspection, if required	§ 400.490
7. Occupancy permit	\$100.00 each additional reinspection	§ 400.490
8. Administrative permit (telecommunications)	\$500.00	§ 400.440(D)(8)(f)
9. Development plan or planned residential district approval	\$1,500.00	§§ 400.340, 400.440
10. Customary home occupation	\$25.00	§§ 400.130, 400.190
11. Special business permit procedure	\$250.00	§§ 400.130, 400.180

2. Subdivision Code. Filing fees for the various procedures and petitions addressed in Chapter 405, being the City's Subdivision Code, and any amendments thereto, to be submitted by applicants at the time of submission of the applicable application shall be as follows:

Application/Permit	Amount Of Fee/Deposit	Subdivision Code Reference
1. Subdivision (filing of preliminary plat)	\$1,500.00	Ch. 405
2. Boundary adjustment	\$250.00	Ch. 405
3. Improvement guarantee review	\$200.00	Ch. 405 (§ 89.410, RSMo.)
4. Land disturbance permit	Per St. Louis County	§ 407.020

Application/ Permit	Amount Of Fee/ Deposit	Subdivision Code Reference
5. Excavation and grading permit	\$100.00	Chapter 515

3. Sign Code. Filing fees for the various procedures and petitions addressed in Chapter 410, the City's Sign Code, to be submitted by applicants at the time of submission shall be as follows:

Application/ Permit	Amount Of Fee/ Deposit	Sign Code Reference
1. Permanent	\$100.00 (commercial)	§ 410.050
	\$50.00 (residential)	§ 410.030
2. Temporary	\$75.00 (commercial)	§ 410.050
	\$50.00 (residential)	§ 410.030

B. Fee Administration.

1. The filing fees and deposits set forth in Subsection (A) of this Section shall be paid in anticipation of the City's expenses incurred in processing the application or submission at issue, including, but not limited to, administrative and clerical costs, costs of title research, surveys, legal, engineering and planning review, cost of traffic and planning consultants employed by the City, publication expenses, expenses of notification to adjoining property owners, expenses of hearings including rental of a hall, if necessary, court reporter, if requested by either the City or the applicant, and other investigations deemed necessary by the City. Processing and all other actions related to the application or submittal shall not proceed until the applicable fee is paid in full.
2. In the event the fee or deposit noted are insufficient to pay all such expenses incurred by the City, the City Clerk may document additional costs incurred by the City and request payment of same as soon as possible but not to exceed thirty (30) days. Processing and all other actions related to the application shall not proceed until such additional sums are

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paid in full. Any and all unused portions of any additional sums required under this Section shall be refunded to the applicant upon request. Appeals from any decision hereunder shall be taken pursuant to Chapter 150 of the Municipal Code.

3. The Planning and Zoning Commission and the Board of Adjustment may adopt fees for processing matters that come before those entities where the fees are not otherwise provided by ordinance. Such fees may not exceed two hundred fifty dollars (\$250.00) for commercial matters and one hundred dollars (\$100.00) for residential matters. A schedule of such fees shall be filed with the City Clerk, at which time they shall become effective.

Section 400.510. Violations And Penalties. [R.O. 2016 § 400.470; R.O. 2011 § 400.470; Ord. No. 84-2 Art. XI § 6, 1-4-1984; Ord. No. 129 §§ 25, 28, 10-15-2003]

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this Chapter or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the City of Twin Oaks, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo.
- B. 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

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which any such violation shall exist shall be guilty of an ordinance violation punishable as set forth in Section 100.220.

- C. 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).
- D. Each of the remedies, fines and imprisonments set forth in this Section shall be cumulative and not exclusive remedies.

Article XV
Planning and Zoning Commission

Section 400.520 Membership.

[R.O. 2016 § 400.480; R.O. 2011 § 400.480; Ord. No. 84-2 Art. XII § 1, 1-4-1984; Ord. No. 97-14 § 1, 5-21-1997; Ord. No. 99-29 § 1, 9-1-1999; Ord. No. 01-52 § 1, 6-6-2001; Ord. No. 129 § 28, 10-15-2003]

There is hereby created and established a Planning and Zoning Commission for the City to be known as the "Planning and Zoning Commission." The Planning and Zoning Commission shall ~~consist~~ have a membership of not more than ~~fifteen-nine (9-15)~~ nor less than seven (7) members, consisting of seven (7) citizens appointed by the Mayor and approved by the Board of Aldermen, including the Mayor, if the Mayor chooses to be a member; and a member of the Board of Aldermen selected by the Board, if the Board chooses to have a member serve on the Planning and Zoning Commission; ~~and not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Board of Aldermen.~~ All citizen members of the Planning and Zoning Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.

Section 400.530 Organization And Operation.

[R.O. 2016 § 400.490; R.O. 2011 § 400.490; Ord. No. 84-2 Art. XII § 2, 1-4-1984; Ord. No. 97-14 § 2, 5-21-1997; Ord. No. 97-33 § 1, 11-5-1997; Ord. No. 99-29 § 2, 9-1-1999; Ord. No. 129 § 28, 10-15-2003]

The Planning and Zoning Commission shall elect its Chair and Secretary from among the citizen members. The term of Chair and Secretary shall be for one (1) year with eligibility for reelection. The Planning and Zoning Commission shall hold regular meetings and special meetings as provided by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records. The Planning and Zoning Commission may request authority from the Board of Aldermen to contract with City planners and other professional persons for the services that it requires. All expenditures therefor shall be subject to prior approval by the Board of Aldermen.

Section 400.540 Meeting Times.

[R.O. 2016 § 400.500; R.O. 2011 § 400.500; Ord. No. 96-6 §§ 1 — 3, 2-7-1996; Ord. No. 98-6 § 1, 3-18-1998; Ord. No. 84 § 1, 6-5-2002; Ord. No. 129 § 28, 10-15-2003; Ord. No. 347 § 1, 9-7-2011]

- A. The regular meeting of the Planning and Zoning Commission shall be held on the fourth Tuesday of each month unless continued for lack of a quorum, or on the call of the Chair. The meeting will be held at the City office.
- B. The Chair and/or the City Clerk may cancel, continue or reschedule any regular meeting of the Planning and Zoning Commission or may call special meetings of the Planning and Zoning Commission; provided, however, that the provisions of Section 610.010 et seq., RSMo., (open meetings) shall be followed with reference to all regularly scheduled and special meetings of the Planning and Zoning Commission.

- C. Planning and Zoning Commission meetings may be mechanically recorded or minutes shall otherwise be prepared by the Planning and Zoning Commission Secretary. Minutes shall be available to the Board of Aldermen immediately upon preparation and approval by the Planning and Zoning Commission and shall further constitute an open and public record of City business. Mechanical recordings of a meeting shall be retained until all actions taken at said meeting are complete and final or until verbatim transcription is required, whichever shall first occur.

ARTICLE XVI
Amendments

Section 400.550. Procedural Requirements. [R.O. 2016 § 400.510; R.O. 2011 § 400.510; Ord. No. 84-2 Art. XIV § 1, 1-4-1984]

The Board of Aldermen may from time to time, on its own motion or on petition of the Planning and Zoning Commission or any person having an interest in the property involved, amend, supplement, change, modify or repeal by ordinance the regulations or districts herein or subsequently established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Planning and Zoning Commission for its recommendation and report. If the Planning and Zoning Commission makes no report within forty-five (45) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. Upon receipt of the report by the Planning and Zoning Commission, the Board of Aldermen shall hold a public hearing, fifteen (15) days' notice of the time and place of which shall have been given by publication in a newspaper having general circulation within the City of Twin Oaks. In case of written protest against any proposed amendment, supplement, change, modification or repeal signed and acknowledged by the owners of thirty percent (30%) or more, either of the area of the land (exclusive of streets and places) included in such proposed amendment, supplement, change, modification or repeal, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed is received by the Board of Aldermen, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the Board of Aldermen.

Article XVII

Board of Adjustment

Section 400.560 Board of Adjustment — Created.

- A. A Board of Adjustment is hereby established. The Board of Adjustment shall consist of five (5) members, all of whom shall be residents of the City appointed by the Chair of the Board of Aldermen and approved by the Board of Aldermen. The term of office of the members of the Board of Adjustment shall be five (5) years excepting that the membership of the first Board of Adjustment appointed shall serve respectively for terms of one (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; one (1) for four (4) years; and one (1) for five (5) years. Thereafter, members shall be appointed for terms of five (5) years each. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Board of Aldermen of the City upon written charges and after a public hearing. Up to three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members.
- B. The Board of Adjustment shall elect its own Chair and Vice Chair who shall serve for one (1) year. The Board of Adjustment shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Article.

Section 400.570 Meetings.

- A. Meetings of the Board of Adjustment shall be held at the call of the Chair and at such other times as the Board of Adjustment may determine. Such Chair, or in his or her absence the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public.
- B. The Board of Adjustment shall keep minutes of the proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City and shall be a public record. All testimony, objections thereto, and rulings thereon shall be taken down by a reporter employed by the Board of Adjustment for that purpose.

Section 400.580 Appeals to Board Of Adjustment.

- A. Appeals to the Board of Adjustment may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person or by any officer, department, board or bureau of the City affected by any final decision of the Code Enforcement Official or other official. Such appeal shall be taken within thirty (30) days of the decision appealed from a reasonable time, as shall be prescribed by the Board of Adjustment by general rule, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer

from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with the officer that by reason of the facts stated in the certificate a stay would, in that officer's opinion, cause immediate peril to life or property. In such a case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment, or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

- C. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give not less than fifteen (15) days' public notice thereof in a newspaper of general circulation in the City of Twin Oaks, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney.

Section 400.590 Purpose and Powers Of The Board Of Adjustment.

- A. Purpose. The purpose of the Board of Adjustment is to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the City zoning laws adopted pursuant to Sections 89.010 to 89.140, RSMo., or of any ordinance adopted pursuant to such Sections. Subject only to the general or specific rules in this Article XVII or specific restrictions provided in State law (Sections 89.010 to 89.140, RSMo.), the Board of Adjustment may determine and vary its approval, modification or overturning of a decision appealed from in harmony with its general purpose and intent and appeals therefrom shall be made to the Circuit Court of St. Louis County as hereinafter provided.
- B. Powers. The Board of Adjustment shall have the following powers:
 - 1. To hear and decide all matters referred to it or upon which it is required to pass under such ordinance.
 - 2. To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this Article.
 - 3. To interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of the Master Development Plan.
 - 4. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God or public enemy, to the extent of more than fifty percent (50%) of its reasonable value, where the Board of Adjustment finds some compelling public necessity requiring a continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly.
 - 5. To permit a variation in the yard requirements of any district where there are practical difficulties ~~or unnecessary hardships~~ in carrying out these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare. Before granting a requested variance and before making any finding in a specific case, the Board shall, as appropriate under the

circumstances, determine that applicant has demonstrated that:

- a. There are practical difficulties keeping the applicant from complying with the strict letter of the Zoning Code;
- b. The alleged practical difficulty(ies) relied on by the applicant as a ground for a variance is/are unique to the property and different from that suffered throughout the zone or neighborhood;
- c. The practical difficulty was not the result of the action of the applicant taken subsequent to the effective date of this Zoning Code;
- d. The proposed variance will not have present and future negative effect of the on the subject property or neighboring property;
- e. There will not be a substantial change in the character of the neighborhood if the proposed variance is granted;
- f. The proposed variance will not cause a substantial detriment to the adjoining properties;
- g. The proposed variance will not constitute any change in the Zoning Map, unless herein provided;
- h. The difficulty cannot be avoided by any other method, feasible for the applicant to pursue, other than the variance;
- i. In view of the manner in which the difficulty arose and considering all relevant circumstances, the interest of justice will be served by allowing the variance; and
- ~~a.~~j. The proposed variance will not impair an adequate supply of light and air to adjacent property; will not unreasonably increase the congestion in public streets; will not increase the public danger of fire and safety; will not diminish or impair established property values within the surrounding area; and will not in any other respect impair the public health, safety, comfort, morals and welfare of the City.

Section 400.600 Decision Of Board Of Adjustment.

- A. In exercising the above-mentioned powers, such Board may, in conformity with the provisions of Sections 89.010 to 89.140, RSMo., reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) 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 on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance except as provided in Section 305.410, RSMo.
- B. Every variation granted or denied by the Board of Adjustment shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or

denying the variation.

Section 400.610 Appeals From Board Of Adjustment.

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, 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 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 certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which to 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 the referee's 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 Sections 89.080 to 89.110, RSMo., shall have preference over all other civil actions and proceedings.

Part 1: Definitions & General Discussion

Section 400.080. Definitions.

The following words, when used in this Chapter, shall have the meanings set out herein:

ACCESSORY BUILDING

A subordinate roofed building, enclosed on all sides, clearly incident to and located on the same lot occupied by the principal use or building.

ACCESSORY STRUCTURE

A structure, the use of which is clearly customarily incidental and subordinate to the principal building or use on the same lot. Examples include gazebos, detached pergolas, unenclosed outbuildings, pavilions, arbors, [playground equipment](#), and similar structures.

ACCESSORY USE

A subordinate use clearly incident to and located on the same lot occupied by the principal use or building.

ADULT ENTERTAINMENT ESTABLISHMENT

Any business, premises or establishment, including, without limitation, adult bookstores, adult video stores, adult motion picture theaters, adult mini-motion picture theaters, adult cabarets or adult live performance theaters, which has any of the following:

1. Thirty percent (30%) or more of its annual gross receipts derived from:
 - a. The offering of entertainment, performances, scenes, visual representations or other presentations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined; or
 - b. The offering of stock in trade of [print, digitally produced or reproduced](#) books, magazines, periodicals or other printed matter or photographs, films, motion pictures, [DVDs, video in any format cassettes, DVDs,](#) slides or other [photographic materials or data compilations](#) which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined and instruments, devices or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or
2. Thirty percent (30%) or more of its inventory on hand at any time consisting of stock in trade of books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, DVDs, slides or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined or instruments, devices or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or

Section 400.080. Definitions.

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3. Ten percent (10%) or more of its total floor area allocated to:

- a. The offering of entertainment, performances, scenes, visual representations or other presentations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined; or
- b. The offering, display and storage of stock in trade of books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, DVDs, slides or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas," as herein defined and instruments, devices or paraphernalia designed for use in connection with "specified sexual activities" as herein defined.

BOARD OF ADJUSTMENT

The Board of Adjustment of the City.

BOARD OF ALDERMEN

The Board of Aldermen of the City.

BUFFER STRIP

A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

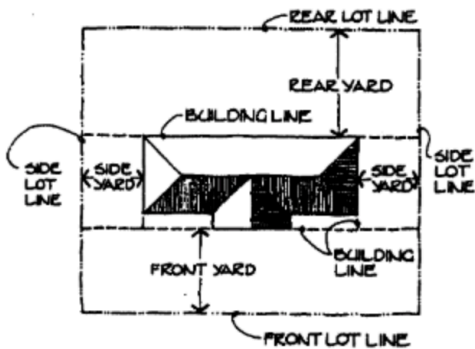
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BUILDING CODE

The duly adopted Building Code of the Village as set forth in Section 500.010 of the Municipal Code of the Village of Twin Oaks, Missouri.

[BUILDING LINE](#)

[See Elevation Line](#)



CARPORT

Section 400.080. Definitions.

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A structure not completely enclosed by walls or doors which is designed or used for the storage of vehicles, whether attached to or detached from the Principal Building. A Carport is not a Private Garage.

CITY

The City of Twin Oaks, Missouri.

CITY CLERK

The duly appointed and serving City Clerk of the City.

CITY ATTORNEY

The duly appointed and serving City Attorney of the City.

CODE ENFORCEMENT OFFICIAL

The person(s) or agency(ies) designated from time to time by the Board of Trustees to enforce this Chapter in accordance with Article XIII, Administration and Enforcement. Throughout this Title IV, the terms "Code Enforcement Official" and "Zoning Enforcement Official" are used interchangeably.

COMMERCIAL VEHICLE

A vehicle as defined in Section 300.010 of the Code and, for the purposes of this Title, being further defined as a vehicle ~~under twenty-seven (27) feet in length~~ that is either commercially used, placquered and/or licensed by the State.

[LIGHT DUTY COMMERCIAL VEHICLE](#)

[A commercial vehicle with a GVWR of less than 14,000 pounds. These vehicles are primarily Class 1-3 vehicles.](#)

[HEAVY DUTY COMMERCIAL VEHICLE](#)

[A commercial vehicle with a GVWR of 14,000 pounds or more. These vehicles are primarily Class 4-9 vehicles but also includes heavy construction equipment, such as excavators, backhoes, bulldozers, dump trucks, graders, and cranes, tracked vehicles, etc.](#)

COURT

An unoccupied space on a lot other than a yard, intended or designated to be partially surrounded by a group of buildings.

COVERAGE

That percentage of the lot area occupied by a building or structure.

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CURB CUT

Section 400.080. Definitions.

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Reduced curb height to facilitate vehicle passage over or across a curb. Curb cut can be an abrupt reduction or may be a tapering reduction for the length of the curb on each side of the means of access.

A portion of the edge of a street in the right-of-way as identified on a plot plan/survey that is used to access a driveway. ~~This space shall be no wider than twenty five (25) feet.~~ In the instance where a curb exists, the curb may need to be adjusted to facilitate vehicular movement taking into account storm water issues.

Commented [A1]: This "definition" would imply that any "access" that is more than 25" wide then it is Not a curb cut, it is something else. Suggest taking the regulation of width out of the definition and add to regulations in the residential districts.

DENSITY

The number of dwelling units per acre of land.

DRIVEWAY

The surfaced portion of a lot constructed for the purpose of access to a garage, attached or detached, on a lot or for the purposes of parking. ~~(NOTE: This definition shall not apply to lots within the Village that did not have a garage as of November 17, 2010. Lots with circular driveways in place as of November 17, 2010, shall also be exempt from compliance with this definition.)~~

[Ord. No. 426 § 1, 4-16-2014]

DRIVEWAY APPROACH or APRON

The portion of the driveway located in the right-of-way between the curb or pavement edge of a public street and the private property line intended to provide access to vehicles from a roadway or a public street to a driveway on private property.

DWELLING, MULTI-FAMILY

A building or portion of a building containing six (6) or more dwelling units.

DWELLING, SINGLE-FAMILY

A freestanding residential building located on a single lot containing not more than one (1) dwelling unit. As used in this Chapter, the term "single-family dwelling" shall include Group Homes and Foster Homes.

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DWELLING, SINGLE-FAMILY ATTACHED

A building containing not more than five (5) dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings.

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DWELLING UNIT

A room or group of rooms physically arranged to create an independent habitable unit having separate sanitary, cooking and sleeping facilities and designed for residential occupancy.

ELEVATION

Section 400.080. Definitions.

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The external face of the principal building or structure on a lot

ELEVATION LINE, FRONT

A line that follows the contours of the elevation of the principal building facing the front lot line and that extends out from the corners of that elevation on a line generally parallel to the front lot line to the lot lines intersecting the applicable front lot line.

ELEVATION LINE, REAR

A line that follows the contours of the elevation of the principal building facing the rear lot line and that extends out from the corners of that elevation on a line generally parallel to the front lot line to the lot lines that intersect (or form a vertex at) the rear lot line.

ELEVATION, FRONT

The elevation of a building that is architecturally designed and constructed as the front façade of a building as determined by the Director.

ELEVATION, REAR

The elevation of a building that is most closely opposite of the front elevation

FAMILY

An individual, or married couple, and the children thereof (including foster care), and no more than two other persons directly related to the individual, or married couple, by blood or marriage. The term "family" may also include not more than three unrelated persons, living together by joint agreement, as a single, not-for-profit, housekeeping unit, utilizing only one kitchen.

FINANCIAL SERVICES

An office establishment or business that primarily performs central banking functions (such as issuing currency, managing national money supply and international reserves, and acting as fiscal agent for the central government) and accepts deposits (or share deposits) and lends funds from these deposits, and which establishment may include these services to patrons and customers through an accessory, drive-through use. Financial services shall also include establishments primarily engaged in one (1) or more of the following: (1) underwriting securities issues or making markets for securities and commodities; (2) acting as agents (i.e., brokers) between buyers and sellers of securities and commodities; (3) providing securities and commodity exchange services; and (4) providing other services, such as managing portfolios of assets; providing investment advice; and trust, fiduciary and custody services. Typical uses include banks, savings associations, savings and loan institutions, investment banking, securities, and brokerages, certified financial planning, accounting, auditing, bookkeeping, and similar services. Financial services does not include Short-term Loan Establishments or pawnbrokers (which are prohibited money changing/money brokering uses).

FOSTER HOME

A private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption.

Section 400.080. Definitions.

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GROUP HOME

A permitted form of single-family residential occupancy in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

FLOOR AREA

The sum of the gross horizontal areas of the floor(s) of a building or buildings measured from the exterior faces of exterior walls.

GARAGE, ATTACHED

A Private Garage which has a roof or wall, or a major portion of a roof or wall, in common with a Dwelling Unit. Where attached to a Dwelling Unit in this manner, the Attached Garage shall be considered part of the Dwelling for purposes of all yard requirements of the Principal Building.

GARAGE, DETACHED

A Private Garage not having a roof or wall, or a major portion of a roof or wall, in common with a Dwelling Unit.

GARAGE, PRIVATE

An accessory building to or a component of a Dwelling Unit, enclosed on all sides and roofed, designed or used for the storage of vehicles owned and used by the occupant of and located on the same lot as the Dwelling Unit and in which no occupation or business is carried on.

GROSS VEHICLE WEIGHT RATING (GVWR)

The maximum operating weight of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers.

HARD SURFACE

Any surface paved with impervious materials such as concrete, asphalt, brick pavers or similar materials, whether pervious or impervious to water.

HEIGHT

For all buildings and structures, other than structures governed by Section 400.400, the vertical distance above the average ground level of the original, undisturbed grade at the foundation corners of a building measured to the highest point of the building.

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HEALTHCARE USES—

HEALTH CARE FACILITY - A building or portion of a building where the establishment is principally engaged in providing services for inpatient and outpatient services for physical health maintenance, diagnosis (including testing) and treatment of human diseases, pain or other physical condition of patients. Care may be provided on a short term or long-term basis.

Section 400.080. Definitions.

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Outpatient services may also be provided as a secondary service. Inherent within this use are laundry and kitchen facilities for patients, cafeterias and gift shops for patients and their visitors, incidental laboratory uses and offices for social, psychological and medical personnel, but not to include a behavioral health care facility or long-term care facility.

MEDICAL OFFICE - A building or portion of a building principally engaged in providing services for health maintenance, diagnosis (including overnight testing) and treatment of human diseases, pain or other physical or mental condition of patients solely on an outpatient basis. No overnight patients shall be kept on the premises. Examples of medical offices shall include but not be limited to general physicians, dentists, chiropractors, psychologists, physical therapist, speech pathologists, cardiologists and other various specialties, but shall not include medical clinics, urgent care centers or behavioral health care facility.

MINUTE CLINIC - An accessory walk-in use within a pharmacy or supermarket for the diagnosis and treatment of common household illnesses such as strep throat and ear, eye, sinus, and other infections; the treatment of minor wounds; abrasions and joint sprains; the injection or ingestion of common vaccinations; wellness services and routine lab tests.

URGENT CARE CENTERS - A medical use in a building or portion of a building, whether private or institution, principally engaged in providing walk-in, extended hour access for acute illness and injury care that is either beyond the scope or availability of the typical primary care practice or medical clinic. Patients shall be served solely on an outpatient basis and no overnight patients shall be kept on the premises.

HOME GROWN PRODUCE SALES

Sale to the public of fresh, uncut produce products raised on land owned and occupied by the resident-seller within the Village of Twin Oaks.

HOME OCCUPATION

An occupation or profession of a service character performed entirely within a dwelling unit which is clearly incidental to the primary residential use of the dwelling unit. To be a permitted use, the Home Occupation must conform to the standards and provisions of Section 400.130.

KENNEL

See Chapter 205.

LOT— A platted parcel of land intended to be separately owned, developed and otherwise used as a unit. The word “lot” shall include the word “plot”, “tract” or “parcel”. The derivations of a lot shall maintain the following definitions.

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

LOT, CORNER — A lot, or portion thereof, situated at the intersection of two (2) or more streets, having an angle of intersection of not more than one hundred thirty-five degrees (135°).

LOT DEPTH — The average distances between the front and rear lot lines.

Section 400.080. Definitions.

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LOT, FLAG — A residential lot with two (2) discernible portions described as follows:

1. Access portion. That portion of the lot having frontage on or abutting a public road, with the frontage being sufficient in width for a private drive to serve the building site portion.
2. Building site portion. That portion of the lot not fronting on or abutting a public road, but connected to a public road by the access portion of the lot.

LOT, INTERIOR — Any lot other than a through or corner lot.

LOT, THROUGH — A lot other than a corner lot which has a street on two (2) opposite sides of the lot (Also known as a “double-frontage” lot).

LOT WIDTH — The horizontal distance between the lot lines perpendicular to the front lot line, measured at right angles to the lot depth at the building lines.

LOT LINE

A line dividing one lot from another, or from a public or private street right-of-way or any other public right-of-way (also see Property Line). The derivations or modifications of a lot line shall maintain the following definitions:

LOT LINE, FRONT

The line separating the lot from the right-of-way of the street on which it fronts.

LOT LINE, REAR

The line or lines that are most closely parallel to the front lot line. On a corner lot in Residential Districts, one side lot line may be established in lieu of a rear lot line; provided that, in no case may the rear lot line that is mostly parallel with the rear elevation of the principal building be established as a side lot line in lieu of the rear lot line. On through lots in the Residential District, one rear lot line may be established in lieu of a front lot line; provided that the rear lot line established in lieu of a front lot line is the line most parallel with the rear elevation of the principal building.

LOT LINE, SIDE

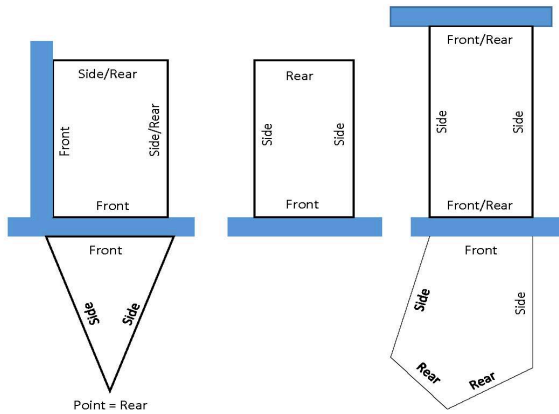
Any lot line that intersects with the front lot line and is not a front lot line or rear lot line. On an interior lot that is triangular in shape, the vertex of the side lot lines is considered to be a rear lot line parallel with the rear elevation of the principal building.

Types of Lot Lines

Commented [A2]: To consider here: On an interior lot fronting a cul-de-sac in the Residential District, the Front Lot line may be set back at a minimum of Twenty-five feet

Section 400.080. Definitions.

Types of Lot Lines



MASTER DEVELOPMENT PLAN

The Amended Master Development Plan for the Village of Twin Oaks approved by the Planning and Zoning Commission by Resolution No. 16, adopted on October 15, 2003, together with such further amendments thereto as may be adopted from time to time in accordance with Chapter 89, RSMo., as amended.

MASTER LANDSCAPING PLAN

The Village of Twin Oaks Landscape Master Plan dated April 2003 prepared by SWT Associates.

MOTOR VEHICLE ORIENTED BUSINESS (MVOB)

Any commercial use or activity which as a principal part of its operations provides goods or services to motor vehicles or occupants of motor vehicles in a short time span or provides goods or services to occupants of motor vehicles remaining within the vehicles. Such uses and activities shall include, by way of illustration and not limitation, convenience stores, filling stations, automobile service stations and car washes, whether singly or in combination, facilities containing drive-up or drive-through operations, and restaurants which as a principal part of operations provide food for off-premises consumption.

NON-CONFORMING USE OR BUILDING

Any use, building or portion of a building lawfully existing at the time of passage of this Chapter (January 4, 1984) or lawfully existing at the time of any amendment to this Chapter which does not conform to the requirements of this Chapter.

NON-CONFORMING USE

Section 400.080. Definitions.

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A use, building or yard existing legally at the time of the passage of this Chapter (January 4, 1984) or any amendment thereto which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated.

OPEN SPACE

Any area of a lot which is completely free of and unobstructed by any structure. Such areas may include walkways, patio areas, bike paths, etc. Other ornamental features such as light poles, trees, shrubs, etc. shall not be considered as occupying the area for purposes of this Chapter.

PARKING SPACE

An area used exclusively for temporary accommodation of one (1) vehicle. It does not include commercial vehicle loading areas.

PARKING PAD

~~A connected addition to an otherwise allowed driveway to facilitate the parking or storage of a licensed automobile, commercial off road and/or recreational vehicle behind the front building elevation line of the structure. The parking pad shall be constructed of the same material as the driveway.~~

PARKING PAD CONNECTOR

~~An addition to an otherwise approved driveway intended to facilitate access to an approved parking pad. A parking pad connector shall be constructed of the same material as the driveway and parking pad.~~

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the Village.

POROUS SURFACE

Any surface consisting of permeable joint pavers or other permeable construction materials.

PRINCIPAL BUILDING

A building or, where the context so indicates, a group of buildings in or on which is conducted the principal use of the lot on which such building is located.

PRINCIPAL USE

The primary use of land or buildings as distinguished from an accessory use.

RECREATIONAL VEHICLE (RV)

~~Any vehicle used for recreation including, but not limited to, motor homes (RVs), campers, boats, ATVs, OHVs, UVs, motorcycles, scooters, golf carts and all other motorized recreational vehicles and including trailers used to convey a recreational vehicle. Often abbreviated as RV, it is a motor vehicle or trailer which includes living quarters designed for accommodation. Types of RVs include motorhomes, campervans, caravans (also known as travel trailers and camper trailers), fifth-wheel trailers, popup campers and truck campers.~~

OFF-ROAD VEHICLES

Any vehicle used for outdoor, off-road recreation including, but not limited to, boats, personal watercraft, ATVs, OHVs, UVs, dirt bikes, scooters, golf carts and all other similar motorized vehicles made for off-road use and including trailers used to convey a off-road vehicle. Off-Road Vehicles does not include Recreational Vehicles.

ALL-TERRAIN VEHICLE (ATV)

See Section 300.010 of the Twin Oaks Municipal Code.

RECREATIONAL OFF-HIGHWAY VEHICLE (OHV)

See Section 300.010 of the Twin Oaks Municipal Code.

UTILITY VEHICLE (UV)

See Section 300.010 of the Twin Oaks Municipal Code.

RESTAURANT

A food service establishment primarily oriented to the service of food, beverages, and other refreshments and includes carry-out incidental to that use.

RESTAURANT, DRIVE-IN OR DRIVE-THROUGH

A restaurant where food, beverages or other refreshments are available for consumption by persons who remain in their automobiles.

RESTAURANT, SERVICE

An establishment whose principal business is the sale of food, frozen desserts or beverages in ready-to-consume individual servings, for consumption on the premises or for carry-out and where:

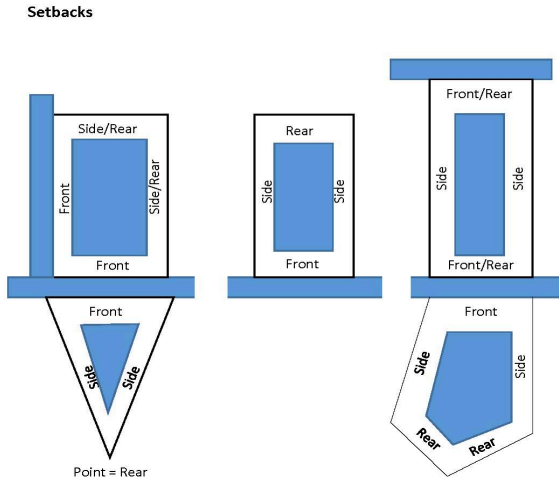
1. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers,
2. There is no drive-up or drive-through service, and
3. The business is principally to serve the occupants and the employees, customers or invitees thereof, in the same building in which the restaurant premises is located or nearby buildings.

SETBACK — The minimum horizontal distance between a lot line and the nearest allowable portion of a building or structure.

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Section 400.080. Definitions.

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SPECIFIED ANATOMICAL AREAS

As used in this Chapter, "specified anatomical areas" means and includes any of the following:

1. Less than completely or opaquely covered human genitals, pubic region, buttocks, anus or female breast area below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

As used in this Chapter, "specified sexual activities" means and includes any of the following:

1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
2. Actual or simulated acts of sexual intercourse, masturbation, sodomy or oral copulation; or
3. Excretory functions as part of or in connection with any of the activities set forth in paragraphs (1) or (2) of this definition.

SHORT-TERM LOAN ESTABLISHMENT

Any business which loans money on a short-term basis to members of the general public as an element of its operation, including businesses offering title loans, payday loans, signature loans and small loans under RSMo Ch. 367 or RSMo 408.500 and other similar businesses. The term "short-term loan establishment" does not include a bank, savings and loan association or credit union that is licensed by the appropriate state or federal agency or a retail credit financing

Section 400.080. Definitions.

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institution that is licensed under RSMo Ch. 364 or Ch. 365 or pawnbrokers governed by RSMo Ch. 367 or retail merchants governed by RSMo Ch. 400, Art. 2) (RSMo 400.2-101—400.2-725).

SHORT TERM RENTAL

The letting or offering for let of a single-family dwelling or single-family attached dwelling, or a portion thereof, to one (1) or more guests for a period of thirty (30) consecutive calendar days or less. Examples include bed-and-breakfast facilities and rentals arranged through Internet marketing or facilitation services.

STREET FRONTAGE

The linear distance which property abuts a public or private street and is measured at the street lot line. When a lot has more than one (1) street lot line, street frontage shall be measured at each such line.

TURNAROUND AREA

A connected addition to an otherwise allowed driveway permitting a vehicle to be backed up and driven forward out of the driveway without having to back down a driveway or onto a public street. The turnaround area shall be constructed of the same material as the driveway.

[Ord. No. 426 § 1, 4-16-2014]

URBAN DESIGN GUIDELINES

The Urban Design Guidelines of the Village the City adopted by the Board of Trustees in Appendix A to Title IV of the Village Code, together with amendments thereto as adopted from time to time by the Board of Trustees in accordance with Chapter 89, RSMo., as amended.

USED MERCHANDISE STORE

An establishment or place of business primarily engaged in the retail sale of used merchandise or secondhand goods, such as used clothes, antiques, secondhand books or rare manuscripts, or items of architectural salvage, but not including used cars or other motorized vehicles.

YARD — The open area or space that is unobstructed, except as specifically permitted in this Code, and that is located on the same lot as the principal building. The derivations of yard shall maintain the following definitions.

Commented [A3]: Moved to regulations. 400.390.A.1.c

Commented [A4]: Compare with Resolution 16 – Master Development Plan (2003) which includes

Section 400.080. Definitions.

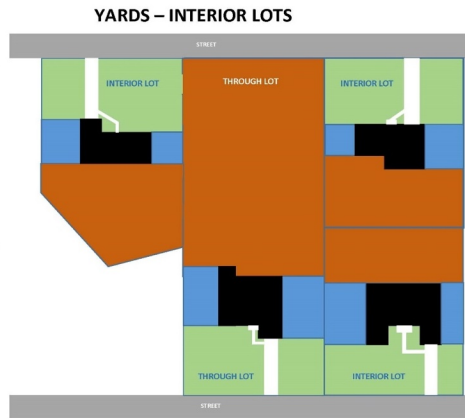
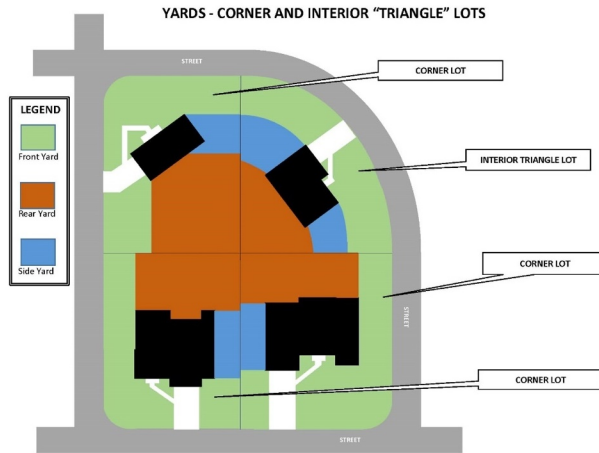
Page 14 of 15

YARD, FRONT — The front yard shall be that portion of a lot adjacent to any street and bounded by the front lot line (or lines), the lot lines intersecting the front lot line(s), and the Front Elevation Line.

YARD, REAR — The rear yard shall be that portion of a lot adjacent to the Rear Lot Line (or lines) and bounded by the Rear Lot Line, the lot lines intersecting the Rear Lot Line(s), and the Rear Elevation Line. In cases where the Rear Elevation Line is overlapped by the Front Elevation Line (such as Corner Lots or lots with buildings not parallel with the Front Lot Line), the Rear Yard shall be bounded by the Rear Lot Line, the lot lines intersecting the Rear Lot Line(s), and the Front Elevation Line.

YARD, SIDE — The side yard shall be that portion of a lot between the principal building and the adjacent lot line that is not considered a front yard or back yard.

YARD, REQUIRED— The yard or portion of the yard located between the lot line and the required setback established by the zoning district in which the lot is located.



ZONING DISTRICT MAP

The Zoning Map [dated March 28, 2017](#) of the Village approved [here](#) by Ordinance No. 84 10, adopted on June 20, 1984, and as further amended from time to time by the Board of Aldermen in accordance with this Chapter, delineating the various zoning districts applying to all real property within the corporate limits of the City.

Commented [A5]: Need to adopt the newest zoning map

Section 400.080. Definitions.

