

**CHAPTER 9  
PLANNING AND ZONING  
TABLE OF CONTENTS  
(UPDATED 9-28-09)**

**Article I. Title, Purpose & Intent**

9.005. Title	Pg. 5
9.010. Purpose	Pg. 5
9.015. Intent	Pg. 5
9.020. Abrogation and greater restrictions	Pg. 6
9.025. Severability	Pg. 6
9.030. Jurisdiction	Pg. 6
9.035. Authority	Pg. 6
9.040. Force and Effect	Pg. 6

**Article II. General Provisions**

9.050. Compliance Required	Pg. 6
9.055. Public Hearings and Permits Required	Pg. 7
9.060. Heights, Limits	Pg. 7
9.065. Area, Yard and Density Limitations	Pg. 7
9.070. Lot and Building Placement	Pg. 7
9.075. Accessory Use Provisions	Pg. 7
9.080. Off-Street Parking and Loading Provisions	Pg. 7
9.085. Cooperatives and Condominiums Included	Pg. 8
9.090. Utility Provisions and other requirement	Pg. 8
9.100. Temporary uses	Pg. 8
9.105. Unclassified uses	Pg. 8
9.106. Site Plan Submission Review Required	Pg. 8

**Article III. Definitions**

9.110. General Interpretation	Pg. 9
9.115. Definitions	Pg. 9

**Article IV. Districts & District Use Regulations**

9.120. Districts Established	Pg. 15
9.125. Districts Boundaries	Pg. 16
9.130. Summary of Zoning Districts and Uses	Pg. 16
9.135. Agricultural Zoning District (A-1)	Pg. 16
9.140. Permitted uses	Pg. 17
9.145. Conditional uses	Pg. 17
9.150. Drainage	Pg. 18
9.155. R-1, Density Residential District	Pg. 18
9.160. Permitted uses	Pg. 18
9.165. Conditional uses	Pg. 19
9.166. R-1 MD, Moderate Density Residential District	Pg. 19
9.167. Permitted uses	Pg. 19
9.168. Conditional uses	Pg. 20
9.170. R-2, Moderate Density Residential District	Pg. 20
9.175. Permitted uses	Pg. 20

9.180. Conditional uses	Pg. 21
9.185. R-3, High Density Residential District	Pg. 21
9.190. Permitted uses	Pg. 21
9.195. Conditional uses	Pg. 22
9.200. O-1, Office District	Pg. 22
9.205. Permitted uses	Pg. 22
9.210. Conditional uses	Pg. 23
9.215. C-N, Neighborhood Commercial District	Pg. 23
9.220. Permitted uses	Pg. 24
9.225. Conditional uses	Pg. 24
9.230. General Commercial District	Pg. 25
9.235. Permitted uses	Pg. 25
9.240. Conditional uses	Pg. 27
9.241. Planned Commercial, General Regulations	Pg. 28
9.242. Review Plan-Scope & Intent	Pg. 30
9.243. Final Plan	Pg. 30
9.244. Planned Commercial Developments, Requirements	Pg. 31
9.224.1 Conflicting Requirements	Pg.31
9.244.2 Planned Commercial Developments	Pg. 31
9.244.3 Permitted Uses	Pg. 32
9.244.4 Conditional Uses	Pg. 33
9.244.5 Prohibited Uses	Pg. 33
9.245. I-L, Light Industrial District	Pg. 33
9.250. Permitted uses	Pg. 34
9.255. Conditional uses	Pg. 36
9.260. I-G, General Industrial District	Pg. 36
9.265. Permitted uses	Pg. 36
9.270. Conditional uses	Pg. 39
9.275. F-P, Flood Plan Overlay District	Pg. 39
9.280. Special Provisions	Pg. 39
9.285. Permitted uses	Pg. 40
9.290. Conditional uses	Pg. 40
9.292.1 General Regulations for APC and API District	Pg. 40
9.292.2 Airport Planned Commercial Development	Pg. 44
9.292.3 Airport Planned Industrial Developments	Pg. 45
9.292.4 Conflicting Requirements	Pg. 45
9.293. A.P.C. -Airport Planned Commercial District	Pg. 45
9.294. A.P.I. – Airport Planned Industrial District	Pg. 48
9.294.1 A.A.D.-Airport Approach and Departure District	Pg. 49
<b>Article V. Other Use Regulations</b>	
9.295. Area Regulations	Pg. 50
9.297. Minimum Lot Size, Compliance Alternative	Pg. 51
9.298. Lot Size Transition Calculation	Pg. 52
9.300. Height and Yard regulations	Pg. 53
9.335. Exceptions to Height limits	Pg. 55
9.337. Special Provisions, Airports and Heliports	Pg. 55

9.338.	Special Provisions, Pervious Surface	Pg. 56
9.339.	Accessory Buildings & Uses	Pg. 56
9.342.	Permitted Home Occupations /Professional Offices	Pg. 57
9.345.	Public and Semi Public Uses	Pg. 57
9.350.	Nonconforming Uses	Pg. 58
9.355.	Certification of Nonconforming Use	Pg. 59
9.360.	Conditional Use Permit	Pg. 59
9.365.	Off-Street Parking and Loading Standards	Pg. 60
9.370.	Mobile Home Parks	Pg. 63
9.375.	Planned Residential Development, Special Prov.	Pg. 64
9.375.5	Variations and Limitations	Pg. 65
9.380.	Procedure	Pg. 66
9.385.	Detailed Development Plan, Scope & Content	Pg. 67
9.390.	Conveyancing	Pg. 68
9.395.	Administration and Enforcement	Pg. 68
9.395.1	Board of Aldermen	Pg. 68
9.400.	Planning and Zoning Commission	Pg. 69
9.405.	Board of Adjustment	Pg. 70
9.410.	Administrative Officer	Pg. 71
9.415.	Administrative Officer, Duties	Pg. 72
9.420.	Permits	Pg. 73
9.420.1	Requirements	Pg. 73
9.425	Completion of Existing Buildings	Pg. 73
9.430.	Issuance, Posting and Revocation	Pg. 73
9.435.	Certificates of Occupancy	Pg. 75
9.440.	Amendment of Regulations and Zoning District	Pg. 75
9.445.	Violations and Penalties	Pg. 77
9.500.	Signs	Pg. 77
9.510.	Definitions	Pg. 78
9.520.	Permitting	Pg. 78
9.521.	Permit Required	Pg. 78
9.522.	Permit Application	Pg. 78
9.523.	Permit Issuance	Pg. 79
9.524.	Permit Expiration	Pg. 79
9.525.	Permit Revocation	Pg. 79
9.530.	Exempt Signs	Pg. 79
9.540.	Signs in Agriculture and Residential zones	Pg. 81
9.541.	Residential Development Signs	Pg. 81
9.545.	Business Signs	Pg. 82
9.549.	Temporary Signs	Pg. 82
9.550.	Signs in Commercial and Industrial District	Pg. 82
9.551.	Freestanding or Projecting Signs in Develop.	Pg. 82
9.554.	Freestanding or Projecting Signs for Business	Pg. 83
9.556.	Business Signs	Pg. 83
9.556.1	Maximum Façade Sign Area	Pg. 83
9.556.2	Maximum Freestanding Sign Area	Pg. 83

9.556.3 Parapet Mounted Sign Area	Pg. 84
9.556.4 Maximum Projecting Sign Area	Pg. 84
9.556.5 Maximum Suspended Sign Area	Pg. 84
9.556.6 On Premise directional signs	Pg. 84
9.556.7 Off Premise directional signs	Pg. 84
9.560. General Sign Regulations	Pg. 84
9.560.1 Sign Illumination	Pg. 84
9.560.2 Measurement of sign area	Pg. 84
9.560.3 Maximum sign height	Pg. 85
9.560.4 Measurement of Sign Height	Pg. 85
9.560.5 Condition and Maintenance	Pg. 85
9.560.6 Electronic Message signs	Pg. 85
9.560.7 Setbacks	Pg. 86
9.560.8 Vehicle Clearance Area	Pg. 86
9.560.9 Setbacks at intersection	Pg. 86
9.560.10 Frontage	Pg. 86
9.563. Prohibited Signs	Pg. 86
9.570. Specific Sign Requirements	Pg. 87
9.571. Billboards	Pg. 87
9.573. Freestanding Signs	Pg. 88
9.575. Parapet-Mounted Signs	Pg. 89
9.576. Projecting Signs	Pg. 89
9.577. Suspended Signs	Pg. 89
9.579. Temporary Signs	Pg. 90
9.580. Nonconforming Signs	Pg. 90
9.590. Enforcement, Abatement, Penalty	Pg. 91
9.591. Abatement of Violations	Pg. 92
9.592. Penalty	Pg. 92
9.593. Appeals to Board of Adjustment	Pg. 93
9.594. Approval of Variance	Pg. 93
9.596. Removal of unlawful signs	Pg. 94
Appendix A Sign Area Chart	Pg. 96
Appendix B Sign Permit	Pg. 98

**CHAPTER 9  
PLANNING AND ZONING**

**Article I. Title, Purpose and Intent**

**9.005. Title**

This Ordinance shall be known as the Zoning Ordinance of the City of Ashland, Missouri.

**9.010. Purpose**

This ordinance is adopted to promote and protect public health, safety, comfort, convenience, prosperity and general welfare. More specifically, it is intended to fix reasonable standards to which buildings and structures shall conform, to regulate and restrict lot coverage and population density, to conserve the value of land and buildings in all areas of the city, to guide the proper distribution and location of various land uses, to promote the safety and efficiency of the streets and roads, to provide for adequate light, air, sanitation and drainage, to conserve natural resources, to provide safety from fire and other hazards, to define the powers and duties of the administrative bodies provided hereinafter, and to prescribe penalties for violation of the provisions of this ordinance or any amendment hereto.

**9.015. Intent**

These regulations are based upon the Comprehensive Plan of the City of Ashland, as adopted by the Board of Aldermen and on amendments thereto. The Comprehensive Plan includes estimates of population growth, land use surveys, a land use plan, plans for major thoroughfares, community facilities, public services and utilities and other components.

The need for public services and facilities in both scale and location depends upon the character and intensity of land use. Regulation of the use of land is fundamental to coordinated, orderly growth and to the development of the city.

The Zoning District Map indicates existing or probable development and does not, in all cases, reflect a present use of land.

The Zoning Ordinance is not intended to assess, nor to influence the assessment of the value of properties.

**9.020. Abrogation and greater restrictions**

This ordinance is not intended to repeal, impair or abrogate private covenants, deed restrictions or easements, except that where this ordinance imposes greater restrictions, its provisions shall prevail.

The provisions of this ordinance shall be held to be minimum requirements, shall be construed in favor of the ordinance, and shall not be deemed a limitation or repeal of any other power.

All other regulations or parts of regulations of the city inconsistent with this ordinance, to the extent of the inconsistencies only, are hereby repealed.

Whenever any other statute, order, ordinance, or regulation imposes a superior mandate or higher standards than are required by these regulations, the provisions of such statute, order, ordinance or regulation shall prevail.

#### **9.025. Severability**

Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be invalidated thereby. Similarly, should any portion of the Zoning District Map be held invalid, the remainder of said map shall not be invalidated thereby.

#### **9.030. Jurisdiction**

These regulations apply to all lands within the City of Ashland, Missouri.

#### **9.035. Authority**

These regulations are adopted pursuant to the provisions of Chapter 89 of the Revised Statutes of Missouri, 1986, and all amendments thereto.

#### **9.040. Force and Effect**

Following passage by the Board of Aldermen of the City of Ashland, Missouri, this ordinance shall be in full force and effect upon adoption, or at such other time as the Board shall direct.

### **Article II. General Provisions**

#### **9.050. Compliance Required**

No structure or land shall hereafter be used without full compliance with the provisions of this ordinance and all applicable local, county and state regulations. No structure or part thereof, with the exception of certain minor structures as may be designated herein, shall hereafter be located, erected, moved, reconstructed or altered and no substantial land use change made except in accord with these regulations.

### **9.055. Public Hearings and Permits Required**

Certain of these provisions require the issuance of permits or attainment of certificates of compliance herewith. Similarly, certain of the actions of the administrative and legislative bodies herein described require the conduct of public hearings under specified procedures for proper public notice, all as provided herein or as contained in relevant Missouri statutes.

### **9.060. Height Limits**

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.

### **9.065. Area, Yard and Density Limitations**

The area, yard and density regulations herein are regarded as the minimum regulations for each and every building existing in the effective date of this ordinance, and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for any other building.

### **9.070. Lot and Building Placement**

Every building hereafter erected or structurally altered shall be located on a lot as herein defined and there shall be no more than one main building on a lot, except as otherwise provided by this ordinance.

### **9.075. Accessory Use Provisions**

Accessory buildings and uses customarily incidental to a permitted use shall be permitted, subject to the requirements hereinafter designated for the district in which they are located. Accessory buildings, structures and uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, unless expressly authorized.

### **9.080. Off-Street Parking and Loading Provisions**

No building shall be erected or structurally altered to an extent greater than specifically provided hereinafter, except in conformity with the off-street parking and loading regulations of this ordinance.

### **9.085. Cooperatives and Condominiums Included**

Cooperatives, condominiums and other forms of property ownership do not alter the provisions of these regulations and all requirements shall be observed as though the property were under single ownership, except as otherwise expressly provided herein.

### **9.090. Utility Provisions and Other Requirements**

All buildings and uses subject to these provisions are also subject to all regulations pertaining to sanitary sewerage, water supply, drainage and storm water management, erosion and sediment controls, access, land subdivision or other public utility, services and land development regulations separately enacted by the Board of Aldermen, or by other competent authority having jurisdiction.

### **9.100. Temporary Uses**

Temporary uses such as a real estate development or a sales field office, or a shelter for materials and equipment being used in the construction of a permanent structure, may be permitted by the Planning and Zoning Commission or its designee.

### **9.105. Unclassified Uses**

In case of uncertainty as to the classification of a use, the question shall be submitted to the Board of Adjustment for determination.

### **9.106. Site Plan Submission, Review Required**

Any development proposed on land within any district, except R-1, AAD, APC, API Airport District as described herein shall have a site plan submitted to the City's Planning and Zoning Commission for review and consideration for approval.

Site plans submitted for developing lands within the aforementioned districts shall:

- a) Meet the standards of the City of Ashland's Long Range Plan.
- b) Comply with all regulations for surface water drainage control and floodplain management.
- c) Comply with any and all applicable local, state and federal ordinances, rules, statutes, laws, regulations and requirements.
- d) Be submitted at least Thirty (30) calendar days prior to the Planning and Zoning Commission meeting. (amended Council Bill No. 2006-059, 1-02-2007) (amended Council Bill No. 2008-010, 2-18-2008)

The Planning and Zoning Commission shall provide written reasons for disapproving submitted site plans on a case-by-case basis. Site plan disapproval decisions made by the Planning and Zoning Commission can be appealed to the Board of Adjustments as outlined in 10.160.

## Article III. Definitions

### 9.110. General Interpretation

Except as defined herein, all words used in this ordinance shall carry the meanings given in Webster's Unabridged Third New International Dictionary or a dictionary based thereon.

The following rules of construction shall apply to this ordinance: the particular shall govern the general; in case of any difference of meaning or implication between the text of this order and any caption, table or illustration, the text shall control; the word "shall" is always mandatory, whereas the word "may" is permissive; words used in the past tense shall include the future; words used with a singular number shall include the plural, and the plural shall include the singular, unless the text clearly indicates otherwise; "building" or "structure" includes any part thereof; the phrase "used for" includes "intended," "designed" or "arranged for," the word "person" includes an individual, a corporation, a partnership, and incorporated association, or any other similar entity; the masculine gender includes the feminine and neuter.

### 9.115. Definitions

**Accessory Building:** A subordinate building, or portion of a main building, the use of which is incidental and customary to the main building or use on the same lot.

**Accessory Use:** A subordinate use, which is incidental and customary to the principal use on the same lot.

**Administrative Officer:** The officer designated by the Board of Aldermen to administer and enforce these regulations, in the manner hereinafter provided.

**Agricultural or Farming Activity:** The planting, cultivating, and harvesting of grains, hay, forest products, or plants commonly grown in Boone County. Under this definition, the storage of crops, grains, feeds or other products shall be limited to those raised on or intended to be consumed on the premises. The raising and/or feeding of livestock, fish and poultry shall be considered an agricultural activity when it is incidental or correlative to the raising of crops. A minimum of five (5) acres shall be required for agricultural or farming activity for the purposes of these regulations.

**Apartment: See Dwelling Unit.**

**Automobile Service Station:** Any land, building, structure or premises used for the sale at retail of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the rebuilding or replacing of motors, bodies, or fenders of motor vehicles, or painting of motor vehicles, or repair garages or the open storage of rental vehicles or trailers.

**Basement:** A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purposes of height and area regulation if divided and used for dwelling, commerce or similar productive occupancy.

**Board of Adjustment:** The Board of Zoning Adjustment of Ashland, Missouri.

**Board of Aldermen:** The Board of Aldermen of Ashland, Missouri.

**Buildable Width:** The width of a lot left to be built upon after the side yards are provided.

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

**Building Height:** The vertical distance from the grade to (a) the highest point of a flat roof, (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip, and gambrel roofs.

**Building Line:** That required front yard depth or setback distance established by these regulations, by the Subdivision Regulations, or by the recorded plats or deeds establishing equal or greater standards.

**Cellar:** That part of a building having more than one-half of its height below the average grade of the adjoining ground.

**Clinic:** An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine or dentistry together.

**Club:** Buildings and facilities owned or operated by a corporation, association, person or persons for a social, an educational, or a recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

**Conditional Use:** A use allowed in a zoning district only after a special permit is granted by the Board of Aldermen according to provisions established therefore; distinguished from a permitted or accessory use.

**District:** A part of the city wherein regulations of this ordinance are uniform.

**Dwelling:** Any building or portion thereof designed and used exclusively for residential purposes.

**Dwelling, Multiple:** A building designed for or containing three or more dwelling units.

**Dwelling, Single-Family:** A building designed for or containing one dwelling unit.

**Dwelling, Two-Family:** A building designed for or containing two dwelling units.

**Dwelling Unit:** One or more rooms in a dwelling forming a single habitation for a family as defined herein, with facilities for living, sleeping and cooking.

**Family:** One or more persons occupying a dwelling and living together as a single housekeeping organization.

**Floor Area:** The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of walls or from the centerline of walls separating buildings; includes cellar or basement space if divided or used for dwelling, commerce or similar productive occupancy.

**Garage, Private:** An accessory building or space housing motor vehicles used by occupants of the premises.

**Garage, Repair:** A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing or restoring motor-driven vehicles. The term repairing shall include any automotive body repair shop, but shall not include scrapping, dismantling, or storage of wrecked or junked vehicles.

**Garage, Storage:** Any building or premises used solely for housing motor-driven vehicles.

**Grade:** The average level of the finished surface of the ground adjacent to the exterior walls of a building.

**Green space:** Land with a permeable surface with grass, hay, row crops, shrubbery, flowers, trees or other plants. Parking, storage of materials, including plants and agricultural products raised for retail sale or specifically excluded in the green space area.

**Group Care Home:** A home for not more than eight (8) physically, mentally or emotionally handicapped persons, plus one (1) or two (2) house parents or other in-residence supervisors, licensed by the state for such residential care purposes.

**Home Occupation:** Any occupation or profession carried on in a dwelling or part of a dwelling by a resident of the premises, in accord with specific standards and limitations established for such uses by this ordinance.

**Hospital:** An establishment providing physical or mental health services, in-patient or overnight accommodations, and medical or surgical care of the sick or injured. The term hospital includes a sanitarium or similar in-patient facility.

**Hotel:** A building in which lodging, in five (5) or more rooms or units, is provided and offered to the public for compensation and, which is open to transient guests; distinguished from a boardinghouse or lodging house operated in a dwelling.

**Institution:** A nonprofit establishment for public use.

**Kennel:** An establishment where small animals are boarded for compensation or bred or raised as a commercial business.

**Landscaped Area:** An area that is permanently devoted to and maintained for the growing of shrubbery, grass and plant materials.

**Loading Space:** A space within a main building or on the same lot for the standing, loading or unloading of trucks, meeting such minimum standards as established herein.

**Lot:** A parcel of land occupied or intended for occupancy by a use permitted under these regulations, which may include main and accessory buildings, open spaces and parking spaces, having its principal frontage upon a road or street.

**Lot, Corner:** A lot abutting upon two or more streets at their intersections.

**Lot, Double Frontage:** A lot having a frontage on two nonintersecting streets; distinguished from a corner lot.

**Lot, Interior:** A lot other than a corner lot.

**Lot Depth:** The mean horizontal distance between the front and rear lot lines.

**Lot Width:** The width of a lot measured at the building line.

**Lot of Record:** A lot or parcel of land, the plat or deed for which has been recorded prior to the adoption of this ordinance, or thereafter in accord with this ordinance and with the Subdivision Regulations of Ashland, Missouri.

**Mobile Home:** A transportable unit constructed on its own chassis, equipped to function as a dwelling unit, and designed to be towed and transported along a highway on its own axles.

**Mobile Home Park:** A parcel of land, which is developed for the placement of two or more mobile homes for dwelling use.

**Modular Building:** A prefabricated building having one thousand (1000) square feet or more of floor area, manufactured in whole or in part offsite, and transported to a site for placement or erection on a permanent foundation.

**Motel, Motor Court, Motor Lodge, or Tourist Court:** Any building or group of buildings containing five (5) or more guest rooms or dwelling units some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot, and designed, used or intended, wholly or in part, for the accommodation of automobile transients.

**Nonconforming Use:** Any building or land, or portion thereof, lawfully occupied and used at the time of enactment of these regulations, which does not conform with the use regulations of the district within which it is located.

**Nursery School, Pre-kindergarten, Kindergarten, Playschool, Day Care Center:** Any land, building, structure, or premises used for educational instruction and/or supplemental adult care of five or more children, either on an hourly or daily basis, with or without compensation.

**Nursing Home:** A home for the aged or infirm in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation; does not include hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**Parking Space:** A surfaced area, enclosed, or unenclosed, sufficient in size to store one motor vehicle, together with a driveway or driveways connecting the parking space with a street or road.

**Planning and Zoning Commission:** The Planning and Zoning Commission of Ashland, Missouri.

**Premises:** A lot together with all buildings and structures thereon.

**Principal Use:** The primary use of land or of a building or buildings.

**Roadside Stand:** A farm building used or intended to be used by the owner or tenant of the farm on which such building is located, for the sale of farm products or commodities grown or produced on said farm.

**Salvage or Junk Yard:** Any land or building, or other structure used for the storage, collection, processing or conversion of any worn out, cast off, or discarded metal, paper, glass or other material, which is ready for destruction, or has been collected or stored for salvage or conversion to some reuse. This includes, but is not limited to, such matter as automobiles, machinery, farm implements, household appliances and construction material.

**Self Service Storage Facility:** A building, or group of buildings, with controlled access containing separate storage spaces or compartmentalized units of varying sizes, with no unit exceeding six hundred (600) square feet, that are rented or leased to tenants,

with no tenant leasing more than two thousand (2000) square feet.(amended 8-04-09 Ordinance No. 821)

**Street:** A dedicated and accepted public way, which affords the principal means of access to abutting property.

**Street Centerline:** A line halfway between the street lines.

**Street Line:** A dividing line between a lot and a contiguous street. A street line includes each side of a roadway, together with the nominal intended right of way width, designated by the Comprehensive Plan or Subdivision Regulations of Ashland, Missouri, as amended.

**Structure:** Anything constructed or installed the use of which requires a location on a parcel of land. The term includes a movable structure placed on any site and intended for agricultural, residential, business or institutional purposes, whether temporary or permanent; also includes pipelines, transmission lines, towers and storage tanks.

**Structural Alternation:** Any change except those required by law or public directive, which modifies, moves, reuses, replaces or restores the supporting members of a building or structure, such as bearing walls, columns, beams or girders; does not include openings in bearing walls where structural integrity is maintained.

**Travel Trailer:** (1) A vehicular, portable structure built on a chassis and designed for temporary occupancy for travel, recreational or vacation use; when factory equipped for road use, being of any weight, provided its overall length does not exceed thirty-two (32) feet; (2) a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation; (3) a portable, temporary dwelling to be used for travel, recreational and vacation purposes, constructed as an integral part of a self-propelled vehicle, (4) a folding or telescoping structure, mounted on wheels and designed for travel, recreation and vacation use.

**Travel Trailer Park:** A parcel of land which has been improved for the placement of travel trailers for transient use.

**Truck Stop:** A facility for the servicing and repair of trucks, including accessory uses such as a truck wash, sleeping accommodations, restaurant or gift shop.

**Yard:** An open space on a lot, other than a courtyard, enclosed or partially enclosed by a building, unoccupied and unobstructed from the ground upward.

**Yard, Front:** A yard across the full width of a lot, extending from the front line of a main building to the front line of the lot, or to the designated street line in cases where the present property line extends into the abutting street or road. On corner lots, the front yard shall be that adjacent to the street upon which the lot has its least

dimension, except that in lots having dimensions in a ratio of not more than 3:2, the front yard may face either street. The front yard includes the area resulting from required building setbacks from state or federal highways established herein.

**Yard, Rear.** A yard extending the full width of the lot between a main building and the rear lot line.

**Yard, Side:** A yard between a main building and the sideline of a lot extending from the front yard line to the rear yard line.

**Yard Width and Depth:** The shortest horizontal distance from a lot line to a main building.

#### **Article IV. Districts and District Use Regulations**

##### **9.120. Districts Established**

The incorporated area of the City of Ashland is hereby divided into the following districts:

###### Residential Districts

R-1 Density Residential District

R-1 MD Moderate Density Residential District

R-2 Moderate Density Residential District

R-3 High Density Residential District

###### Commercial Districts

O-1 Office District

C-N Neighborhood Commercial District

C-G General Commercial District

C-P Planned Commercial (added 2-06-07 Council Bill No. 2007-002)

###### Industrial Districts

I-L Light Industrial District

I-G General Industrial District

###### Overlay District

F-P Flood Plain Overlay District

###### Airport District

APC Airport Planned Commercial

API Airport Planned Industrial

AAD Airport Approach and Departure

###### Agricultural District

A-1 Agricultural District

### **9.125. District Boundaries**

The boundaries of the districts are shown upon the map attached hereto and made a part hereof. Said map is designated as the Zoning District Map. The Zoning District Map and all notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if said map and all the notations, references and other information shown thereon were fully set forth or described herein. The original of the Zoning District Map is on file with the Clerk of the City of Ashland, Missouri.

Whenever any street or other public way is vacated by official action of the Board of Aldermen, the zoning district adjoining each side of such street or public way shall automatically be extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

When uncertainty exists with respect to the boundaries of the several districts as shown on the Zoning District Map, the following rules shall apply:

1. When width or length of boundaries are not clear, the scale of the map shall determine the approximate dimensions.
2. Zone boundaries are normally lot lines, section and quarter-section lines, and centerlines of streets, highways or watercourses.
3. Such special maps as may be devised and thereafter adopted by the Board of Aldermen, intended to show with particularity the extent of flood-prone lands, shall thereafter govern the location of the F-P, Flood Plain Overlay District.
4. The Board of Adjustment, in accordance with the provisions of this ordinance, shall hear evidence and decide the precise location of a zone boundary line when such line cannot otherwise be determined.

### **9.130. Summary of Zoning Districts and Uses**

#### **9.135. Agricultural Zoning District (A-1)**

- 1) Intent and Purpose of District. It is the intent of the A-1 Agricultural District to protect agricultural uses in the planning area through control of density, land use and land coverage.
- 2) District Regulations. In district A-1 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the uses listed below. All land annexed into the city and not otherwise zoned at the time of annexation shall automatically be zoned

A-1, provided it qualifies as such under one of the permitted uses as stated in Section 9.140.

- 3) For area, height, and yard requirements of this district see Section 9.295 and 9.300 of the zoning regulations.

#### **9.140. Permitted Uses**

- 1) Agricultural uses, which include any use of land for the purpose of growing crops, grazing, land in Conservation Reserve Programs, orchards, trees or forest lands and any other use pertaining to farming, agricultural research, or any activity normally connected with farming. Such uses shall allow all the types of structures, normally associated with these uses, including storage bins, barns, sheds, garages, and including relocation of portable buildings without permit, and any other use or facility ancillary to farming or open land. This shall not include or permit:
  - a) Intensive feeding operations and agri-business
  - b) The spreading, accumulation, feeding, or use of garbage in any manner on the open surface of the land.
  - c) A use of activity engaged in within three hundred (300) feet of a residential or retail business structure, if such use or activity results in offensive odor, dust, or noise.
- 2) Transportation, pipeline, utility easements and right of way.
- 3) Temporary roadside stand for the sale of farm products grown on the premises. Such temporary stand shall be required to set back from the edge of the roadway pavement at least twenty-five (25) feet to permit adequate ingress, egress, and parking.
- 4) Keeping of livestock, poultry, or other animals or fowl. Animals or fowl shall be kept in accordance with existing city ordinances. However, in annexed land, the owner or operator shall be permitted to keep livestock or fowl in those areas on which they were being kept immediately prior to annexation provided that the number being kept shall not be increased in such numbers as to create a public nuisance.

#### **9.145. Conditional Uses**

The following uses may be permitted in an A-1 district after proper application, review and approval pursuant to the provisions of this chapter.

- 1) A 2<sup>nd</sup>, or more dwelling unit
- 2) Advertising signs

- 3) Churches
- 4) Public parks and playgrounds
- 5) Public buildings and facilities
- 6) Public stables or riding academies
- 7) Public schools, elementary, high, or private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning.
- 8) Golf courses, not including golf course clubhouses, miniature golf courses or driving ranges.
- 9) Circus or carnival grounds for temporary or specified time periods subject to other applicable provisions of the Ashland Municipal Code.
- 10) Exposition center, fairgrounds or rodeo grounds to include associated commercial vendors in compliance with all applicable provisions of the Ashland Municipal Code.
- 11) Wildlife reservations and other similar conservation project.
- 12) Cemeteries on a site of not less than ten (10) acres.
- 13) Radio or television transmissions or receiving stations or towers constructed in accordance with local building codes and other applicable regulations.

#### **9.150. Drainage**

- 1) All ground surfaces within animal pens, lots, or corrals shall be graded and compacted to insure proper drainage.
- 2) Surface runoff shall be so controlled that no appreciable amount of soil and manure is carried into any roadway ditch or drainage area where it will deposit and form sludge banks or pools where flies and mosquitoes can breed.

#### **9.155. R-1, Residential District**

This district serves as the primary location for a residential development, typically in detached dwellings or clustered development at comparable densities. Remaining agricultural activity is accommodated, together with permitted home occupations, accessory and public uses. A few institutional and nonresidential activities are available for consideration as conditional uses, but are not uses of right.

For area, height and yard requirements in this district see Sections 9.295. and 9.300 of this ordinance.

#### **9.160. Permitted Uses**

- 1) Existing beekeeping, dairying, floriculture, forage crop production, forestry, general farming, grain production, grazing, orchard, stable, truck farming, or similar agricultural activity
- 2) Single family dwelling

- 3) Home occupations and professional home offices as provided by Section 9.342. of these regulations
- 4) Accessory uses, as provided by Section 9.339. of these regulations
- 5) Church

(Amended Council Bill No. 2007-018, 5-01-2007)

**9.165. Conditional Uses**

- 1) Roadside stand for sale of farm or garden produce
  - 2) Planned residential development as provided by Section 9.375. of these regulations
  - 3) Boarding house or lodging house operated in a dwelling
  - 4) Nursing home, care home, extended care facility
  - 5) Community center non-commercial only
  - 6) Private, primary or secondary school, day care facility, nursery school, preschool, playschool, kindergarten, pre-kindergarten, child care center
  - 7) College or seminary: charitable or philanthropic institution; correctional facility, cemetery
  - 8) Microwave radio, television and similar transmission, broadcast, relay or receiving tower
  - 9) Private recreational club, swimming pool, tennis club or similar private recreational facility
  - 10) Golf course and clubhouse
  - 11) Commercial plant or tree nursery; greenhouse; landscaper
  - 12) Group care homes
  - 13) Public and semipublic uses, as provided by 9.345. of these regulations
- (amended Council Bill No. 2007-018, 5-01-2007)

**9.166. R-1 MD, Moderate Density Residential District**

This district serves as the primary location for residential development, typically in detached dwellings or clustered development at comparable densities. Remaining agricultural activity is accommodated, together with permitted home occupations, accessory and public uses. A few institutional and nonresidential activities are available for consideration as conditional uses, but are not uses of right.

(amended 2005-031, 1-03-2006)

**9.167. Permitted Uses**

- 1) Single family dwelling
- 2) Home occupations and professional home offices as provided by Section 9.340. of these regulations
- 3) Accessory uses, as provided by Section 9.339. of these regulations
- 4) Public and semipublic uses, as provided by 9.345 of these regulations
- 5) Church

### **9.168. Conditional Uses**

- 1) Roadside stand for sale of farm or garden produce
  - 2) Planned residential development as provided by Section 9.375. of these regulations
  - 3) Boarding house or lodging house operated in a dwelling
  - 4) Nursing home, care home, extended care facility
  - 5) Community center non-commercial only
  - 6) Private primary or secondary school, day care facility, nursery school, preschool, playschool, kindergarten, pre-kindergarten, child care center
  - 7) College or seminary: charitable or philanthropic institution; correctional facility cemetery
  - 8) Microwave, radio, television and similar transmission, broadcast, relay or receiving tower
  - 9) Private recreational club, swimming pool, tennis club or similar private recreational facility.
  - 10) Golf course and clubhouse
  - 11) Commercial plant or tree nursery; greenhouse; landscaper
  - 12) Group care home
- (amended Council Bill No. 2007-031-adding #12, 7-17-2007)

### **9.170. R-2, Moderate Density Residential District**

This district provides for medium density residential use, typically in two-family dwellings, or clustered development at comparable densities, together with permitted home occupations, accessory and public uses. A few institutional and non-residential activities are available for consideration as conditional uses, but are not uses of right.

For area, height and yard requirements in this district see Sections 9.295 and 9.300. of this ordinance.

### **9.175. Permitted Uses**

- 1) Single family dwelling
  - 2) Two family dwelling
  - 3) Seasonal residence, for agricultural, recreational or seasonal services occupancy.
  - 4) Home occupations and professional home offices as provided by Section 9.342. of these regulations
  - 5) Accessory uses, as provided by Section 9.339. of these regulations
  - 6) Public and semipublic uses, as provided by Section 9.345. of these regulations
  - 7) Church
  - 8) Community center, non-commercial only
- (amended Council Bill No. 2007-031 deleting group care home, 7-17-2007)

### **9.180. Conditional Uses**

- 1) Mobile home park, mobile home subdivision
  - 2) Planned residential development, as provided by Section 9.375. of these regulations
  - 3) Boarding house or lodging house, operated in a dwelling
  - 4) Nursing home, care home, extended care facility
  - 5) Private, primary or secondary school, day care facility, nursery school, preschool, playschool, kindergarten, pre-kindergarten, child care center
  - 6) College or seminary; charitable or philanthropic institution; correctional facility; cemetery
  - 7) Microwave, radio, television and similar transmission, broadcast, relay or receiving tower
  - 8) Private recreational club, swimming pool, tennis club or similar private recreational facility
  - 9) Home occupations and professional home offices as provided by Section 9.342. of these regulations, except the incidental use and the percent of floor area used may be waived, or modified as described in Section 9.342.2 of these regulations.
  - 10) Group care home
- (amended Council Bill No. 2007-031 adding #10, 7-17-2007)

For area, height and yard requirements in this district, see Sections 9.295. and 9.300. of this ordinance.

### **9.185. R-3, High Density Residential District**

This district provides for higher density residential use, typically in multifamily dwellings, together with permitted home occupations, accessory and public uses. Personal service occupations and a few institutional and nonresidential activities are available for consideration as conditional uses, but are not uses of right.

For area, height and yard requirements in this district see Sections 9.295. and 9.300. of this ordinance.

### **9.190. Permitted Uses**

- 1) Single family dwelling
- 2) Two family dwelling
- 3) Seasonal residence, for agricultural, recreational or seasonal services occupancy
- 4) Multiple family dwelling
- 5) Home occupations and professional home offices as provided by Section 9.342. of these regulations
- 6) Accessory uses, as provided by Section 9.339. of these regulations
- 7) Public and semipublic uses, as provided by Section 9.345. of these regulations

- 8) Church
  - 9) Community center, non-commercial only
- (amended Council Bill No. 2007-031 deleting group care home, 7-17-2007)

#### **9.195. Conditional Uses**

- 1) Mobile home park; mobile home subdivision
  - 2) Planned residential development, as provided by Section 9.375. of these regulations
  - 3) Boarding house or lodging house, operated in a dwelling
  - 4) Nursing home, care home, extended care facility
  - 5) Private, primary or secondary school, day care facility, nursery school, preschool, playschool, kindergarten, pre-kindergarten, child care center
  - 6) College or seminary; charitable or philanthropic institution, correctional facility, cemetery
  - 7) Heliport, helicopter landing pad, airstrip or airpark
  - 8) Microwave, radio, television and similar transmission, broadcast, relay or receiving tower
  - 9) Private recreational club, swimming pool, tennis club or similar private recreational facility
  - 10) Personal services, including barber shop, beauty parlor, photographic or art studio, music lessons and other activities of similar character
  - 11) Group care homes)
- (amended Council Bill No. 2007-031 adding group care homes, 7-17-2007)

#### **9.200. O-1, Office District**

This district can accommodate some residential and related uses, but principally serves as a location for residentially compatible light office activity. Residential, institutional and selected light commercial uses may be conditionally permitted, to support the primary office function, but are not uses of right.

For height, area and yard requirements in this district see Sections 9.295. And 9.300. of this ordinance.

#### **9.205. Permitted Uses**

- 1) Dwelling for proprietor, within a structure housing a permitted business activity, caretaker or watchman, dwelling on the premises of a commercial, industrial or recreational facility
- 2) Home occupations and professional home offices as provided by Section 9.342. of these regulations
- 3) Public and semipublic uses, as provided by Section 9.345. of these regulations
- 4) Church, community center, non-commercial only
- 5) Private, primary or secondary school, day care facility, nursery school, preschool, playschool, kindergarten, pre-kindergarten, child care center

- 6) Private recreational club, swimming pool, tennis club or similar private recreational facility
  - 7) Personal services, including barber shop, beauty parlor, photographic or art studio, music lessons, and other activities or similar character
  - 8) Bank, savings and loan office, insurance office or other financial institution
  - 9) Real estate office, attorney, engineer or other professional practitioner, business office
  - 10) Medical or dental office, clinic
- (amended Council Bill No. 2007-031 deleting group care homes, 7-17-2007)

**9.210. Conditional Uses**

- 1) Single family dwelling
  - 2) Two family dwelling
  - 3) Seasonal residence, for agricultural, recreational or seasonal services occupancy
  - 4) Multiple family dwelling
  - 5) Planned residential development, as provided by Section 9.375. of these regulations
  - 6) Boarding house or lodging house, operated in a dwelling
  - 7) Nursing home, care home, extended care facility
  - 8) College or seminary; charitable or philanthropic institution; correctional facility; cemetery
  - 9) Heliport, helicopter landing pad, airstrip and airpark
  - 10) Microwave, radio, television and similar transmission, broadcast, relay or receiving tower.
  - 11) Commercial plant or tree nursery; greenhouse; landscaper
  - 12) Art gallery, gift, craft or florist shop, antique shop, private museum and similar uses
  - 13) Hotel, motel
  - 14) Automobile service station
  - 15) Group care home
- (Amended Council Bill No. 2007-031 adding group care home, 7-17-2007)

**9.215. C-N, Neighborhood Commercial District**

This district can accommodate some residential and related uses, but principally serves as a location for light retail activity appropriate to the needs of surrounding and nearby residential areas. Residential, institutional and selected commercial services and entertainment activities may be conditionally permitted, to support the primary convenience retail function, but are not uses of right.

For area, height and yard requirements in this district see Sections 9.295. and 9.300. of this ordinance.

### **9.220. Permitted Uses**

- 1) Dwelling for proprietor, within a structure housing a permitted business activity, caretaker or watchman dwelling, on the premises of a commercial, industrial or recreational facility.
  - 2) Home occupations and professional home offices as provided by Section 9.342. of these regulations.
  - 3) Accessory uses, as provided by Section 9.339. of these regulations
  - 4) Public and semipublic uses, as provided by Section 9.345. of these regulations
  - 5) Church
  - 6) Community center, non-commercial only
  - 7) Private, primary or secondary school, day care facility, nursery school, preschool, playschool, kindergarten, pre-kindergarten, child care center
  - 8) Private recreational club, swimming pool, tennis club or similar private recreational facility
  - 9) Personal services, including barber shop, beauty parlor, photographic or art studio, music lessons, and other activities of similar character
  - 10) Art gallery, gift, craft or florist shop, antique shop, private museum and similar uses
  - 11) Bank, savings and loan office, insurance office or other financial institution
  - 12) Real estate office, attorney, engineer or other professional practitioner, business office
  - 13) Medical and dental office; clinic
  - 14) Photo processing shop
  - 15) Laundry or dry cleaning
  - 16) Retail store or convenience goods and services only; groceries, drugs and sundries; package goods; beverages, newspapers, magazines, gifts and crafts, similar light commercial sales
  - 17) Automobile service station
- (amended Council Bill No. 2007-031 deleting group care homes, 7-17-2007)

### **9.225. Conditional Uses**

- 1) Single family dwelling
- 2) Two family dwelling
- 3) Seasonal residence, for agricultural, recreational or seasonal services occupancy
- 4) Multiple family dwelling
- 5) Planned residential development, as provided by Section 9.375. of these regulations
- 6) Boarding house or lodging house, operated in a dwelling
- 7) Nursing home, care home, extended care facility
- 8) Hospital, sanitarium or similar inpatient medical facility
- 9) College or seminary; charitable or philanthropic institution; correctional facility; cemetery
- 10) Heliport, helicopter landing pad, airstrip or airpark

- 11) Microwave, radio, television and similar transmission, broadcast, relay or receiving tower
  - 12) Guest lodge/ranch, resort or retreat; riding stable or academy; day camp or education camp
  - 13) Commercial plant or tree nursery; greenhouse; landscaper
  - 14) Hotel, motel
  - 15) Restaurant, cafeteria, prepared food sales; bar or tavern
  - 16) Animal hospital; veterinary office; commercial kennel; small animal boarding
  - 17) Bowling alley; billiard parlor, amusement or coin-operated games facility; arcade or similar use
  - 18) Theater, playhouse or commercial auditorium
  - 19) Recreational equipment, sporting goods, yard and garden equipment sales and service
  - 20) Group care homes
- (amended Council Bill No. 2007-031 adding group care homes, 7-17-2007)

### **9.230. General Commercial District**

The general commercial district is broadly permissive of a wide array of light and medium intensity retail and service uses, appropriate to its role as a focal point for community shopping, trade, employment, entertainment and government. It is not regarded as a residential district, though some residential uses may be conditionally established in adjunctive roles. Some large institutions, and a number of heavy commercial or potentially intrusive uses may be conditionally permitted, as needed, but are not uses of right.

For area, height and yard requirements in this district see Sections 9.295. and 9.300. of this ordinance.

### **9.235. Permitted Uses**

- 1) Beekeeping, dairying, floriculture, forage crop production, forestry, general farming, grain production, grazing, orchard, stable, truck farming, or similar agricultural activity
- 2) Roadside stand for sale of farm or garden produce
- 3) Boarding house or lodging house, operated in a dwelling
- 4) Nursing home, care home, extended care facility
- 5) Dwelling, for proprietor, within a structure housing a permitted business activity; caretaker or watchman dwelling, on the premises of a commercial, industrial or recreational facility
- 6) Home occupations and professional home offices as provided by Section 9.342. of these regulations
- 7) Accessory uses, as provided by Section 9.339. of these regulations
- 8) Public and semipublic uses, as provided by Section 9.345. of these regulations
- 9) Church
- 10) Community Center, non-commercial only

- 11) Private, primary or secondary school, day care facility, nursery school, preschool, playschool, kindergarten, child care center
- 12) Private recreational club, swimming pool, tennis club or similar private recreational facility
- 13) Guest lodge/ranch, resort or retreat; riding stable or academy, day camp or education camp
- 14) Campground; motor home or travel trailer park
- 15) Golf course and clubhouse
- 16) Commercial plant or tree nursery; greenhouse, landscaper
- 17) Personal services, including barber shop, beauty parlor, photographic or art studio, music lessons and other activities of similar character
- 18) Art gallery, gift, craft or florist shop, antique shop, private museum and similar uses
- 19) Bank, savings and loan office, insurance office or other financial institution
- 20) Real estate office; attorney, engineer or other professional practitioner, business office
- 21) Medical and dental office; clinic
- 22) Photo processing shop
- 23) Laundry or dry cleaning
- 24) Retail store or convenience goods and services only, groceries, drugs and sundries, package goods, beverages, newspapers, magazines; gifts and crafts, similar light commercial sales
- 25) General retail uses, clothing, appliances, furniture and furnishings, comparison shopping merchandise
- 26) Hotel, motel
- 27) Restaurant, cafeteria, prepared food sales, bar or tavern
- 28) Animal hospital, veterinary office, commercial kennel, small animal boarding
- 29) Automobile service station
- 30) Commercial parking lot or parking garage
- 31) Automobile repair garage
- 32) Trade shops, including plumbing, carpentry and cabinetry, heating and air conditioning, painting, upholstery, electrical and electronic services, and similar establishments conducted within and from enclosed buildings
- 33) Bowling alley, billiard parlor; amusement or coin-operated games facility, arcade or similar use
- 34) Theater, playhouse or commercial auditorium
- 35) Recreational equipment, sporting goods, yard and garden equipment sales and service
- 36) Automobile, truck, boat, trailer, mobile home, recreational vehicle sales and service, for new or used vehicles
- 37) Radio or television station, studio or broadcasting company; cable television operator, commercial satellite receiving, translator or relay facilities
- 38) Business or trade school
- 39) Funeral parlor, mortuary, crematorium
- 40) Outdoor commercial recreation and entertainment facilities
- 41) Laboratory; experimental, research and testing facilities

42) Self service storage facilities. Subject to the following conditions:

- (1) All stored item(s) shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two (2) gallons, which shall be stored only in exterior areas screened from the view from any street frontage.
- (2) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required.
- (3) Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials; asphalt, brick, cement, gravel, rock, sand and similar construction materials; or bulk storage of fuels shall be prohibited.
- (4) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited.
- (5) The sale of any item from the facility or the conduct of any type of commercial activity at or in the facility shall be prohibited.
- (6) Building heights shall be limited to fourteen (14) feet as measured from building grade.
- (7) Loading docks shall be prohibited.
- (8) The conduct of any type of residential activity at or in the facility shall be prohibited.
- (9) Stored vehicles must have radiators drained, batteries removed and fuel tanks shall have no more than 2 gallons of fuel.
- (10) When any portion of a self-service storage site is adjacent to residential land, no storage unit shall be accessed after 11:00 p.m. or before 6:00 a.m.

(amended Council Bill No. 2007-031 deleting group care homes, 7-17-2007)

(amended Ordinance No. 821, 8-04-2009)

#### **9.240. Conditional Uses**

- 1) Single family dwelling
- 2) Two family dwelling
- 3) Seasonal residence for agricultural, recreational or seasonal services occupancy

- 4) Multiple family dwelling
- 5) Mobile home park; mobile home subdivision
- 6) Planned residential development, as provided by Section 9.375. of these regulations
- 7) Hospital, sanitarium or similar inpatient medical facility
- 8) College or seminary; charitable or philanthropic institution; correctional facility; cemetery
- 9) Heliport, helicopter landing pad, airstrip or airpark
- 10) Microwave, radio, television and similar transmission, broadcast, relay or receiving tower
- 11) Summer theater or outdoor music amphitheater
- 12) Skeet, trap shooting, pistol or other firing range; archery range; hunting preserve, hunting club or tracking course
- 13) Race track, drag strip, rally course or similar facility
- 14) Printing plant or publishing house
- 15) Lumberyard; building supplies and materials
- 16) Bottling plant
- 17) Truck stop and truck services
- 18) Rental equipment yard or outlet
- 19) Contractor's yard; construction, manufacturing or processing equipment storage warehouse or yard
- 20) Group care home

(amended Council Bill No. 2007-002, 2-06-2007)

(amended Council Bill No. 2007-031 adding group care home, 7-17-2007)

#### **9.241. Planned Commercial, General Regulations**

- A. Purposes:** Planned commercial developments encourage unified developments; minimize adverse impacts on adjacent lands and allow greater flexibility in the design of buildings and building complexes than would otherwise be possible through the strict application of district regulations.
- B. Required Plans:** Both an approved Preliminary Development Plan, hereinafter referred to as the "Review Plan" and a Final Development Plan, hereinafter referred to, as the "Final Plan" is required for all Planned Developments.
- C. Approval Procedures:** Preliminary Conference. Prior to preparing the Review Plan and initiating the approval procedures the property owner or his agent, hereinafter referred to, as the "proponent" is encouraged to consult with the City Administrator. The purpose of this consultation is to obtain and advice, which could expedite matters, save the owner unnecessary expense and coordinate the plans of the proponent and those of the City of Ashland.
- D. Submission of Review Plan and Rezoning Request when applicable.** The proponent of a Planned Development shall submit 10 copies of the Review Plan to the City Administrator.

- E. Planning and Zoning Commission Action on the Review Plan.** The Planning and Zoning Commission shall advertise and hold a public hearing on the Review Plan and on any accompanying request for rezoning. The public hearing shall be advertised in accordance with the provisions of Section 9.055 of the regulations. The Commission, after the hearing shall recommend to the Board of Aldermen approval or rejection of the Review Plan, with or without modifications or conditions, and the approval or rejection of any accompanying zoning request.
- F. Board of Aldermen Action on the Review Plan.** After receipt of the Commission's recommendations the Board of Aldermen shall approve or reject the Review Plan with or without modifications or conditions.
- G. Commission Action on the Final Plan.** Following Review Plan approval the proponent shall submit a reproducible copy and 10 paper copies of the Final Plan to the Commission. The Final Plan will be approved by the Commission provided all required information is accurately portrayed on the Final Plan, the Final Plan substantially conforms with the approved Review Plan, and it meets all conditions which the Commission and/or the Board of Aldermen may have imposed on the Review Plan. The Commission's Chairman may approve a Final Plan with Commission review when no changes or conditions have been imposed on the Review Plan by the Board of Aldermen and when the Plan meets all Final Plan requirements. After approval, the permanent reproducible copy of the Final Plat shall be signed by the Commission's Chairman and be permanently filed by the City Clerk.
- H. Issuance of Building Permits.** No Building Permit or Certificate of Occupancy shall be issued for any building or use that is not in accordance with the approved Final Plan.
- I. Minor Change in Plans.** From time to time during the construction the proponent may make minor changes to the approved Final Plan so long as such changes have been approved by the City Administrator, or upon denial by the City Administrator with the approval of the Commission. Any change in proposed use, any increase in proposed density shall not be considered a minor change. Any dimensional variation greater than ten (10%) percent shall be considered more than a minor change.
- J. General Standards for Plan Review.** The Commission shall review the proposed developments for conformity with the official City plan, subdivision and zoning regulations, and other land planning principles. Before recommending approval of a Review Plan the Commission shall determine that:
- 1) Adequate utilities, access roads and/or other necessary facilities will be provided.

- 2) Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 3) The proposed development is located in an area where it can be served in a cost effective manner by the city.

**K. Compliance with Subdivision Regulations.** In the event the proposed development plan involves the subdivision of land the owner shall follow all applicable procedures, standards and requirements of the Subdivision Regulations of the City of Ashland.

The Commission and/or the Board of Aldermen may reject a Plan or may approve a Plan subject to conditions which may include, but not necessarily be limited to the following: conditions regarding the use, layout, circulation, buffer zones, landscaping, setbacks, off-street parking and other factors deemed as being essential to the sound development of the area and for the protection of adjacent areas.

(amended 2-06-07 Council Bill No. 2007-002)

**9.242. Review Plan-Scope and Content.** The Review Plan shall encompass the entire tract, acreage or adjacent lots held in one ownership at the time of submission.

The Review Plan shall show at a scale of not less than one inch equals one hundred feet (1"=100'):

- 1) The name of the proposed development, scale, north point, acreage and boundaries of the property to be developed.
- 2) The name of the owners of the property and the individual or firm responsible for the preparation of the Review Plan.
- 3) Existing zoning districts in the tract and within 200 feet of the property.
- 4) The location, use and approximate size of existing structures in the tract and within 200 feet of the property.
- 5) The relationship of streets, drives and alleys in the Planned Development to adjacent streets, drives and alleys.
- 6) The proposed location, size, and arrangement of structure, parking areas, existing and proposed public streets and private and shared drives, sidewalks, easements, water and sanitary sewer line, storm water basins, drainage ways, drainage structures, landscaping and other features of the proposed plan.

(amended 12-06-07 Council Bill No. 2007-002)

**9.243.Final Plan.** The Final Plan shall show any changes, modifications or conditions, which differ from those shown on the Review Plan.

The Final Plan need to include the entire approved Review Plan but may include only a section thereof.

The Final Plan shall be prepared by and have the seal and signature of an architect or engineer duly registered to practice in this State. Final Plans for tracts not qualifying as lots as defined in the City Subdivision Regulations shall bear the seal and signature of a registered land surveyor. Surveys necessary for the conveyance of property shall also bear the seal and signature of a registered land surveyor.

Final Plan shall have been reviewed by an engineer, licensed in Missouri, designated by the City of Ashland and have any and all points raised in said review addressed to the reviewing engineer's review and approval shall accompany each Final Plan. The cost of said review will be paid by the developer. A minimum charge of \$100.00 to be paid in advance by the developer before said plan is reviewed. Any additional costs of this review above \$100.00 must be paid in full to the City Clerk of the City of Ashland, Mo. before the Final Plan is approved by the Planning and Zoning Commission.  
(amended 2-06-07 Council Bill No. 2007-002)

#### **9.244. Planned Commercial Developments, Further Requirements**

Planned Commercial Developments must comply with all provisions of Section 9.241. "Planned Commercial Developments, General Regulations" and the following additional provisions:

An approved Final Commercial Development Plan is required for all developments in Planned Commercial zoning districts.

In general, the height and bulk of buildings, the amount of open space, the parking and loading requirements shall be equal to those in the C-G District.

##### **9.244.1 Conflicting Requirements**

Procedures, standards and requirements contained in Section 9.241. et al shall prevail over any conflicting requirements of this Chapter.  
(amended 2-06-07 Council Bill No. 2007-002)

##### **9.244.2 Planned Commercial Developments**

Developments within a Planned Commercial zoning district can be a wide array of light and medium intensity retail and service uses, appropriate to its role as a focal point for community shopping, trade, employment, entertainment and government that are compatible with locations adjoining properties.

P-C Districts are not regarded as residential districts.

Some large institutions, and a number of heavy commercial or potentially intrusive uses may be conditionally permitted, as needed, but are not uses of right.

The Commission may further limit uses listed as permitted herein as part of the review process.

For area, height, and yard requirements in this district, see Section 9.300 of this Chapter. (amended Council Bill No. 2007-002, 2-06-2007)

### **9.244.3 Permitted Uses**

- 1) Dwelling, for proprietor or leasee, within a structure housing a permitted business activity; caretaker or watchman dwelling, on the premises of a commercial, industrial or recreational facility.
- 2) Accessory uses, as provided by Section 9.339. of these regulations except for residential uses
- 3) Commercial plant or tree nursery; greenhouse, landscaper
- 4) Personal services, including barber shop, beauty parlor, photographic or art studio, music lessons and other activities of similar character
- 5) Art gallery, gift, craft or florist shop, antique shop, private museum and similar uses
- 6) Bank, savings and loan office, insurance office or other financial institution
- 7) Real estate office; attorney, engineer, doctor or other professional practitioner, business office
- 8) Mental and dental office, clinic
- 9) Photo processing shop
- 10) Laundry or dry cleaning
- 11) Retail store for convenience, goods and services only; groceries, drugs and sundries; package goods, beverages; newspapers, magazines, gifts and crafts; similar light commercial sales
- 12) General retail uses; clothing, appliances, furniture and furnishings, comparison-shopping merchandise
- 13) Hotel, motel
- 14) Restaurant, cafeteria, prepared food sales; bar or tavern
- 15) Animal hospital; veterinary office; commercial kennel; small animal boarding
- 16) Automobile repair garage
- 17) Trade shops, including plumbing, carpentry and cabinetry, heating and air conditioning, painting, upholstery, electrical and electronic services and similar establishments conducted within and from enclosed buildings
- 18) Recreational equipment, sporting goods, yard and garden equipment sales and service
- 19) Automobile, truck, boat, trailer, mobile home, recreational vehicle sales and service, for new or used vehicles

(amended Council Bill No. 2007-002, 2-06-2007)

#### **9.244.4 Conditional Uses**

- 1) Hospital, sanitarium or similar inpatient medical facility
- 2) College or seminary; charitable or philanthropic institution; correctional facility; cemetery
- 3) Printing plat or publishing house
- 4) Bottling plat
- 5) Truck stop and truck service
- 6) Rental equipment or outlet
- 7) Contractor's yard; construction, manufacturing or processing equipment storage warehouse or yard
- 8) Business or trade school
- 9) Funeral Parlor, mortuary, crematorium
- 10) Public and Semi-public uses, as provided by Section 9.345 of these regulations
- 11) Community center, non-commercial only
- 12) Private recreational club, swimming pool, tennis club or similar private recreational facility
- 13) Bowling alley; billiard parlor; amusement or coin operated games facility; arcade or similar use
- 14) Theater, playhouse or commercial auditorium
- 15) Lumberyard; building supplies and material
- 16) Life Sciences laboratory, experimental, research and testing facilities

(amended Council Bill No. 2007-002, 2-06-2007)

#### **9.244.5 Prohibited Uses**

- 1) Any use not specifically listed in this district as a permitted use or listed as a conditional use is considered a prohibited use. Additionally, the following uses are expressly prohibited in this district
- 2) Dwellings not directly associated with the commercial use
- 3) Mobile Homes
- 4) Mobile Home Parks

(amended Council Bill No. 2007-002, 2-06-2007)

#### **9.245. I-L, Light Industrial District**

This district is intended for light assembly, warehousing and distribution, community services with extensive outdoor storage and handling requirements, and a fairly permissive array of supporting convenience retail and commercial services. It is not a residential district, except as directly incidental to primary uses, and it is not suited to comparison-shopping activity. A few other uses may be conditionally permitted, if their potentially intrusive effects are mitigated, or found to be acceptable in a specific location.

For area, height and yard requirements in this district see Sections 9.295. and 9.300. of this ordinance.

## 9.250. Permitted Uses

- 1) Beekeeping, dairying, floriculture, forage crop production, forestry, general farming, grain production, grazing, orchard, stable, truck farming, or similar agricultural activity
- 2) Roadside stand for sale of farm or garden produce
- 3) Dwelling for proprietor, within a structure housing a permitted business activity; caretaker or watchman dwelling, on the premises of a commercial, industrial or recreational facility
- 4) Home occupations and professional home offices as provided by Section 9.342. of these regulations
- 5) Accessory uses, as provided by Section 9.339. of these regulations
- 6) Public and semipublic uses, as provided by Section 9.345 of these regulations
- 7) Private, primary or secondary school, day care facility, nursery school, preschool, playschool, kindergarten, pre-kindergarten, child care center
- 8) Private recreational club, swimming pool, tennis club or similar private recreational facility
- 9) Commercial plant or tree nursery, greenhouse, landscaper
- 10) Personal services, including barber shop, beauty parlor, photographic or art studio, music lessons and other activities of similar character
- 11) Art gallery, gift, craft or florist shop, antique shop, private museum and similar uses
- 12) Bank, savings and loan office, insurance office or other financial institution
- 13) Real estate office; attorney, engineer or other professional practitioner, business office
- 14) Medical and dental office, clinic
- 15) Photo processing shop
- 16) Laundry or dry cleaning
- 17) Retail store or convenience goods and services only, groceries, drugs and sundries, package goods, beverages, newspapers, magazines, gifts and crafts, similar light commercial sales
- 18) Hotel, motel
- 19) Restaurant, cafeteria, prepared food sales, bar or tavern
- 20) Animal hospital, veterinary office, commercial kennel, small animal boarding
- 21) Automobile service station
- 22) Commercial parking lot or parking garage
- 23) Automobile repair garage
- 24) Trade shops, including plumbing, carpentry and cabinetry, heating and air conditioning, painting, upholstery, electrical and electronic services, and similar establishments conducted within and from enclosed buildings
- 25) Radio or television station, studio or broadcasting company, cable television operator, commercial satellite receiving, translator or relay facilities
- 26) Business or trade school
- 27) Funeral parlor, mortuary, crematorium
- 28) Outdoor commercial recreation and entertainment facilities

- 29) Laboratory; experimental, research and testing facilities
- 30) Printing plant or publishing house
- 31) Lumberyard; building supplies and materials
- 32) Bottling plant
- 33) Truck stop and truck services
- 34) Rental equipment yard or outlet
- 35) Contractor's yard; construction, manufacturing or processing equipment storage warehouse or yard
- 36) General merchandise warehousing, wholesaling, jobbing or distribution, public warehouse or transshipment facility, related uses
- 37) Freight terminal, truck dock, pipeline pumping station
- 38) Light manufacturing, assembly, fabrication or processing of equipment, instruments, apparatus, hardware, appliances, machinery, ceramics, food products, textiles, wood or metal products, pharmaceuticals and similar materials, shall not include distillation, rendering, slaughtering, acid, or fertilizer manufacturing, explosives or other hazardous, noxious or toxic processes or products
- 39) Self-service storage facilities. Subject to the following conditions:
  - (1) All stored item(s) shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two (2) gallons, which shall be stored only in exterior areas screened from the view from any street frontage.
  - (2) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required.
  - (3) Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials; asphalt, brick, cement, gravel, rock, sand and similar construction materials; or bulk storage of fuels shall be prohibited.
  - (4) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited.
  - (5) The sale of any item from the facility or the conduct of any type of commercial activity at or in the facility shall be prohibited.
  - (6) Building heights shall be limited to fourteen (14) feet as measured from building grade.
  - (7) Loading docks shall be prohibited.

- (8) The conduct of any type of residential activity at or in the facility shall be prohibited.
- (9) Stored vehicles must have radiators drained, batteries removed and fuel tanks shall have no more than 2 gallons of fuel.
- (10) When any portion of a self-service storage site is adjacent to residential land, no storage unit shall be accessed after 11:00 p.m. or before 6:00 a.m.  
(amended Ordinance No. 821, 8-04-2009)

### **9.255. Conditional Uses**

- 1) Heliport, helicopter landing pad, airstrip or airpark
- 2) Microwave, radio, television and similar transmission, broadcast, relay or receiving tower
- 3) Commercial breeding, propagation, boarding, feeding, butchering of large animals, livestock sales barn; commercial poultry or egg production
- 4) Commercial storage, blending and sale of feed, seed, grain, and crops; custom spraying or other application; milling
- 5) Concrete mixing plant, concrete batch plant

### **9.260. I-G, General Industrial District**

This district is intended for light and medium industrial activity, with supporting convenience retail and commercial services limited to those appropriate to its primary industrial functions. It is not a residential district, except as directly incidental to primary uses, and it is not suited to comparison-shopping activity. A number of heavy industrial activities may be conditionally permitted, if their intrusive effects are mitigated, safety considerations satisfied, and the uses are thereby found to be acceptable in a specific location.

For area, height and yard requirements in this district see Sections 9.295. and 9.300. of this ordinance.

### **9.265. Permitted Uses**

- 1) Beekeeping, dairying, floriculture, forage crop production, forestry, general farming, grain production, grazing, orchard, stable, truck farming, or similar agricultural activity
- 2) Roadside stand for sale of farm or garden produce
- 3) Dwelling for proprietor, within a structure housing a permitted business activity, caretaker or watchman dwelling, on the premises of a commercial, industrial or recreational facility

- 4) Home occupations and professional home offices as provided by Section 9.342. of these regulations
- 5) Accessory uses, as provided by Section 9.339. of these regulations
- 6) Public and semipublic uses, as provided by Section 9.345. of these regulations
- 7) Private, primary or secondary school, day care facility, nursery school, preschool, playschool, kindergarten, pre-kindergarten, child care center
- 8) Private recreational club, swimming pool, tennis club or similar private recreational facility
- 9) Commercial plant or tree nursery; greenhouse; landscaper
- 10) Personal services, including barber shop, beauty parlor, photographic or art studio
- 11) Music lessons and other activities of similar character
- 12) Bank, savings and loan office, insurance office or other financial institution
- 13) Real Estate office; attorney, engineer or other professional practitioner, business office
- 14) Medical and dental office, clinic
- 15) Photo processing shop
- 16) Laundry or dry cleaning
- 17) Retail store or convenience goods and services only, groceries, drugs and sundries, package goods, beverages, newspapers, magazines; gifts and crafts, similar light commercial sales
- 18) Hotel, motel
- 19) Restaurant, cafeteria, prepared food sales, bar or tavern
- 20) Animal hospital, veterinary office, commercial kennel, small animal boarding
- 21) Automobile service station
- 22) Commercial parking lot or parking garage
- 23) Automobile repair garage
- 24) Trade shops, including plumbing, carpentry and cabinetry, heating and air conditioning, painting, upholstery, electrical and electronic services, and similar establishments conducted within and from enclosed buildings
- 25) Laboratory; experimental, research and testing facilities
- 26) Printing plant or publishing house
- 27) Lumberyard; building supplies and materials
- 28) Bottling plant
- 29) Truck stop and truck services
- 30) Rental equipment yard or outlet
- 31) Contractor's yard; construction, manufacturing or processing equipment storage warehouse or yard
- 32) General merchandise warehousing, wholesaling, jobbing or distribution; public warehouse or transshipment facility; related uses
- 33) Freight terminal; truck dock; pipeline pumping station
- 34) Light manufacturing, assembly, fabrication or processing of equipment, instruments, apparatus, hardware, appliances, machinery, ceramics, food products, textiles, wood or metal products, pharmaceuticals and similar materials; shall not include distillation, rendering, slaughtering, acid or

fertilizer manufacturing, explosives or other hazardous, noxious or toxic processes or products

- 35) Commercial breeding, propagation, boarding, feeding, butchering of large animals; livestock sales barn; commercial poultry or egg production
- 36) Commercial storage, blending and sale of feed, seed, grain and crops; custom spraying or other application; milling
- 37) Sawmill; planing mill
- 38) Concrete mixing plant, concrete batch plant
- 39) Self-service storage facilities. Subject to the following conditions:
  - (1) All stored item(s) shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two (2) gallons, which shall be stored only in exterior areas screened from the view from any street frontage.
  - (2) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required.
  - (3) Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials; asphalt, brick, cement, gravel, rock, sand and similar construction materials; or bulk storage of fuels shall be prohibited.
  - (4) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited.
  - (5) The sale of any item from the facility or the conduct of any type of commercial activity at or in the facility shall be prohibited.
  - (6) Building heights shall be limited to fourteen (14) feet as measured from building grade.
  - (7) Loading docks shall be prohibited.
  - (8) The conduct of any type of residential activity at or in the facility shall be prohibited.
  - (9) Stored vehicles must have radiators drained, batteries removed and fuel tanks shall have no more than 2 gallons of fuel.
  - (10) When any portion of a self-service storage site is adjacent to residential land, no storage unit shall be accessed after 11:00 p.m. or before 6:00 a.m.

(amended Ordinance No. 821, 8-04-2009)

### **9.270. Conditional Uses**

- 1) Heliport, helicopter landing pad, airstrip or airpark
- 2) Microwave, radio, television and similar transmission, broadcast, relay or receiving tower
- 3) Quarry, mine or other resource-extractive activity, involving on-site processing of mineral products or spoil; commercial sale or delivery of such products
- 4) Cement plant and masonry products manufacture; asphalt or other paving materials processing, compounding, extraction or reduction
- 5) Sanitary landfill; solid or hazardous waste processing, transfer or storage facility
- 6) Junkyard or salvage yard; storage or dismantling of disabled, wrecked or junked vehicles and equipment; recycling centers of all kinds; similar or related reclaiming, reprocessing or materials salvage uses
- 7) Storage, sale, delivery, handling, reshipment, processing, refining or blending of bulk petroleum products, solvents, gases or industrial chemicals; similar or related operations
- 8) Distillation, rendering, slaughtering, or similar processing; acid, explosives, fertilizer or industrial solvent or chemical manufacturing; hazardous, noxious or toxic products handling, disposal, compounding or processing

### **9.275. F-P, Flood Plain Overlay District**

This district, superimposed on the underlying zoning district regulations, is established in order to promote public health and safety, and to minimize property losses, by limiting uses of land which carry a high probability of placing persons or property in serious jeopardy during times of flooding.

### **9.280. Special Provisions**

- 9.280.1** New structures shall not be placed in flood hazard areas, unless and until all of the applicable provisions of the Flood Plain District of the City of Ashland, adopted February 15, 1977, as amended, have been met.
- 9.280.2** Because of the hazards involved, all occupied structures in this district shall be placed in stable fill or otherwise elevated above the level of flooding anticipated to occur with a one percent (1%) probability in any year, or shall be flood-proofed up to that level.
- 9.280.3** All other provisions of applicable regulations under the National Flood Insurance Program shall be met.

### **9.285. Permitted Uses**

- 1) Beekeeping, dairying, floriculture, forage crop production, forestry, general farming, grain production, grazing, orchard, stable, truck farming, or similar agricultural activity
- 2) Roadside stand for sale of farm or garden produce
- 3) Accessory uses, as provided by Section 9.339. of these regulations
- 4) Public or semipublic uses, as provided by Section 9.345. of these regulations

### **9.290. Conditional Uses**

- 1) Heliport, helicopter landing pad, airstrip or airpark
- 2) Microwave, radio, television and similar transmission, broadcast, relay or receiving tower
- 3) Private recreational club, swimming pool, tennis club or similar private recreational facility
- 4) Golf course and clubhouse
- 5) Commercial plant or tree nursery; greenhouse; landscaper
- 6) Outdoor commercial recreation and entertainment facilities
- 7) Skeet, trap shooting, pistol or other firing range; archery range; hunting preserve, hunting club or tracking course
- 8) Race track, drag strip, rally course or similar facility
- 9) Quarry, mine or other resource-extractive activity, involving on-site processing of mineral products or spoil; commercial sale or delivery of such products

#### **9.292.1 General Regulations for Airport Planned Commercial Districts and Airport Planned Industrial Districts**

**A. Purposes:** The purpose of this section is to regulate the use of property and to regulate and restrict the height of structures in the vicinity of the Columbia Regional Airport, to promote the public health, safety, convenience and general welfare, to increase safety in the use of the airport and to protect persons and property within the airport affected area and zoning districts. This section is to protect the airport from conflicts with development around it as the airport currently exists and as it has the potential to expand as shown in its' approved Airport Master Plan. This section is also to protect developers of properties around the airport from potential future conflicts with air traffic as the number and size of aircraft utilizing the airport may increase over time.

**B. General Regulations. Applicable to All Airport Planned Developments.**

These general regulations apply to all Airport Planned Commercial Developments (APC) and Airport Planned Industrial Developments (API).

- (1) Purposes. The purposes of Planned Developments are to encourage unified developments, to minimize adverse impacts on adjacent lands and to allow greater flexibility in the design of buildings and building complexes than would otherwise be possible through the strict application of district regulations.
- (2) Required Plans. Both an approved Preliminary Development Plan, hereinafter referred to as the “Review Plan” and a Final Development Plan, hereinafter referred to, as the “Final Plan” is required for all Planned Developments.
- (3) Approval Procedures.
  - (a) Preliminary Conference. Prior to preparing the Review Plan and initiating the approval procedures the property owner or his agent, hereinafter referred to, as the “proponent” is encouraged to consult with the City Administrator. The purpose of this consultation is to obtain information and advice, which could expedite matters, save the owner unnecessary expense and coordinate the plans of the proponent and those of the City of Ashland.
  - (b) Submission of Review Plan and Rezoning Request when applicable. The proponent of a Planned Development shall submit 10 copies of the Review Plan to the City Administrator at least thirty (30) calendar days prior to the Planning and Zoning Commission meeting. (amended Council Bill No. 2006-059, 1-02-2007) (amended Council Bill No. 2008-010, 2-19-2008)
  - (c) Commission Action on the Review Plan. The Commission shall advertise and hold a public hearing on the Review Plan and on any accompanying request for rezoning. The public hearing shall be advertised in accordance with the provisions of Section 9.055 of the regulations. The Airport Manager will be sent a written notice of all public hearings and a copy of the review plan along with a comment response sheet. The Commission, after the hearing shall recommend to the Board of Aldermen approval or rejection of the Review Plan, with or without modifications or conditions, and the

approval or rejection of any accompanying zoning request.

- (d) Board of Aldermen Action on the Review Plan. After receipt of the Commission's recommendations the Board of Aldermen shall approve or reject the Review Plan with or without modifications or conditions.
  - (e) Commission Action on the Final Plan. Following Review Plan approval the proponent shall submit reproducible copy and 10 paper copies of the Final Plan to the Commission. The Final Plan will be approved by the Commission provided all required information is accurately portrayed on the Final Plan, the Final Plan substantially conforms with the approved Review Plan, and it meets all conditions which the Commission and/or the Board of Aldermen may have imposed on the Review Plan. The Commission's Chairman may approve a Final Plan with Commission review when no changes or conditions have been imposed on the Review Plan by the Board of Aldermen and when the Plan meets all Final Plan requirements. After approval, the permanent reproducible copy of the Final Plan shall be signed by the Commission's Chairman and be permanently filed by the City Clerk.
- (4) Issuance of Building Permits. No Building Permit or Certificate of Occupancy shall be issued for any building or use that is not in accordance with the approved Final Plan.
  - (5) Minor Change in Plans. From the time to time during the construction the proponent may make minor changes to the approved Final Plan so long as such changes have been approved by the City Administrator, or upon denial by the City Administrator with the approval of the Commission. Any change in proposed use, any increase in proposed density shall not be considered a minor change. Any dimensional variation greater than ten (10%) percent shall not be considered a minor change.
  - (6) General Standards for Plan Review. The Commission shall review the proposed developments for conformity with the official City plan, subdivision and zoning regulations, and other land planning principles. Before recommending approval of a Review Plan the Commission shall determine that:

- (a) Adequate utilities, access roads and/or other necessary facilities will be provided.
  - (b) Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  - (c) The proposed development is located in an area where it can be served in a cost effective manner by the city.
- (7) Compliance with Subdivision Regulations. In the event the proposed development plan involves the subdivision of land the owner shall follow all applicable procedures, standards and requirements of the Subdivision Regulations of the City of Ashland.
- (8) The Commission and/or the Board of Aldermen may reject a Plan or may approve a Plan subject to conditions which may include, but not necessarily be limited to the following: conditions regarding the use, layout, circulation, buffer zones, landscaping, setbacks, off-street parking and other factors deemed as being essential to the sound development of the area and for the protection of adjacent areas.

**C. Review Plan-Scope and Content.**

- (a) The Review Plan shall encompass the entire tract, acreage or adjacent lots held in one ownership at the time of submission.
- (b) The Review Plan shall show at a scale of not less than one inch equals one hundred feet (1" = 100'):
  - (1) The name of the proposed development, scale, north point, acreage and boundaries of the property to be developed.
  - (2) The name of the owners of the property and the individual or firm responsible for the preparation of the Review Plan.
  - (3) Existing zoning districts in the tract and within 200 feet of the property.
  - (4) The location, use and approximate size of existing structures in the tract and within 200 feet of the property.

- (5) The relationship of streets, drives and alleys in the Planned Development to adjacent streets, drives and alleys.
- (6) The proposed location, size, and arrangements of structure, parking areas, existing and proposed public streets and private drives, easements, water and sanitary sewer line, storm water basins, drainage ways, drainage structures, landscaping and other features of the proposed plan.
  - (a) The Final Plan shall show any changes, modifications or conditions, which differ from those shown on the Review Plan.
  - (b) The Final Plan need not include the entire approved Review Plan but may include only a section thereof.
  - (c) The Final Plan shall be prepared by and have the seal and signature of an architect or engineer duly registered to practice in this State. Final Plans for tracts not qualifying as lots as defined in the City Subdivision Regulations shall bear the seal and signature of a registered land surveyor. Surveys necessary for the conveyance of property shall also bear the seal and signature of a registered land surveyor.
  - (d) Final Plan shall have been reviewed by an engineer, licensed in Missouri, designated by the City of Ashland and have any and all points raised in said review addressed to the reviewing engineer's satisfaction, before being considered by the Planning and Zoning Commission. The engineer's review and approval shall accompany each Final Plan. The cost of said review will be paid by the developer. A minimum charge of \$100.00 to be paid in advance by the developer before said plan is reviewed. Any additional costs of this review above \$100.00 must be paid in full to the City Clerk of the City of Ashland, Mo. before the Final Plan is approved by the Planning and Zoning Commission.

### **9.292.2 Airport Planned Commercial Developments**

Airport Planned Commercial Developments must comply with all provisions of Section 9.292.1, "General Regulations Applicable to All Airport Planned Commercial Districts and Airport Planned Industrial Districts" and the following additional provisions:

- (2) An approved Final Commercial Development Plan is required for all developments in the APC- Airport Planned Commercial Districts.

- (3) Uses Permitted in APC – Airport Planned Commercial Districts. The uses permitted shall be restricted to the uses permitted in the Airport Planned Commercial District provided, however, the Commission may further limit uses permitted as part of the review process.
- (4) In general, the height and bulk of buildings, the amount of open space, the parking and loading requirements shall be equal to those in the C-G District. The minimum yard requirements of the Airport Planned Commercial District shall not apply except that minimum yards shall be provided around the boundaries of the area being developed.

### **9.292.3 Airport Planned Industrial Developments**

Airport Planned Industrial Developments must comply with all provisions of Section 9.292.1 “General Regulations Applicable to All Airport Planned Commercial Districts and Airport Planned Industrial Districts”, and the following additional provisions:

- (1) An approved Final Airport Industrial Development Plan is required for all developments in the API – Airport Planned Industrial Districts.
- (2) Uses Permitted in API – Airport Planned Industrial Districts. The uses permitted shall be restricted to the uses permitted in the Planned Airport Industrial District, provided, however the Commission may further limit uses permitted as a part of the review process.
- (3) In general, the height and bulk of buildings, the amount of open space, the parking and loading requirements shall be equal to those in the I-L District. The minimum yard requirements of the I-L District shall not apply except that minimum yards shall be provided around the boundaries of the area being developed.

### **9.292.4. Conflicting Requirements**

Procedures, standards and requirements contained in Sections 9.292.1 through 9.292.3 shall prevail over any conflicting requirements of this Chapter.

### **9.293. APC – Airport Planned Commercial District**

The Airport Planned Commercial Districts is broadly permissive of a wide array of light and medium intensity retail and services uses, appropriate to its role as a focal point for community shopping, trade, employment, entertainment and government that are compatible with locations near an airport. It is not regarded as a residential district.

Some large institutions, and a number of heavy commercial or potentially intrusive uses may be conditionally permitted, as needed, but are not uses of right.

For area, height, and yard requirements in this district, see Section 9.300 of this Chapter.

#### **A. Permitted Uses**

- 1) Agricultural uses including dairying, floriculture, forage crop production, forestry, general farming, grain productions, grazing, orchard, stable, truck farming, or similar agricultural activity.
- 2) Road stand for sale of farm or garden produce
- 3) Dwelling, for proprietor, within a structure housing a permitted business activity; caretaker or watchman dwelling, on the premises of a commercial, industrial or recreational facility.
- 4) Accessory uses, as provided by Section 9.339. of these regulations except for residential uses
- 5) Commercial plant or tree nursery; greenhouse, landscaper
- 6) Personal services, including barber shop, beauty parlor, photographic or art studio, music lessons and other activities of similar character
- 7) Art gallery, gift, craft or florist shop, antique shop, private museum and similar uses
- 8) Bank, savings and loan office, insurance office or other financial institution
- 9) Real estate office; attorney, engineer or other professional practitioner, business office
- 10) Mental and dental office, clinic
- 11) Photo processing shop
- 12) Laundry or dry cleaning
- 13) Retail store for convenience, goods and services only; groceries, drugs and sundries; package goods, beverages; newspapers, magazines, gifts and crafts; similar light commercial sales
- 14) General retail uses; clothing, appliances, furniture and furnishings, comparison-shopping merchandise
- 15) Hotel; motel
- 16) Restaurant, cafeteria, prepared food sales; bar or tavern
- 17) Animal hospital; veterinary office; commercial kennel; small animal boarding
- 18) Automobile repair garage
- 19) Trade shops, including plumbing, carpentry and cabinetry, heating and air conditioning, painting, upholstery, electrical and electronic services and similar establishments conducted within and from enclosed buildings
- 20) Recreational equipment, sporting goods, yard and garden equipment sales and service
- 21) Automobile, truck, boat, trailer, mobile home, recreational vehicle sales and service, for new or used vehicles
- 22) Lumberyard; building supplies and material
- 23) Life Sciences laboratory, experimental, research and testing facilities

## **B. Conditional Uses**

- 1) Hospital, sanitarium or similar inpatient medical facility
- 2) College or seminary; charitable or philanthropic institution; correctional facility; cemetery
- 3) Skeet, trap shooting, pistol or other firing range; archery range; hunting preserve, hunting club or tracking course
- 4) Racetrack, rally course or similar facility
- 5) Printing plant or publishing house
- 6) Bottling plant
- 7) Truck stop and truck services
- 8) Rental equipment yard or outlet
- 9) Contractor's yard; construction, manufacturing or processing equipment storage warehouse or yard
- 10) Business or trade school
- 11) Funeral Parlor, mortuary, crematorium
- 12) Outdoor commercial recreation and entertainment facilities
- 13) Public and semi-public uses, as provided by Section 9.345 of these regulations
- 14) Community center, non-commercial only
- 15) Private recreational club, swimming pool, tennis club or similar private recreational facility
- 16) Guest lodge/ranch, resort or retreat; riding stable or academy; day camp or education camp
- 17) Campground; motor home or travel trailer park
- 18) Golf Course and clubhouse
- 19) Bowling alley; billiard parlor; amusement or coin operated games facility; arcade or similar use.
- 20) Theater, playhouse or commercial auditorium

## **C. Prohibited Uses**

Any use not specifically listed in this district as a permitted use or listed as a conditional use is considered a prohibited use. Additionally, the following uses are expressly prohibited in this district.

- 1) Residential uses not directly associated with the commercial use.
- 2) Mobile Homes
- 3) Mobile Home Parks
- 4) Drag Strip type racetracks
- 5) Any use that will create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

## **9.294. API – Airport Planned Industrial District**

The Airport Planned Industrial District is intended for light assembly, warehousing and distribution; community services with extensive outdoor storage and handling requirements, and a fairly permissive array of supporting convenience retail and commercial services. It is not a residential district, except as directly incidental to primary uses, and it is not suited to comparison-shopping activity. A few other uses may be conditionally permitted, if their potentially intrusive effects are mitigated, or found to be acceptable in a specific location.

For area, height, and yard requirements in this district, see Section 9.300. of this Chapter.

### **A. Permitted Uses**

- 1) Agricultural uses including dairying, floriculture, forage crop production, forestry, general farming, grain productions, grazing, orchard, stable, truck farming, or similar agricultural activity.
- 2) Printing plant or publishing house
- 3) Lumberyard; building supplies and materials
- 4) Bottling plant
- 5) Truck stop and truck services
- 6) Rental equipment yard or outlet
- 7) Contractor's yard; construction, manufacturing or processing equipment storage warehouse or yard
- 8) General merchandise warehousing, wholesaling, jobbing or distribution; public warehouse or trans-shipment facility; related uses
- 9) Freight terminal; truck dock; pipeline pumping station
- 10) Life Sciences laboratory, experimental, research and testing facility
- 11) Light manufacturing, assembly, fabrication or processing of equipment, instruments, apparatus, hardware, appliances, machinery, ceramics, food products, textiles, wood or metal products, and similar materials; shall not include distillation, rendering, slaughtering, acid or fertilizer manufacturing, explosives or other hazardous, noxious or toxic processes or products

### **B. Conditional Uses**

Any use that is not specifically listed, as a permitted use, is not prohibited, and the Commission determines said use meets the purpose of the district.

### **C. Prohibited Uses**

Any use not specifically listed in this district as a permitted use nor listed as a conditional use, nor has been specifically determined by the Commission as an eligible conditional use, is considered a prohibited use. Additionally, the following uses are expressly prohibited in this district.

- 1) Residential uses not directly associated with the industrial use
- 2) Mobile Homes
- 3) Mobile Home Parks
- 4) Hospitals
- 5) Schools
- 6) Any high occupancy structures
- 7) Bulk flammable or bulk compressed gas storage
- 8) Bulk above ground fuel storage tanks or facilities
- 9) Incineration facilities
- 10) Uses that may attract massing birds, including landfills
- 11) Above the ground major transmission lines or mains
- 12) Any use that will create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

#### **9.294.1 Airport Approach and Departure District**

The purpose of the Airport Approach and Departure District is intended to maintain open space at the end of the airport runways where noise, turbulence and aircraft in close proximity to the ground create conflicts with development. It is to the public health, safety and general welfare.

##### **A. Permitted Uses**

- 1) Open Space
- 2) Agricultural uses including dairying, floriculture, forage crop production, forestry, general farming, grain productions, grazing, orchard, stable, truck, farming, or similar agricultural activity.

##### **B. Conditional Uses**

Any use that is not specifically listed as a permitted use that the Commission determines said use meets the purpose of this district.

##### **C. Prohibited Uses**

Any use not specifically listed in this district as a permitted use nor listed as a conditional use, nor has been specifically determined by the Commission as an eligible conditional use, is considered a prohibited use. Additionally, the following uses are expressly prohibited in this district:

- 1) Residential Uses
- 2) Hospitals

- 3) Schools
- 4) Any high occupancy structures
- 5) Bulk flammable or bulk compressed gas storage
- 6) Bulk above ground fuel storage tanks or facilities
- 7) Incineration facilities
- 8) Uses that may attract massing birds, including landfills
- 9) Above ground major transmission lines or mains
- 10) Any use that will create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

**Article V. Other Use Regulations**

**9.295. Area Regulations**

Minimum Lot Area and Width. The following minimum lot areas and lot widths shall be provided in the districts indicated.

**Lot Area Per Family, Square Feet**

<b>District</b>	<b>Lot width, feet (a)</b>	<b>Lot area, square feet (b)</b>	<b>Single family dwelling</b>	<b>Two family dwelling</b>	<b>Multiply family dwelling</b>
R-1	80'	8000 sf	8000 sf	N/A	N/A
R-2	90'	12000 sf	12000 sf	6000 sf	N/A
R-3	100'	12000 sf	12000 sf	6000 sf	4000 sf
O-1	50'	None	3500 sf	3500 sf	N/A
C-N	50'	None	3500 sf	3500 sf	3500 sf
C-G	50'	None	3500 sf	3500 sf	3500 sf
P-C	50'	None	Dwelling Prohibited	Dwelling Prohibited	Dwelling Prohibited
I-L	50'	None	Not a residential district	Not a residential district	Not a residential district
I-G	50'	None	Not a	Not a	Not a

			residential district	residential district	residential district
APC	100'	30,000 (d) 108,900 (e)	Dwelling prohibited	Dwelling prohibited	Dwelling prohibited
API	100'	108,900	Dwelling prohibited	Dwelling prohibited	Dwelling prohibited
AAD	100'	108,900	Dwelling prohibited	Dwelling prohibited	Dwelling prohibited
A-1	100'	108,900	108,900	Dwelling prohibited	Dwelling prohibited

\* N/A = not applicable

(a) Minimum width at the minimum front yard line but in no case shall the frontage at the street right-of-way be less than 35 feet. (amended 5-1-07 Council Bill No.2007-018)

(b) Minimum area of net lot, exclusive of existing street right of way or proposed minimum right of way, per comprehensive plan.

(c) Per Unit

(d) With wastewater collection system with off-site wastewater treatment

(e) 2 ½ acres with on-site wastewater treatment

(f) See 9.298 Lot Size Transition Calculation

(amended Council Bill No. 2005-033, 1-03-2006)

**9.295.1** Exceptions to Lot Area and Width Requirements: The minimum lot area and lot width requirements established above may be modified as follows:

**9.295.2** Existing buildings that do not conform to lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to these requirements.

**9.295.3** Lot area per family requirements shall not apply to nursing homes or other similar group quarters, where no cooking facilities are provided in individual rooms or apartments.

**9.295.4** Where approved public sewerage or water supply systems are not available, more restrictive standards may apply, according to state and local health and sanitation regulations in effect.

**9.295.5** Many allowable nonresidential uses in the R-1, R-2, R-3, O-1, C-N, and C-G districts will have larger practical or necessary site size and setback needs, which will render the above minimum standards impractical to achieve.

**9.297. Minimum Lot Size, Compliance Alternative for;**

The minimum residential lot area square footage called out in 9.295. may be reduced by up to twenty (20) percent in a subdivision, so long as land within the subdivision

containing square footage equal to or greater than the proposed subdivision's proposed total lot area reduction is prohibited from use for dwelling (s).

(1) For the purpose of this section, dwelling(s) is as defined in 9.115.

(2) Land set aside to comply with this provision shall be clearly designated as such on the preliminary and final plats.

(3) The area of proposed residential lots abutting existing lots in neighboring plats cannot be sized under 9.297. and must instead be sized as described in 9.298.

(amended Council Bill No. \_\_\_\_\_ , 1-03-2006)

### **9.298. Lot Size Transition Calculation**

The total area of a proposed residential lot abutting an existing residential lot in neighboring plats shall be no less than the greater of either:

(2) The minimum lot area square footages called out in 9.295 or;

(3) Eighty percent (80%) or more of the area of the existing residential lot sharing linear footage with the proposed lot.

If 9.298 (2) prevails as the greater, the area of a proposed residential lot sharing linear footage with two or more existing residential lots shall be calculated based on the average area of the existing residential lots sharing linear footage with the proposed lot.

In cases where a street does or will separate a proposed residential lot from an existing residential lot in a neighboring plat, the proposed and existing residential lots shall be considered abutting.

In cases where required open space within a proposed plat separates a proposed residential lot from an existing residential lot in a neighboring plat, the proposed and existing residential lots shall be considered abutting, and the area of open space located between the two lots and within the extended lot lines of the proposed lot may be counted toward the required square footage of the proposed lot.

(amended Council Bill No. 2005-032, 1-03-2006)

### 9.300. Height and Yard Regulations

**9.330.1** Maximum Height and Minimum Yard Requirements. The following maximum height and minimum yard dimensions, measured in feet, are established for each lot, as shown for each zoning district:

District	Maximum Height	Minimum Front Yard	Side Yard Minimum	Side Yard Total	Minimum Rear Yard
R-1	35	25	7	20	30
R-2	35	25	7	20	30
R-3	35	25	9	20	30
O-1	45	25	10	20	25
C-N	45	25	10	20	25
C-G	45	25	10	20	25
P-C	45	25	10	20	25
I-L	45	25	10	20	25
I-G	45	25	10	20	25
APC	45	100	50	100	25
API	45	100	50	100	25
AAD	45	100	50	100	25
A-1	45	50	50	100	25

(amended 1-03-06) (amended 2-06-07 Council Bill No. 2007-002 adding Planned Commercial District)

**9.330.2** Additional Yard Requirements. The following additional yard requirements shall also be observed:

**9.330.3** On lots fronting on two nonintersecting streets, front yard setbacks shall apply. On corner lots, front yard setbacks shall apply on both streets, except that the buildable width shall not be reduced to less than forty (40) feet.

- 9.330.4** Where an official line or proposed right of way has been established for the future widening or opening of a street or other thoroughfare upon which a lot abuts, then the depth of front, side or rear yards shall be measured from such official line or proposed right of way to the nearest line of the building.
- 9.330.5** Building setbacks of at least twenty-five (25) feet shall be maintained from all State and U.S. Highways.
- 9.330.6** The minimum width of side yards for schools, libraries, churches, community buildings and other public and semi-public buildings in residential districts shall be ten (10) feet.
- 9.330.7** In the R-1 and R-2 districts, there shall be no more than one principal building on a lot, except as may be expressly provided elsewhere in these regulations.
- 9.330.8** There may be two or more related hotel, motel, recreational or institutional buildings on a lot, provided that (a) the required yards are maintained around the group of buildings and (b) buildings that are parallel or that are within forty-five (45) degrees of being parallel are separated by a horizontal distance at least equal to the height of the highest building, for walls with a door or window, and one-half the height of the highest building, for walls with a door or window, and one-half the height of the highest building, for walls without a door or window.

This provision shall also apply to structures proposed in Planned Commercial zones that are designed for a use under the Planned Commercial permitted use listing, or a use under the Planned Commercial conditional use listing, so long as said conditional use is approved by the city. (amended Council Bill No. 2007-002, 2-06-2007)

- 9.330.9** No sign, fence, wall, shrub or other obstruction to vision exceeding two feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points twenty-five (25) feet distant from the intersection of the street lines.
- 9.330.10** Those parts of existing buildings that do not conform to yard regulations may be repaired and remodeled, but not reconstructed or structurally altered.
- 9.330.11** Exceptions to Yard Requirements: The following exceptions may be made to the yard requirements.
- 9.330.12** Sills, cantilevers, cornices, window air conditioning units and ornamental features may project into a required yard a distance not to exceed thirty-six (36) inches.

- 9.330.13** Fire escapes, outside stairways, chimneys and balconies may project up to four (4) feet into a required side or rear yard, but these projections must be at least five (5) feet from any adjacent lot line.
- 9.330.14** Terraces, uncovered porches and decks, the floor level of which are at or below the level of the first floor, may project into a required side or rear yard, but these projections must be at least five (5) feet from an adjacent side lot line, and at least fifteen (15) feet from an adjacent rear lot line.
- 9.330.15** Any accessory building less than ten (10) feet from a main building shall be considered part of the main building and shall be provided with the minimum yards required for the main building.
- 9.330.16** Any accessory building may be erected within a required rear yard, but must be at least five (5) feet from a side or rear lot line, and may not occupy more than thirty (30) percent of the required rear yard.
- 9.330.17** Within the R-1 district only, a lawfully buildable lot of record at the time of adoption hereof shall not be rendered unbuildable solely by reason of yard and area requirements herein.
- 9.330.18** In I-L Industrial Districts, I-G General Industrial Districts and C-G General Commercial Districts, side or rear yard setbacks are not required for any yard abutting a lot that is in a I-L Light Industrial District, I-G General Industrial District or C-G General Commercial District.

### **9.335. Exceptions to Height Limits**

- 9.335.1** Public, semi-public or public service buildings, hospitals, institutions, schools and churches, where permitted, may be erected to a height not exceeding sixty (60) feet, provided that minimum yard requirements are increased by one (1) foot for each foot of building height above the limit otherwise mandated.
- 9.335.2** Microwave, transmission, broadcasting or other communication towers or antennae, chimneys and flues, water towers and standpipes beacons and similar utility or safety appurtenances may be erected to any safe height not in conflict with other regulations of the City of Ashland, under special or conditional approval procedures established therefore.

### **9.337. Special Provisions, Airports and Heliports**

All airstrips, airparks, heliports, helipads or other aircraft facilities, together with all structures of any description in the vicinity of such facilities, shall comply with all approach, transition, horizontal and conical zone regulations established in Part 77 and other pertinent parts of the Federal Aviation Regulations.

**9.338. Special Provisions, Pervious Surface;**

No less than thirty (30) percent of the surface area of lots within API, APC and AAD Districts shall be green space as defined in 9.115.

Green Space will be established in the 25' feet of the front yard closest to the public street. Additional green space to meet the 30 percent requirement may be placed elsewhere on the lot.

**9.339. Accessory Buildings and Uses:**

**9.339.1** Accessory buildings and uses are permitted in any district, provided that such buildings and uses are clearly subordinate and incidental to the principal use of the premises, are of a sort that is customary and commonly associated with such principal use, and are located on the same lot as the principal use.

Examples include, but are not limited to, private residential garages, home offices, and workshops, pet enclosures, tennis courts or swimming pools, and fuel tanks or storage outbuildings.

**9.339.2** No accessory building shall be constructed in the absence of a main or principal building, and no accessory building shall be used unless the main building in the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material and equipment by a contractor during building construction.

**9.339.3** No accessory building shall be erected in front of a main building unless the accessory building is attached to the main building by a common wall.

**9.339.4** Accessory buildings shall not be used for dwelling purposes.

**9.339.5** No accessory building shall be erected or constructed which has a foundation or foot print area greater than fifty percent (50%) in size (calculated by square footage) than the main or principal building with which it shares a lot. Additionally, no accessory building shall be more than one hundred percent (100%) of the maximum height of the highest point of the main or principal building for which it is subordinate and incidental. (amended Council Bill No. 2006-045, 10-03-2006)

### **9.342. Permitted Home Occupations and Professional Offices**

**9.342.1** Home occupations and professional offices shall be permitted in any district wherein dwellings are permitted, provided that certain minimum standards of operation and appearances are met, as provided herein.

Examples of permitted home occupations include, but are not limited to artists, photographers, writers, composers, lawyers, engineers, surveyors, architects, realtors, business agents, accountants, members of the clergy, medical practitioners, seamstresses or tailors and teachers.

**9.342.2** Such use shall be conducted as a use incidental to the primary residential use of the premises, and shall not occupy more than thirty (30) percent of the total floor area of the primary and accessory buildings in the premises.

**9.342.3** No more than two persons not residents of the premises shall be employed in the conduct of such use, nor shall any commodity or product be sold which is not produced or prepared on the premises.

**9.342.4** Home occupations and professional offices shall not include such operation of mechanical equipment, nor vehicle parking or outside storage of materials, nor significant alteration of the appearance of the dwelling, as would adversely affect the character of a residential neighborhood, or visibly indicate a change in the principal residential use of the premises.

### **9.345. Public and Semipublic Uses**

**9.345.1** The terms public use and semi-public use, listed as permitted uses in the various districts, are taken to mean those uses, structures, buildings and functions associated with the conduct of government, or the provision of utility or other services by a public agency or by a regulated public utility.

**9.345.2** Uses of this category include, but are not limited to public administrative buildings, communication facilities, libraries, museums, primary and secondary schools, community buildings, treatment plants, sanitary landfills, police and fire stations, drainage or impoundment structures, water, sewer, gas or electric collection or distribution systems, generating stations, locks, roads, highways and bridges, among others.

**9.345.3** Except for certain regulated public utilities, this use category does not include private for-profit or not-for-profit institutions, private community pool, tennis or recreation associations, private institutions of higher learning, cemetery associations, fraternal organizations, private hospitals or clinics, or philanthropic or eleemosynary organizations.

## **9.350. Nonconforming Uses**

**9.350.1** Nonconforming Use of Buildings. Except as otherwise provided herein, the lawful use of a building existing as of the effective date of this ordinance may be continued, though such use does not conform to the provisions herein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification.

Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

The nonconforming use of a building may be hereafter extended throughout those parts of a building, which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this ordinance.

**9.350.2** Nonconforming Use of Land. In any district where open land is in a nonconforming use, and such use is the principal use and not accessory to the main use conducted in a building, such use may be continued. However, the nonconforming use shall not be extended or enlarged, either on the same or an adjoining property.

Use of any building incident and subordinate to such use of land, such as a shed or tool house, storage building, office or dwelling may be continued as well.

**9.350.3** Abandonment of Nonconforming Uses. No mobile homes, building or portion thereof used in whole or in part for the nonconforming use, which has been uninhabited for a continuous period of 120 days whether or not related equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which it is located. (amended Council Bill No. 2008-014, 3-04-2008)

**9.350.4** Destruction of a Nonconforming Uses. No mobile homes or no building which has been damaged by any cause whatsoever to the extent of more than sixty (60) percent of the actual value of the building or mobile home immediately prior to damage, shall be restored except in conformity with the regulations of this ordinance, and all rights as a nonconforming use are thereby terminated.

If a building is damaged by less than sixty (60) percent of its actual prior to damage, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction are substantially completed within twelve (12) months of the date of such damage.

**9.350.5** Nonconforming Conditional Uses. Existing uses eligible for conditional use permits, unlike other nonconforming uses, shall require a new conditional use permit for any enlargement, extension or substantial alteration.

**9.350.35** Mobile Homes, Replacement of. A mobile home that is not in a mobile home park and is in place and operation as a nonconforming conditional use, shall not be replaced with a mobile home that is more than 5 years older than its date of manufacture at the time of its proposed installation. (amended Council Bill No. 2008-014, 3-04-2008)

**9.355. Certification of Nonconforming Use.** Operations of nonconforming uses existing on the effective date of this ordinance may apply for certification of such nonconforming use within one year of the effective date hereof.

Where such certification has not been obtained, the existence of nonconforming use rights shall be a question of fact, to be determined by the Board of Adjustment after public notice and hearing, in accordance with the procedural rules of the Board.

### **9.360. Conditional Use Permit**

**9.360.1** Application may be made to the Administrative Officer for a conditional use permit for any use specifically authorized by the district use regulations for such consideration. The applicant shall furnish information and shall deposit fees in accord with Section 9.420. of this ordinance, and the Administrative Officer shall thereafter review the application for compliance with the provisions of this ordinance, prepare a report or Public notice, advertising, posting, agenda placement or other procedure matters involving the application shall be handled by the Administrative Officer, under such review or hearing procedures as the Board of Aldermen may establish. (The application shall be submitted at least thirty (30) calendar days prior to the meeting of the Planning and Zoning Commission. (amended Council Bill No. 2006-059, 1-02-2007) (amended Council Bill No. 2008-010, 2-19-2008)

A report and recommendation shall be filed by the Planning and Zoning Commission with the Board of Aldermen within forty-five (45) days of the meeting at which the Planning and Zoning Commission first considers the matter, unless consideration is extended by mutual consent of the Commission and the applicant. No conditional use permit shall be granted without recommendation from the Planning and Zoning Commission; however, if no report is transmitted within the stated or extended time period, it shall be assumed that the Commission has approved the application.

Thereafter, the Board of Aldermen shall examine and approve or deny the application, with findings and if approved, under such conditions as are deemed necessary, per 9.360.2 through 9.360.8 below.

- 9.360.2** In authorizing the issuance of a conditional use permit, the Board of Aldermen may impose such conditions at will, in its judgment, ensure that;
- 9.360.3** The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- 9.360.4** The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.
- 9.360.5** The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- 9.360.6** Adequate measures will be taken to provide ingress and egress, designed to minimize traffic congestion in the vicinity.
- 9.360.7** Adequate utilities, drainage and other necessary facilities have been or will be provided.
- 9.360.8** The conditional use will in all other respects conform to the applicable regulations of the district in which it is located, except as may be expressly provided elsewhere in these regulations.

**9.365. Off-Street Parking and Loading Standards**

- 9.365.1** Parking Spaces Required. Off-street parking for motor vehicles shall be provided in all districts for all buildings hereafter constructed, reconstructed or substantially altered, and for all new uses of land subject to this ordinance.

The following parking space requirements by type of use are minimum standards only, and actual conditions may warrant additional parking.

Single Family, Two family or Multifamily Dwelling, Mobile Home: Two (2) spaces for each dwelling unit.

Rooming, Boarding or Lodging house: One (1) space for each two (2) occupants.

School: Elementary and preschool, two (2) spaces for each classroom; junior high school, four (4) spaces for each classroom; high school or college, ten (10) spaces for each classroom.

Theater, Gallery, Auditorium, Church, Community Center, Private Club or Lodge, Recreational Facility or Other Place of Public Assembly: One (1) space for each five (5) seats or similar measure of patron accommodation or capacity.

Hospital, Sanitarium, Institutional Housing, Nursing or Care Home, and Similar Facilities: One (1) space for each two (2) beds or comparable measure of facility capacity.

Hotel, Motel: One (1) space for each room or unit.

Office Building, Financial Institution, Clinic: One (1) space for each two hundred (200) square feet of net leasable area or equivalent occupancy factor.

Retail Sales or Related Commercial Business, except Restaurants: One (1) space for each two hundred (200) square feet of net leasable area or equivalent occupancy factor.

Restaurant, Cafeteria: One (1) space for each one hundred (100) square feet of customer service area.

Wholesaling, Warehousing, Storage: One (1) space for each two thousand (2,000) square feet of floor area.

Manufacturing, Other Industrial Use: One (1) space for each two (2) employees, at maximum employment on the main shift.

Mixed Uses: The sum of the requirements for the various individual uses, computed separately in accord with the standards herein.

Uses Not Specified: As determined necessary by the Administrative Officer, taking all parking generating factors into account, and applying standards for specific uses of similar intensity or demand.

**9.365.2** Loading Spaces Required Off-street loading spaces shall be provided for any business, industry, hospital, institution or lodging facility hereafter constructed, reconstructed or substantially altered, sufficient to accommodate all anticipated loading or unloading of merchandise or goods within or adjacent to the facility, in such a way as not to obstruct freedom of traffic movement on public thoroughfares, or on internal private driveways serving off-street parking, fire lanes or other purposes.

**9.365.3** Parking and Loading Design Standards, General. All parking and loading areas provided shall meet the following minimum improvement and maintenance requirements:

Location: Onsite for all residential and nonresidential uses. Provided that minimum requirements are met onsite for nonresidential uses, the Administrative Officer may authorize additional or overflow parking as needed, offsite and within one thousand (1000) feet of the use.

Surface: All parking and loading area surfaces including parking and loading area access aisles, driveways, exits and entrances shall be constructed of permanent, non-permeable concrete or asphaltic concrete.

Exception: In the I-L Light Industrial Districts I-G General Industrial Districts and API Airport Planned Industrial Districts shall meet the above requirement for surfaces in the front of the main structure and any surfaces on the side or rear of the structure that are used for employee, customer, tenant access or parking. Storage yards and additional parking for the occupant of the structure in the side and rear yard may be granular surface.

Exception: Driveways, loading areas, access aisles and parking areas, in I-L Light Industrial Districts, G-L General Industrial Districts, API Airport Planned Industrial Districts and A-1 Agricultural Districts that only have access to a public street or road that has a gravel surface.

Drainage: Shall assure positive drainage, and shall provide detention or velocity checks sufficient to prevent off-site damage or erosion in receiving drainage ways.

Entrances and Exits: Shall be of sufficient design and size to assure safe and convenient turning movements to and from adjacent streets and highways.

Marking and Identification: In any lot having more than five (5) parking spaces, all such spaces, driveways and direction of movement shall be indicated by traffic paint, curbs, directional signs or other markers, appropriate to the circumstance, to ensure safe and efficient operation of the lot.

Lighting: Where provided, shall be shielded to prevent excessive glare, impairment of use, or safety hazards on adjoining properties or thoroughfares.

#### **9.365.4 Parking Lot and Loading Zone Dimensions**

The minimum size of a parking space shall be in nine (9) feet wide by eighteen (18) feet long; the minimum size a handicap parking space shall be twelve (12) feet wide by eighteen (18) feet long.

The minimum size of a loading space shall be twelve (12) feet wide, with sufficient length to accommodate the longest vehicle anticipated in normal use.

Access aisles in off-street parking facilities shall have minimum widths as follows:

- (a) Drives serving sixty-one (61) to ninety (90) degree angle parking shall be at least twenty-four (24) feet in width;

- (b) Drives serving forty-six (46) to sixty (60) degree angle parking shall be at least eighteen (18) feet in width;
- (c) Drives serving forty-five (45) degree or shallower angle parking shall be at least fifteen (15) feet in width.

**9.370. Mobile Home Parks**

- 9.370.1** Locational Requirements: From and after the adoption of these regulations, no mobile home shall be located on any premises situated outside of an approved mobile home park.
- 9.370.2** Design and Review Standards where approved by the Board of Aldermen, on recommendation of the Planning and Zoning Commission, as provided for other conditional use permits, mobile home parks shall meet the following special requirements, supplemental to the general requirements.
- 9.370.3** The maximum number of mobile home sites shall correspond to the square footage allowances for dwellings within the same zone; that is, not less than the required square footage of lot area per family, including interior drives and service areas, shall be provided within the mobile home park for each mobile home site established.
- 9.370.4** Individual mobile home sites shall be not less than thirty-five (35) feet wide, nor less than eighty (80) feet long; the minimum separation between mobile home units shall be twenty (20) feet, side to side, and fifteen (15) feet, end to end; the minimum setback of any unit or structure from the outside perimeter of the mobile home park shall be twenty-five (25) feet.
- 9.370.5** All other applicable standards of these regulations, including but not limited to parking, additional setbacks from highways, corner lot vision clearance, height, home occupations and other use regulations shall be met.
- 9.370.6** All mobile home sites shall be provided with public or approved private community sewer and water service; no individual unit wells or sanitary sewerage facilities shall be permitted.
- 9.370.7** All mobile homes placed on the sites shall be provided with a firm and stable support system, approved ground anchors to prevent displacement by wind, and full under-skirting, relevant information as may be necessary, and forward the matter to the Planning and Zoning Commission for review and recommendations.
- 9.370.8** The Board of Aldermen may impose additional and reasonable requirements on a mobile home park, such as additional storage, service facilities, perimeter

enclosure or storm drainage controls as are necessary in its judgment to ensure compliance with the general and special purposes of these regulations.

### **9.375. Planned Residential Development, Special Provisions**

**9.375.1** Purpose. Planned Residential Development (PRD) is a conditional use permitting procedure established to provide for innovative and beneficial residential development in selected settings, with these objectives:

1. flexibility in the design and location of structures;
2. efficient and economical use of land, especially on sites with topographic, drainage or other limitations which render conventional residential development especially difficult, or extreme in its physical impact on existing natural features;
3. preservation of natural features or useable common spaces and facilities in greater measure than would be probable with conventional development;
4. resultant quality of residential development at least commensurate with that, which would result on the same site without use of the PRD procedure.

**9.375.2** Approval Not Mandatory. A Planned Residential Development may be approved by the Board of Aldermen on a finding that the general and special purposes of this ordinance are well served by such action, but approval is not mandatory, and PRD is not a use of right.

**9.375.3** Uses Permitted. Permitted uses in an PRD are the same as those established for the district in which it is located; simultaneous consideration may also be given for any of the conditional uses established for the same district, and these may be incorporated into the development plan.

**9.375.4** Uses. If a PRD or Conditional Use permit is requested or granted, the developer must abide by the regulations set forth by the Planning and Zoning ordinances pertaining to the way that the property will be used, not as it is currently zoned. (i.e: If single family dwellings are to be built in a commercially zoned district, the development will abide by the regulations pertaining to R-1 zoning.

### **9.375.5 Variations and Limitations.**

**9.375.5.1** Residential unit types may be varied, with single or multiple dwellings clustered or mixed within the development, except that within the R-1 residential district, no single structure may include more than four (4) dwelling units.

The design may provide for modification of normal yard, setback, height and other requirements of these regulations, consistent with the objectives of the PRD procedure, except that a minimum building setback of twenty-five (25) feet shall be maintained around the perimeter of the PRD.

Residential density limitations are as provided in section 9.375.55.

**9.375.52** Unified development is a major objective, and the site shall be under unified control at the time of application and under centralized project management throughout the development process.

There is no minimum or maximum project site size requirement.

**9.375.53** Access shall be provided to each dwelling unit by a public right of way, or by a private vehicular or pedestrian way owned by a dwelling unit owner in fee or held in common by the residents or owners of the PRD.

**9.375.54** Common access, parking, recreation facilities, services or other commonly-held component parts of the PRD shall be operated and maintained by a permanent homeowners association of all owners, or similar entity. The association shall be empowered to levy dues and assessments for these purposes, in the nature of an enforceable lien against individually owned units, in order to assure continuing responsibility for common holdings.

**9.375.55** The maximum development density is a PRD in established by dividing net development area by the minimum lot area required per family in the district or districts in which the PRD is located, after deduction from gross site area for perimeter street right of way requirements, and after deduction of all areas set aside for churches, schools and other or similar nonresidential uses.

The area of all land set aside for common open space, access, parking and recreational use, however, may be included in determining maximum development density. Areas in each residential district shall be computed separately, and then aggregated for total unit potentials.

**9.375.56** Actual approved dwelling unit yield in a PRD may be restricted by the Board of Aldermen to less than maximum potential yield, and shall be governed by specific site conditions such as topography, character of surrounding development, traffic capacities and adequacy of public utilities and services.

**9.380. Procedure;** The procedure for approval of a Planned Residential Development, involves two steps, and Administrative Review Plan and Detailed Development Plan.

**9.380.1** The submission of the Administrative Review Plan to the Administrative Officer is to enable said officer, together with other city officers and representatives of affected agencies or utilities, to work out with the applicant or his representatives a proper plan for the area involved, considering onsite and offsite conditions, services and characteristics.

This initial review is conceptual. It is intended to determine project compatibility with surrounding areas with the Ashland Comprehensive Plan, and to indicate appropriate conditions and expectations to be met by the development project.

The Administrative Officer's review is advisory, and is not binding on the Planning and Zoning Commission or Board of Aldermen.

**9.380.2** The submission of a Detailed Development Plan for the PRD follows the procedure for a conditional use permit, and in accord with the time intervals, notifications and public review sequence established therein.

The required content of an application for approval of a Detailed Development Plan are as shown in Section 9.385. below. The plan shall be submitted at least thirty (30) calendar days prior to the meeting of the Planning and Zoning Commission. (amended Council Bill No. 2006-059, 1-02-2007) (amended Council Bill No. 2008-010, 2-19-2008)

The requisite findings, and the bases for any imposed conditions of approval are the same as for the other conditional use permit, as provided in Section 9.360.2 of these regulations. Conditions may include, but are not limited to uses and use separation, layout, buffer landscaping, circulation, parking or utilities, as appropriate to the setting.

It is also the express intent of these regulations that all applicable procedures governing the subdivision of land be coordinated with review and hearing of the Detailed Development Plan, including any requisite certifications by engineers, surveyors, or other parties established therein for purposes of preliminary subdivision plat review.

**9.380.2** After approval of the Board of Aldermen, the Administrative Office may issue permits enabling the Detailed Development Plan to be carried out, in accord with the conditions and terms of said approval. The PRD shall be noted on the zoning district map.

**9.380.3** Action of the Board of Aldermen shall run with the land, and the execution of the Detailed Development Plan shall not be modified as to use of the land, change in dwelling unit yield or other substantive features, except under the procedures established herein for original approval.

Minor, non-substantive changes may be authorized by the Administrative Officer, in carrying out the Detailed Plan. In case of uncertainty, the responsibility for determination of minor versus substantive change shall rest with the Planning and Zoning Commission.

**9.385. Detailed Development Plan, Scope and Content.**

**9.385.1** The Detailed Development Plan shall include the entire tract of assembly of land held in single ownership or under control of a single development entity, at the time of applications.

**9.385.2** The Detailed Development Plan shall be rendered at a scale smaller than one inch to one hundred feet and shall show:

- (a) name of development, north point, scale, existing zoning, acreage and boundaries of the property to be developed;
- (b) adjacent tracts, with owner's last names or similar identifier, and adjacent zoning;
- (c) one hundred (100) year flood plain within and adjoining the development tract;
- (d) existing streets, alleys, buildings, utilities, topography vegetative cover and significant natural features within and adjoining the tract;
- (e) proposed streets and connections or extensions, buildings, parking, common features, utilities and utility extensions, approximate grades, drainage accommodation, generalized landscaping, entrance identification or other signing and necessary easements;
- (f) sufficient detail and dimensions to show true relationship of structures, streets and drives, parking, common elements, setbacks and adjoining uses;
- (g) signature blocks for approval and date, by Planning and Zoning Commission and Board of Aldermen, attested as customary.

**9.385.3** The Detailed Development Plan shall be accompanied by supplemental information, to include:

- (a) a valid legal description of the development tract, with aggregate acreage to the nearest one-tenth acres.
- (b) the name of the owner or owners of the property and their consent to the development proposal.
- (c) A brief statement of the project objectives, target market, natural area preservation or common area features, and the reasons for choosing the PRD instead of conventional development procedures.

**9.390. Conveyancing.** No conveyancing of dwellings or land with a Planned Residential Development shall be permitted until applicable final platting requirements for the subdivision of land have been accomplished.

### **9.395. ADMINISTRATION AND ENFORCEMENT**

#### **9.395.1 Board of Aldermen**

The authority to provide for and carry out all legislative, administrative and appointive duties pertinent to municipal planning and zoning is vested in the Board of Aldermen by the provisions of the Revised Statutes of Missouri, and particularly by Chapter 89 thereof, as amended.

In this context, the Board of Aldermen bears specific responsibility in the manner provided by said Chapter 89, RSMo, to:

- (1) appoint members of the Planning and Zoning Commission;
- (2) provide for preparation of public hearings on and adoption of a comprehensive plan for the city, and amendments thereto;
- (3) provide for preparation of public hearings on and adoption of zoning, land subdivision, highway setback or other land use and development regulations, a zoning district plan, and amendments thereto;
- (4) hold hearings, review use or development proposals and consider all matters forwarded for its action under such regulations;
- (e) appoint members of the Board of Adjustment; and
- (f) conduct such other and related municipal planning and zoning matters as statute and local laws require.

## **9.400. Planning and Zoning Commission**

**9.400.1** Pursuant to its statutory responsibilities outlined above, the Board of Aldermen is charged with creating a Planning and Zoning Commission, and appointing the members thereof, in order to prepare such studies, adopt such provisions, make such recommendations and conduct such other business as the statute contemplates.

**9.400.2** The Planning and Zoning Commission, appointed as the statute instructs, then bears to the Board of Aldermen and to the residents of Ashland certain responsibilities, in the manner provided by Chapter 89, RSMo., to:

- (5) elect its chairman and create and adopt rules for the transaction of its business;
- (6) keep a public record of its resolutions, transactions, findings and recommendations;
- (7) appoint such employees, contract for services and incur such expenses in the performance of its duties as the Board of Aldermen shall authorize;
- (8) prepare and recommend to the Board of Aldermen for adoption, the official comprehensive plan for the city, and amendments thereto;
- (9) prepare and recommend to the Board of Aldermen for adoption, a plan of suitable zoning districts into which the city may be divided for purposes of carrying out the comprehensive plan, a set of appropriate regulations to be enforced within said districts, and subsequent amendments thereto;
- (10) prepare and recommend to the Board of Aldermen for adoption, regulations governing the subdivision of land and amendments thereto;
- (11) review preliminary and final plats according to the requirements of said subdivision regulations and take action thereon or recommend approval, conditional approval or denial thereof by the Board of Aldermen, as the subdivision regulations contemplate;

(12) advise the Board of Aldermen on all public improvements of the types embraced by the comprehensive plan;

(13) hold hearings, conduct reviews of use or development proposal, take action or forward to the Board of Aldermen for action such matters as are contemplated or required by adopted zoning regulations; and

(14) conduct such other and related business as statute and local laws require.

#### **9.405. Board of Adjustment**

**9.405.1** Pursuant to its statutory responsibilities outlined above, the Board of Aldermen is charged with creating a Board of Adjustment and appointing the members thereof, in order that certain objectives of the statute are met, to assure equity and fairness in the implementation of the comprehensive plan and development regulations pursuant thereto. Thereafter, the duties, powers and limitations of the Board are as provided by Chapter 89 RSMo, as incorporated in Chapter 10 of the Code of Ordinances.

**9.405.2** The Board shall elect its own Chairman and shall adopt rules of procedures consistent with the provisions of this ordinance, and of said Chapter 10.

All meetings of the Board shall be open to the public, and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the Board and shall be a public record.

**9.405.3** The Board shall have the following powers, as provided by statute and said Chapter 10, and it shall be its duty:

- (a) to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance;
- (b) to hear and decide all matters referred to it or upon which it is required to pass under this ordinance; and
- (c) where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this ordinance, to vary or modify the application of any of the regulations or provisions of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

**9.405.4** In exercising these powers, the Board may, in conformity with statute, 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 members of the Board shall be necessary to reverse any order, requirement, decision or determination of such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under such ordinance, or to effect any variation in such ordinance.

**9.405.5** Appeals to the Board may be taken by any person, or by any officer, department, board or bureau of the municipality affected by any decision of the Administrative Officer, as provided by statute and said Chapter 10.

Appeals shall be taken within a period of not more than three (3) months of the action challenged, and in the manner provided by the rules of the Board.

An appeal shall stay all proceedings in furtherance of the action challenged, except as otherwise provided in statute and said Chapter 10.

**9.405.6** For any matter before the Board involving a specific parcel of land, where the decision of the Board could result in the modification of standards governing the use or development of such land, the appellant shall furnish information regarding adjacent properties, in accord with the rules of the Board, so that due notice may be given to parties in interest.

The Administrative Officer shall thereafter cause notice to be given to said parties and/or posted on the parcel, all in accord with the rules of the Board.

**9.405.7** Any person or persons jointly or severally aggrieved by any decision of the Board, or any officer, department, board or bureau of the city, may present to the Circuit Court of Boone County a petition for redress, in the manner and under the procedures established by statute, within thirty days after the filing of the decision in the office of the Board.

#### **9.410. Administrative Officer**

**9.410.1** Appointment and Authority. There shall be appointed by the Board of Aldermen an officer who shall enforce the provisions of this ordinance.

From and after the time such appointment or designation is made, said officer or designee, acting as the Administrative Officer under this ordinance, shall discharge those duties established for the position in these regulations, and in such other related

regulations as the Planning and Zoning Commission and Board of Aldermen shall establish.

**9.415. Administrative Officer, Duties**

**9.415.1** It shall be the duty of the Administrative Officer to enforce this ordinance.

The Administrative Officer shall receive applications as required by this ordinance, issue permits and furnish the prescribed certificates.

He or she shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are met.

He or she shall enforce all laws relating to the construction, alteration, repair, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise prescribed.

He or she shall, when requested by the Planning and Zoning Commission or the Board of Aldermen, or when the interests of the city so require, make investigations in connection with matters referred to in this ordinance and render written reports upon the same.

For the purpose of enforcing compliance with these regulations, he or she shall issue such notices or orders as may be necessary.

**9.415.2** Inspections shall be made by the Administrative Officer or a duly appointed assistant.

**9.415.3** For carrying into effect its provisions, the Administrative Officer may adopt rules consistent with this ordinance, subject to approval by the Planning and Zoning Commission.

**9.415.4** The Administrative Officer shall keep careful and comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued.

He or she shall retain on file copies of all papers in connection with building construction so long as any part of the building or structure to which they relate may be in existence.

All such records shall be open to public inspection at reasonable hours, but shall not be removed from the custody of the Administrative Officer.

**9.415.5** The Administrative Officer may request and shall expect, within the limitations of available resources, the assistance and cooperation of other municipal officials as necessary to the proper discharge of these responsibilities.

## **9.420. Permits**

**9.420.1 Requirements.** From and after the enactment of this ordinance it shall be unlawful to commence the construction or alteration of a regulated use, building or structure without first filing with the Administrative Officer an application in writing, and obtaining a formal permit therefore.

**9.420.2** An application for a permit shall be submitted in such form as the Administrative Officer may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, surveyor or builder employed in connection with the proposed work.

If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or of the person making the application, that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application.

Such application shall contain the names and addresses of the applicant and of the owner and, if the owner is corporate body, of its responsible officers. Such application shall describe briefly the proposed work.

**9.420.3** There shall also be supplied a plot plan, in form and size suitable for filing permanently with the permit record, drawn to scale, with pertinent dimensions given, showing accurately the size and location of all proposed new construction.

**9.420.4** Nothing in this section shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

**9.425. Completion of Existing Buildings.** Nothing contained in this ordinance shall require any change in the plans, construction, size or designated use of a building, the construction of which is imminent as of the effective date of this ordinance, for which utility or other permits and approvals have been lawfully obtained; provided, however, such construction shall have been started within six (6) months, the structural framework shall have been completed within one (1) year, and the entire building completed within two (2) years after the effective date of this ordinance.

## **9.430. Issuance, Posting and Revocation**

**9.430.1** It shall be the duty of the Administrative Officer to examine applications for permits.

If, after examination, he or she finds no lawful objection to the same and it appears that the proposed work will be in compliance with the regulations applicable thereto, he or she shall approve such application and issue a permit for the proposed work.

If the Administrative Officer's examination reveals otherwise, he or she shall reject such application, noting his or her findings in a report to be attached to the application, with a copy delivered to the applicant.

**9.430.2** Nothing in this section shall be construed to prevent the Administrative Officer from issuing a permit for the construction of part of a building or structure before all plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this ordinance.

**9.430.3** All work performed under a permit issued by the Administrative Officer shall conform to the approved application and plans, and approved amendments thereto. The location of all new construction shown on the approved plot plan, or an approved amendment thereto shall be strictly adhered to.

It shall be unlawful to reduce or diminish the area of a lot or plot for which a plot plan has been filed and which has been used as the basis for a permit, unless a revised plot plan showing the proposed change in conditions shall have been filed and approved; provided, however, that this limitation shall not apply when the lot is reduced by reason of a public taking for street opening, widening or other public improvement.

**9.430.4** Every permit issued by the Administrative Officer under the provisions of this ordinance shall have his or her signature affixed thereto; provided, however, that this shall not prevent the Administrative Officer from authoring a subordinate to affix such signature.

**9.430.5** A permit under which no work is commenced within one (1) year after issuance shall expire by limitation.

**9.430.6** A copy of the permit shall be kept on the premises, open to public inspection during the prosecution of the work and until completion of the same. The Administrative Officer may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

**9.430.7** The Administrative Officer may revoke a permit or approval issued under the provisions of this ordinance if it becomes apparent that there has been a false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

## **9.435. Certificates of Occupancy**

- 9.435.1** A Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Administrative Officer and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for a Certificate of Occupancy.
- 9.435.2** No regulated building shall be occupied or put into use before a Certificate of Occupancy has been issued.

A Certificate of Occupancy for a new building or the regulated reconstruction or alternation of an existing building shall be applied for coincident with the application for a building permit, and shall be issued within three (3) days after the request for same shall have been made in writing to the Administrative Officer after the erection or alteration of such building or part thereof shall have been completed, in conformity with the provisions of these regulations.

Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Administrative Officer for a period not to exceed one (1) year, during the completion of alterations or during partial occupancy of a building pending its completion.

Such temporary certificate shall not be construed to alter in any way the respective rights, duties or obligations of the owners or of the tenants relating to the use or occupancy of the premises or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.

- 9.435.3** A Certificate of Occupancy for the establishment of a new use on vacant land, or a change in the use of land as herein provided, shall be applied for before such land shall be occupied or used, and a Certificate of Occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of these regulations.
- 9.435.4** A Certificate of Occupancy may be requested for a nonconforming use. An application for such certificate for a nonconforming use must be filed within one (1) year after the effective date of this ordinance, or of any amendment to this ordinance, which causes a use to become nonconforming.

## **9.440. Amendment of Regulations or Zoning District Map**

- 9.440.1** Origination of Amendments. The Board of Aldermen, on its own motion or on petition, may revise, modify or amend the regulations and the districts created

by this ordinance. Such revisions, modifications or amendments shall be enacted only in the manner set forth herein.

**9.440.2** Petition Content. In the case of petition by a private party for amendment of the zoning district map, the petitioner shall furnish the names of owners of record of all real property lying adjacent to and within one hundred and eighty-five (185) feet of any real property, exclusive of streets and alleys, for which such district map change is requested, as disclosed by the official records of the County.

The petition shall be accompanied by a check made payable to The City of Ashland, in the sum of one hundred dollars (\$100.00) to cover the costs of the procedure. The City Clerk shall maintain a summary of the total expenses involved with the procedure. If the total expenses exceed one hundred dollars, then petitioner shall pay the difference to the City of Ashland within 10 days of the action by the Board of Aldermen. (amended Council Bill No. 2006-059, 1-02-2007)

The petition shall be in or on a form supplied by the Administrative Officer, shall be attested to by the owner or owners of record of real property for which the change is requested, shall contain an accurate legal description of the real property for which change is requested, and shall include such other maps, plats, affidavits or showings as the Board of Aldermen may require. The petition shall be submitted at least thirty (30) calendar days prior to the meeting of the Planning and Zoning Commission. (amended Council Bill No. 2008-010, 2-18-2008)

**9.440.3** Referrel. All motions or petitions for amendment of the zoning district map or the zoning ordinance shall be referred to the Planning and Zoning Commission for public hearing, review, report and recommendation, with notice given as provided in Section 9.440.4 below. At least one public hearing shall be conducted thereon by the Planning and Zoning Commission.

**9.440.4** Notice. At least fifteen days notice of the time and place of such public hearing shall be published in at least one newspaper having general circulation within the City of Ashland, giving particulars as to the location of such proposed zoning district map amendment, or the nature of the proposed zoning ordinance amendment.

**9.440.5** Action. Following review and recommendation by the Planning and Zoning Commission, the Board of Aldermen may conduct any additional hearing or hearings on the matter, with public notice given in the same manner as that for the hearing before the Planning and Zoning Commission, and shall act to adopt, adopt with change, or deny the motion or petition to amend the map or regulations at any public meeting of the Board of Aldermen.

No proposed change by the Board of Aldermen to a petition or motion to amend the zoning district map shall increase the area involved nor substitute a different district,

unless the matter is re-advertised, referred back to the Planning and Zoning Commission, and reheard de novo, as a new proposal.

**9.440.6** Protest. In case of a written protest against any proposed district map amendment, signed and acknowledged by the owners of thirty percent or more, wither of the areas of the land, exclusive of streets and alleys, included in the proposed change or within an area determined by lines drawn parallel to and one hundred and eighty-five feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds of the Board of Aldermen.

**9.440.7** Fees. Shall be as determined by the Board of Aldermen

#### **9.445. Violations and Penalties**

**9.445.1** Violations; Use erection, construction, reconstruction, alteration, conversion or maintenance of any regulated building or structure in violation of the provisions of Chapter 89 RSMo. Or of this ordinance is subject to all remedies, actions or proceedings under authority of said Chapter 89, as amended.

**9.445.2** Penalties. The owner or general agent of a building or premises where a violation of any provision of these regulations has been committed or shall exist, or the lessee or tenant of an entire building or premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be guilty of a misdemeanor, and subject to penalties as provided by said Chapter 89, as amended.

Penalties enumerated by said Chapter 89 may be imposed by the court for each and every day such violation continues. Failure to comply with violation abatement orders to additional civil penalties, as prescribed by said Chapter 89, as amended.

#### **9.500. Signs**

Purpose: The purpose of these sign regulations is:

- 1) To allow for the effective use of signs as a means of communication in the City of Ashland (also known hereafter simply as “the City”);
- 2) To maintain and enhance the City’s ability to attract sources of economic development and growth;
- 3) To improve pedestrian and traffic safety;
- 4) To minimize possible adverse effects of signs on nearby property;

- 5) To bring all signs into compliance with adopted regulations;
- 6) To enable the fair and consistent enforcement of these sign regulations;
- 7) To maintain and enhance the appearance of the community.

#### **9.510. Definitions**

As used in this Article, the following words will be defined as follows:

**Billboard:** A billboard is any off-premises sign of more than fifteen (15) square feet.

**Electronic Message Sign:** A sign that displays messages where the message may be changed electronically, either by using a frame-by-frame display or by scrolling the message.

**Highway 63 Corridor:** Highway 63 Corridor is the area included by the right-of-way of U.S. 63 as it passes through the City of Ashland, Missouri, and also includes adjacent real estate on both sides of the U.S. 63. (Auth.71.288 RSMo.)

**Political Sign:** A sign advertising the name of a candidate running a campaign for elective office, or promoting a ballot issue to be voted upon on a definite election day.

**Sign:** A sign is any surface that contains a written message, registered trademark or which has been erected specifically for the purpose of being rented to carry advertising material.

#### **9.520. Permitting**

##### **9.521. Permit Required**

A sign permit is hereby required prior to the erection, construction, reconstruction, alteration, moving, conversion or maintenance of any sign located within the legal limits of the City of Ashland, except as elsewhere exempted herein.

##### **9.522. Permit Application**

- 1) Application for a permit shall be made to the City Administrator upon a form provided by the City. The permit shall show plans and specifications of the proposed sign, including dimensions, material, lighting and details of construction including loads, stresses and anchorage and any additional information as may be required to assure compliance with the ordinances of the City.

- a) The application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.
- 2) A fee of \$25.00 (twenty-five dollars), payable to the City of Ashland is required to obtain a sign permit.
- 3) A passing post-installation inspection of all permitted signs is required to enact said permit.

**9.523. Permit Issuance**

No permit for the erection, alteration or enlargement of any sign shall be issued by the City unless:

- 1) Application thereof has been made in accordance with the provisions of this Chapter.
- 2) The sign complies with the ordinances of the City.
- 3) The fee for such permit has been paid

**9.524. Permit Expiration**

- 1) Sign permits issued by the City hereunder shall become null and void upon the expiration of six (6) months after the date of issuance if the work authorized by such permit has not been completed.
- 2) Permit nullification shall not warrant the refund of permit fees.

**9.525. Permit Revocation**

The City, or an agent thereof, may revoke any sign permit issued by the City pursuant to this chapter upon failure of the holder to comply with any of the provisions of this chapter.

**9.530. Exempt Signs**

**9.531.** Official notices authorized by a court, public body or public safety official.

**9.532.** Directional, warning or information signs authorized by federal, state, or municipal governments.

**9.533.** Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.

**9.534.** Signs that are placed inside a structure and show thru the glass of a window or door. Signs affixed to the exterior of any window or door glass shall not be included in this exemption and shall be subject to the restrictions set out in this ordinance.

**9.535.** The flag of a government or a noncommercial institution, such as a school.

**9.536.** Temporary signs used to advertise any bona fide fair, carnival, festival, bazaar, dinner, fund raiser, rodeo or other local event sponsored by a public body, service club, not-for-profit, fraternal organization not to exceed 50 sq. ft. in area and not erected sooner than 60 days before the event and removed within 10 days after the event.(Council Bill No. 2008-036 9-02-08)

**9.537.** Political signage that:

- a. Does not exceed twenty (20) square feet in area.
- b. Is not erected sooner than sixty (60) days in advance of the election for which they were made.
- c. Is removed within ten (10) days after the election for which they were made.
- d. The property owner upon whose land the sign is placed gives written permission for the placement of said signs and understands that s/he is responsible for violations.
- e. Is placed in a manner that does not obstruct the view of drivers to oncoming traffic.
- f. Does not imitate traffic signs or signals.
- g. Is not attached or placed adjacent to any utility pole, parking meter, traffic sign, signal, or official traffic control device.
- h. Does not move, rotate or flash.
- i. Is not affixed to a motor vehicle used as a static display for advertising.
- j. Is not placed on public property or a road right-of-way.

**9.537.1** Signs that display a personal message limited to 8 sq. ft. in residential zones and 32 sq. ft. in commercial and industrial zones.

**9.538.** Garage sale signs. No person shall erect, place, post or mark any sign advertising a garage sale on any public property, including street signs and posts, traffic signs or

posts, or on any public utility pole. Any sign erected, placed, posted or marked, advertising such garage sale shall be placed no more than one day before the sale and shall be removed by the last day of such sale. The person responsible for conducting such sales shall be responsible for removing any such signs. (Reference 22.215.)

**9.538.1** On-premise real estate signs, for rent signs, for lease signs, not to exceed eight (8) sq. ft. in residential zones and thirty-two (32) sq. ft. in commercial and industrial zones and One Hundred Twenty (120) sq. feet in the Highway 63 Corridor with a limit of one sign per street frontage.

**9.538.2** Open house or model home a maximum of eight (8) sq. ft. on or off premise signs pertaining to a specific piece of property, not exceeding eight (8) sq. ft. in sign surface area per sign, shall be allowed, provided that the signs are permitted only during the hours the home is open for viewing.

**9.538.3** Builders signs, project name sign, contractor signs on active construction sites with signs not to exceed eight (8) sq. ft. in residential zones and Thirty-Two (32) sq. ft. in commercial and industrial zones and One Hundred Twenty (120) sq. ft. in the Highway 63 Corridor with a limit of one sign per street frontage. Signs must be removed within Ninety (90) days of project completion.

#### **9.540. Signs in Agriculture and Residential Zones**

##### **9.541. Residential Development Signs**

**9.542** Residential developments of four (4) or more dwelling units shall be permitted one development complex sign for each adjacent public street frontage not within the project (or for each entrance in the case of a subdivision project). Such signs that are based on one street frontage or subdivision entrance shall not be located on a different street frontage or subdivision entrance.

**9.543** Such signs shall be placed, within seventy-five (75) feet of the entrance to the development and outside of any right-of-way, public easement, or clear vision area.

**9.544** Maximum height for such signs shall be five (5) feet above the established street grade. Maximum sign area shall be thirty-two (32) sq. ft. per sign.

**9.545. Business Signs**

**9.546.** Conditionally permitted commercial or institutional uses and places of worship shall each be permitted façade signage and/or one (1) freestanding sign per adjacent public street frontage. Total signage for such a use shall not exceed twenty-five (25) square feet in area. The height of freestanding signs shall be limited to five (5) feet above the established street grade.

**9.547.** Home occupations are permitted one (1) façade sign on the structure in which the home occupation is located, which shall not exceed three (3) square feet (432 square inches) in area. Such signs shall be unlit and shall use non-flashing, non-reflective materials.

**9.548.** The area of the sign shall be calculated using the following formula: height x width= area. For example if a sign was 21 inches high and 20 inches wide the area would be calculated by multiplying the height of 21 inches x the width of 20 inches, which equals 420 square inches (21 x 20=420).

**9.549. Temporary Signs**

Temporary signs are allowed subject to Section 9.579. Parcels occupied by land uses that are not allowed by the district use regulations do not qualify for a temporary sign.

**9.550. Signs in Commercial and Industrial Districts**

**9.551. Freestanding or Projecting Signs in Development Complexes**

On each public street frontage, each development complex shall be permitted one (1) freestanding development complex sign or one projecting development complex sign, but not both. Freestanding or projecting signs, which are based on the length of one street frontage, shall be placed on a different street frontage.

**9.552.** The base allowable sign area for each development complex sign shall be two square feet of sign area for each five (5) lineal feet of street frontage, not to exceed eighty (80) square feet of sign area. A bonus sign area of ten (10) additional square feet per business, enterprise, institution or franchise, within the development complex, is allowed provided that such bonus shall not exceed fifty (50) percent of the base allowable sign area. Total freestanding sign area is calculated as follows:

- Base Allowable Sign Area (BASA) in square feet = (lineal feet of street frontage ÷ 5) x 2 or 80 square feet, whichever is less.
- Bonus Sign Area (BSA) in square feet = Number of businesses, etc. x 10 or BASA ÷ 2, whichever is less
- Total Freestanding Sign Area = BASA + BSA or 120 square feet, whichever is less.

**9.553.** Businesses that are within a development complex shall not be allowed an individual freestanding or projecting sign.

**9.554. Freestanding or Projecting Signs for Businesses**

Each business not within a development complex may be permitted a freestanding sign or one projecting sign, but not both, subject to compliance with the applicable standards.

**9.555.** The base allowable sign area for each freestanding or projecting business sign shall be two square feet of sign area for each five (5) lineal feet of street frontage, not to exceed eighty (80) square feet of sign area. Total freestanding sign area is calculated as follows:

- (lineal feet of street frontage ÷ 5) x 2 or 80 square feet, whichever is less.

**9.556. Business Signs**

Each enterprise, institution or business shall be permitted two (2) façade signs and one (1) under canopy sign per street frontage, subject to the following requirements. Businesses that are not within a development complex shall be permitted one freestanding or projecting sign, but not both. Businesses that are within a development complex shall not be allowed an individual freestanding or projecting sign.

**9.556.1 Maximum Façade Sign Area**

Total area of façade signage shall not exceed two (2) square feet for each lineal foot of the building wall to which the sign is attached up to a maximum of eighty (80) square feet. Maximum façade sign area in square feet shall be calculated as follows:

- Lineal feet of building wall x 2, or 80 square feet, whichever is less.

**9.556.2 Maximum Freestanding Sign Area**

Two square feet for each five (5) lineal feet of street frontage, not to exceed eighty (80) square feet. Only one freestanding sign is allowed per parcel except as provided for in development complexes. Maximum freestanding sign area in square feet shall be calculated as follows:

- (lineal feet of street frontage ÷ 5) x 2, or 80 square feet, whichever is less.

#### **9.556.3 Parapet Mounted Sign Area**

Parapet mounted sign area shall be calculated the same as and counted as part of the allowed façade signs.

#### **9.556.4 Maximum Projecting Sign Area**

Two square feet for each five (5) lineal feet of street frontage, not to exceed 80 square feet. Only one projecting sign is allowed per parcel. Maximum projecting sign area in square feet shall be calculated as follows:

- (lineal feet of street frontage ÷ 5) x 2, or 80 square feet, whichever is less.

#### **9.556.5 Maximum Suspended Sign Area**

The maximum allowable sign area shall be one (1) square foot for each lineal foot of width of the canopy, awning, marquee or other structural element of a building from which the sign is suspended, as measured perpendicular to the building wall.

#### **9.556.6 On-premise directional signs**

A business, church or public body may have a directional sign indicating the vehicular entrance and/or exit with a maximum allowable area of three (3) sq. ft. per sign and a maximum height of three (3) feet above base grade and limited to one sign for each automotive entrance.

#### **9.556.7 Off premise directional signs**

A business, church or public body may have up to two off-premise directional signs located on private property with a maximum allowable area of up to three (3) sq. ft. per sign and a maximum height of eight (8) feet above base grade.

### **9.560. General Sign Regulations**

The following regulations apply to all signs.

#### **9.560.1 Sign Illumination**

Except electronic message signs, all sign illumination shall be from internal lighting or floodlight projection shielded to preclude glare visible from public rights of ways and neighboring properties.

#### **9.560.2 Measurement of Sign Area**

The square footage of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign

composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or signs other than single or double-faced signs shall be calculated as the cumulative area of all faces of the sign.

### **9.560.3 Maximum Sign Height**

Maximum height of any sign shall be the vertical distance measured from the base grade level to the highest point of the sign and shall not exceed 45 feet unless a more restrictive standard is established elsewhere in these regulations.

### **9.560.4 Measurement of Sign Height**

The height of a sign shall be measured from the base grade, which is the average level of the street or highway from which a sign is intended to be reasonably viewed to the highest point of the sign or its supporting structure. Signs do not qualify for increased height due to increase in setback.

### **9.560.5 Condition and Maintenance**

All signs shall be of rust inhibitive material or treatment, and shall be maintained in good condition in the opinion of an agent of the City. All signs, together with all of their supports, braces, guys and anchors shall be kept in good repair and in a safe state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. All signs shall be maintained so that they are perpendicular to the ground, in a manner that a plumb line dropped from the top of a sign will not fall freely, but will lie against the sign surface and lie against the sign reverse. Any billboard that is not perpendicular must be repaired or removed within thirty (30) days of any damage, or the sign will be deemed to have been abandoned and the City will remove the same. Where possible, the City will give the owner thirty (30) days prior notice of an intention to remove the sign, but the failure to give such advance notice will not affect the validity of the sign removal.

### **9.560.6 Electronic Message Signs**

Electronic message signs shall not change the message displayed at intervals of less than two seconds or more than 10 seconds, nor shall a scrolling message travel at a rate slower than 16 light columns per second or faster than 32 columns per second. Electronic

message signs shall not contain, include or be illuminated by lights or illuminations that flash, scintillate, blink, flicker, vary in intensity, nor shall such signs be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

#### **9.560.7 Setbacks**

All signs must meet or exceed the setback requirements established for the zoning district in which the sign is located. No portion of any sign shall overhand or encroach on the setback area, public right of way or public easement.

#### **9.560.8 Vehicle Clearance Area**

When a sign is placed over a private area where vehicles travel or are parked, the bottom of the sign structure must be at least nine (9) feet above the ground. Vehicle areas include but are not limited to driveways, alleys, parking areas, loading and maneuvering areas.

#### **9.560.9 Setbacks at intersection**

No sign exceeding two feet in height above the established street grade shall be erected, or maintained within the area of a corner lot that is included between the lines of the intersection streets and a straight line connecting them at points twenty-five (25) feet distant from the intersection of the street lines.

#### **9.560.10 Frontage**

Signs, which are allowed based on the length of or adjacency to one street frontage, shall not be placed on a different street frontage.

### **9.563. Prohibited Signs**

The following devices and locations are specifically prohibited:

**9.563.1** Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.

**9.563.2** Signs encroaching upon or overhanging public right of way or easement dedicated for use by the public. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located in the public right of way or public easement.

**9.563.3** Cloth, paper, soft plastic or similar advertising signs or devices other than in rigid frames as provided herein except those intended as temporary signs.

- 9.563.4** Signs that blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
- 9.563.5** Portable signs except as allowed for temporary signs.
- 9.563.6** Any sign attached to or placed on a vehicle or trailer parked on public or private property. The prohibition of this subsection does not prohibit the identification of a firm or its principal products on a vehicle being operated during the normal course of business or being taken home.
- 9.563.7** Pennants, banners and private flags bearing any logo, product name, business name or other advertising except when allowed as a temporary sign and except a business may display one flag no larger than forty (40) square feet which bears the symbol or trademark or name of the business. No further advertising shall be permitted on such flags.
- 9.563.8** Signs in any district except as specifically authorized by these regulations.
- 9.563.9** Rotating signs and roof-mounted signs and searchlights.
- 9.563.10** Any sign, other than a billboard or temporary sign, that is located on a parcel that is otherwise undeveloped.

### **9.570 Specific Sign Requirements**

#### **9.571 Billboards**

Billboards are only allowed in the General Commercial (C-G), Light Industrial (I-L) and General Industrial (I) zoning districts.

- 9.571.2** Maximum sign area is four-hundred (400) square feet.
- 9.571.3** Minimum ground clearance is eight (8) feet.
- 9.571.4** Maximum height from grade to top-most edge of sign shall not exceed forty-five (45) feet.
- 9.571.5** No sign shall be placed on, or hang over, public rights of way.
- 9.571.6** Minimum setback from a side or rear property line, not abutting a public right of way, is twenty (20) feet with no portion of the sign overhanging the setback area.
- 9.571.7** Minimum distance from any boundary line of any zoning district not allowing billboards or any boundary line of any City limit is two-hundred (200) feet, based upon the location of the zoning district boundary or municipal limits in

effect at the time the building permit for the billboard is issued. This section shall not apply to City limit boundary lines running adjacent to and parallel with the Highway 63 Corridor.

**9.571.8** Minimum distance from other billboards is 2,640 feet.

**9.571.9** Minimum distance from any street intersection is two-hundred (200) feet.

**9.571.10** All freestanding billboards shall be mounted on a monopole mast.

**9.571.11** Billboards consisting of two faces are permitted only along the Highway 63 Corridor and only if the same size and shape and mounted at the same elevation and facing in opposite directions.

**9.571.12** Billboards consisting of more than two faces, including but not limited to “changeable face” signs, are prohibited.

**9.571.13** External lighting of billboards, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed toward any residential structure or into any portion of the main traveled way and the lights are not of such intensity so as to interfere with the residential use of property or to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver’s operation of a motor vehicle.

**9.571.14** Billboards shall comply with all specific requirements for freestanding projecting or façade signs, as appropriate and listed herein, unless a stricter standard applies.

**9.573. Freestanding Signs**

**9.573.1** All freestanding signs shall maintain a clear vision area as specified in this ordinance.

**9.573.2** For purposes of calculating the number of freestanding signs allowed on a parcel, a billboard constitutes one (1) freestanding sign.

**9.573.3** Any freestanding sign that is not a billboard shall be a minimum of ten (10) feet from any public street intersection. Any freestanding sign located within thirty-five (35) feet of a public street intersection shall be pole mounted so as no part of the sign face (s) is/are lower than twelve (12) feet above grade.

**9.573.4** Freestanding signs shall be placed on a parcel so that they are no more than 150 feet from the public right of way.

**9.573.5** A freestanding sign cannot be placed closer than fifty (50) feet to another freestanding sign.

**9.573.6** There shall be no freestanding sign on the same street frontage where there is a projecting sign on the same parcel and street frontage.

#### **9.575. Parapet-Mounted Signs**

Signs projecting above the point of intersection of the exterior wall of the building with its roof shall be mounted on a parapet.

#### **9.576. Projecting Signs**

**9.576.1** A projecting sign shall not extend above the line defined by the intersection of the planes formed by the building wall and the roof.

**9.576.2** No supporting structure shall be visible above the sign face.

**9.576.3** The edge of the sign shall not be more than one foot from the building wall.

**9.576.4** A minimum of twelve (12) feet must be maintained between the lowest point of the sign and the ground unless a stricter standard applies.

**9.576.5** A projecting sign shall not project more than five (5) feet from the building wall to which it is attached.

#### **9.577. Suspended Signs**

**9.577.1** The maximum allowable horizontal length of a suspended sign shall be equal to the width of the canopy, awning, marquee, other structural element of a building from which the sign is suspended, as measured perpendicular to the building wall, minus two (2) feet.

**9.577.2** Suspended signs must be hung at least one (1) foot from the outside building wall and at least one (1) foot from the outside edge of the canopy, awning, marquee or similar structure from which the sign is hung measured at the location at which the sign is to be hung.

**9.577.3** The minimum vertical clearance between the lowest edge of an under-canopy sign and the ground shall be ten (10) feet.

**9.577.4** Suspended signs must be hung perpendicular to the direction of the building wall at the location where the sign is to be hung.

**9.579. Temporary Signs**

- 9.579.1** Maximum area of a temporary sign shall not exceed sixteen (16) square feet. Such square footage shall be applied and calculated as part of the total square footage permitted for all business signage for the business or property.
- 9.579.2** Maximum height of a temporary sign shall be eight (8) feet.
- 9.579.3** Temporary signage shall not occupy any parcel more than eight (8) calendar weeks in any calendar year. The minimum unit of measure is one (1) calendar week.
- 9.579.4** Any temporary sign that is displayed at any time within a calendar week shall be deemed to have been displayed for the entire calendar week.
- 9.579.5** There shall be no more than one (1) temporary sign per parcel of property or business, whichever is less, permitted at any one time.
- 9.579.6** A temporary sign shall not be established or placed prior to obtaining a sign permit.

**9.580. Nonconforming Signs**

- 9.581.** All signs, which have been lawfully erected, shall be deemed to be legal and lawful signs and may be maintained subject to the provisions of this section.
- 9.582.** Nonconforming signs, which become deteriorated or dilapidated, to the extent of over sixty (60) percent of the physical value they would have if they had been maintained in good repair must be removed within sixty (60) days. Nonconforming signs which are damaged to the extent of sixty (60) percent or less of their physical value must be repaired within sixty (60) days from date of notification, or removed. Nonconforming signs which are damaged, other than by vandalism, to the extent of over sixty (60) percent of their physical value must be removed within sixty (60) days of receiving such damage or brought into compliance with the provisions of this chapter. Nonconforming signs, which are damaged by vandalism to the extent of over sixty (60) percent of their physical value, must be restored within sixty (60) days or removed or brought into compliance with the provisions of this chapter.
- 9.583.** Nonconforming signs may not be enlarged or increased in height.

**9.584.** Nonconforming signs, which are enlarged or increased in height in violation of this section, must be removed.

**9.585.** A nonconforming sign may not be relocated except when such relocation brings the sign into compliance with this chapter. Nonconforming signs, which are relocated in violation of this section, must be removed.

**9.586.** Freestanding signs lawfully in existence on December 31, 2003 – including freestanding signs existing pursuant to variances granted by the Board of Adjustment- which do not conform with the provisions of this chapter shall be removed, altered or replaced so as to conform with the provisions of this Chapter no later than December 31, 2006.

a) This subsection does not apply to billboards, which were lawfully erected.

**9.587.** The sign face of a nonconforming sign may be altered if the sign face is not thereby enlarged beyond the maximum area allowed by this chapter.

**9.588.** On-premise wall, canopy and awning signs lawfully in existence on December 31, 2003 – including such signs existing pursuant to variances granted by the Board of Adjustment – which do not conform with the provisions of this chapter shall be removed, altered or replaced so as to conform with the provisions of this chapter no later than December 31, 2006.

**9.590 Enforcement, Abatement, Penalty**

It shall be the duty of the City Administrator, or an agent thereof, to enforce the provisions of this chapter and to refuse to issue any building permit for any sign which would violate any of the provisions hereof, and such City Administrator, or an agent thereof, or any deputy or inspector working under his direction, by and with the consent of the City Administrator, or an agent thereof, is hereby authorized and instructed to arrest, prosecute or bring any proceedings in a proper court in the name of the City against any person violating any of the terms of this chapter. In case any sign is erected, constructed, reconstructed, altered, moved, converted or maintained, or any sign is used in violation of this chapter, such City Administrator, or an agent thereof, is hereby authorized and directed to institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, construction, reconstruction, alternation, repair,

conversion or use, to restrain, correct or abate such violation, and to prevent any illegal act.

**9.591. Abatement of Violations**

In case any sign is erected, constructed, reconstructed, altered, moved, converted or maintained, or any sign is used in violation of this article, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, moving, conversion, maintenance or use, to restrain, correct or abate such violation. Such regulations shall be enforced by the City Administrator, or an agent thereof, who is empowered to cause any sign or premise to be inspected and examined and to order in writing the remedying of any condition found to exist therein or there at in violation of any provision of the regulations enumerated herein.

**9.592. Penalty**

The owner or general agent of a building or premise where a violation of any provision of the regulations of this article has been committed or shall exist, or the leases or tenant of an entire building or entire premise where such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person commits, takes part or assists in any such violation or who maintains any sign or premise in which any such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues; but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or imprisonment for ten (10) days for each and every day such violation shall continue, or both such fine and imprisonment in the discretion of the court. Any such person who, having been served with an order, within ten (10) days after such service shall continue to violate any provision of this chapter made under authority of this chapter in the respect named in such order, shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

### **9.593 Appeals to Board of Adjustment**

1) The Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make exceptions to the terms of this Article in harmony with its general purpose and intent. The board shall have the following powers:

- a) To hear and decide appeals where it is alleged there is an error in an order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.
- b) In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the provisions of this chapter, to vary or modify the application of any of the regulations or provisions of such chapter relating to the use, construction or alternation of billboards, panel boards, signboards and signs, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

2) Appeals to the Board of Adjustment pursuant to this section shall be submitted in accordance with the procedure set forth elsewhere in the City Ordinances.

3) The criteria used for granting variances to the City's sign ordinance chapter shall be as follows:

- a) Variances shall not be granted for both size and height of freestanding signs.
- b) The degree of variance shall be minimum necessary to afford relief from the practical difficulty or hardship imposed by the requirements of the City's sign ordinance.

### **9.594. Approval of Variance**

The Board of Adjustment may approve a plan allowing a variance in the number or particular type of sign otherwise permitted by this ordinance provided that:

- 1) No unlawful signs shall be permitted.
- 2) All nonconforming signs on the property or premise shall be brought in compliance with the requirements of this chapter.
- 3) Each sign meets the size, setback and other limitations and requirements for that type or class of sign.

- 4) The Board of Adjustment finds that the plan:
  - a) Reduces the number of signs, which would otherwise be permitted on the premise or property;
  - b) Reduces the total square footage of signs which would otherwise be permitted on said property; and
  - c) Would not violate the spirit or intent of this chapter.
- 5) No permit shall be issued for erection of a sign on premise or property on which such a plan has been approved, where the sign does not conform with the requirements of the plan, without the removal at the applicant's expense of all signs permitted by the plan and not otherwise permitted.

**9.596. Removal of Unlawful Signs**

- A) The City Administrator, or an agent thereof, is authorized to remove unlawful signs on street right-of-way and on property owned by the City.
- B) The City Administrator, or an agent thereof, is authorized to order the owner of any private property to remove or bring into compliance any unlawful sign on the owner's property within a reasonable time specified by the director. The order shall require the unlawful sign to be removed or brought into compliance unless the owner, within ten (10) days of receipt of the order, appeals the matter to the Board of Adjustment pursuant to Section 10.650. If the board finds that the sign is unlawful, it shall order the sign removed or brought into compliance within a specified time.
- C) If a sign is not removed or brought into compliance as specified in an un-appealed order of the City Administrator, or an agent thereof, or as specified by the Board of Adjustment, the City Administrator, or an agent thereof, may cause the sign to be removed. The City Administrator, or an agent thereof, shall submit the actual cost of such removal to the owner of the property. If the owner does not pay the cost within thirty (30)

days of receipt, the City Administrator, or an agent thereof, shall certify the cost to the director of finance who shall cause a special tax bill against the property to be prepared and collected. The tax bill shall be due and payable from the date of issuance and shall be a lien on the property from the date of issuance until paid. Tax bills issued pursuant to this section shall bear interest from the date of issuance at the rate of nine (9) percent per annum.

- D) The remedies provided in this section are not exclusive but are in addition to other remedies provided for in this code.

**APPENDIX A**

**SIGN AREA CHART**

**AGRICULTURAL AND RESIDENTIAL ZONES**

<u>TYPE</u>	<u>MAXIMUM</u>
Residential Development Sign	32 sq.ft.
Business, Church or School	25 sq.ft.
Home Occupation	3 sq.ft.

**COMMERCIAL AND INDUSTRIAL ZONES**

**DEVELOPMENT COMPLEX Freestanding and Projecting Signs (Frontage ÷ 5) x 2 up to 80 sq. ft.**

Lot Frontage in Feet Total Sq. Ft.	Maximum in Sq. Ft.	Bonus Sign Sq. Ft.*	Max.
20	8	4	12
40	16	8	24
60	24	12	36
80	32	16	48
100	40	20	60
150	60	30	90
200	80	40	120
200+	80	40	120

\*Bonus signs Sq. Ft. = Number of businesses x 10 or Base Sign Area ÷ 2. Lesser of the two.

**FREESTANDING OR PROJECTING SIGNS (Frontage ÷ 5) x 2 up to 80 sq. ft.**

Lot Frontage in Feet	Maximum in Sq. Ft.
20      100	8      40
40      150	16      60
60      200	24      80
80      200+	32      80+

**FACADE or PARAPET (two per street frontage) (Lineal feet of building wall x 2 up to 80 sq. ft.)**

Lineal Feet of Building	Maximum in Sq. Ft.
20	40
40	80
40+	80+

SUSPENDED SIGNS (Max. sq. ft. up to lineal feet of canopy)

**ON-PREMISE DIRECTIONAL SIGN**

**Maximum 3 Sq. Ft.**

**OFF-PREMISE DIRECTIONAL SIGN**

**Maximum 3 Sq. Ft.**

**SIGN PERMIT  
APPENDIX B**



9.05.1.1.1. <u>Office Use Only</u> Sign Permit No. _____
Application Date: _____
Fee Paid: _____

Sign Address: \_\_\_\_\_

**Sign Owner:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City, ST. Zip \_\_\_\_\_

**Property Owner:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City, ST. Zip \_\_\_\_\_

**Sign Company (if applicable):**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City, ST. Zip \_\_\_\_\_

**Electrical Contractor (if applicable):**

Name \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City, ST. Zip \_\_\_\_\_

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**APPLICATIONS WILL NOT BE ACCEPTED WITHOUT THE FOLLOWING:**

- \$25.00 fee (Cash, or a check made payable to the City of Ashland)
- \* A scale drawing of the sign
- + An elevation drawing showing the dimensions of the structure
- ‡ Site plan showing the proposed setbacks from lot lines and drive aisles

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Approved City Agent's Signature \_\_\_\_\_ Date \_\_\_\_\_

**Type of Sign** (circle):    Freestanding:    Projecting:    Façade:    Parapet:  
Suspended:

Dev. Complex Freestanding:    Dev. Complex Projecting:    Other: \_\_\_\_\_

**Freestanding or Projecting** (Frontage of lot ÷ 5) x 2 up to 80 Sq. Ft. See other Restrictions 9.573 and 9.576

(Lot frontage \_\_\_\_\_ ÷ 5) x 2 = \_\_\_\_\_ Sq. Ft.  
Dimension of Sign\* \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ Sq. Ft.  
Sign Height \_\_\_\_\_  
Illumination (circle):            None            Internal            Indirect

**Bonus Sign** (if applicable) Number of businesses x 10 or Base sign area ÷ 2 whichever is less.

Number of businesses \_\_\_\_\_ x 10 = \_\_\_\_\_ Sq. Ft. or  
Base sign area \_\_\_\_\_ Sq. Ft. ÷ 2 = \_\_\_\_\_ Sq. Ft. Permitted Bonus Sign \_\_\_\_\_  
Dimension of Sign\* \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ Sq. Ft.  
Sign Height \_\_\_\_\_  
Illumination (circle):            None            Internal            Indirect

**Façade or Parapet** (Lineal feet of building wall x 2 up to 80 Sq. Ft.) See other restrictions 9.575

Length Wall \_\_\_\_\_ Ft. x 2 = \_\_\_\_\_ Sq. Ft.  
Dimension of Sign\* \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ Sq. Ft.  
Sign Height \_\_\_\_\_  
Illumination (circle):            None            Internal            Indirect

**Suspended Signs** (Max. sq. ft. up to lineal feet of canopy, awning, marquee, etc.) See other restrictions 9.577.

Length Canopy \_\_\_\_\_ = \_\_\_\_\_ Sq. Ft. Sign  
Dimension of Sign\* \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ Sq. Ft.  
Illumination (circle):            None            Internal            Indirect

**Billboard** (Max size 400 Sq. Ft.)

Dimension of Sign\* \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ Sq. Ft. See other restrictions 9.571.

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