

*Village of*



# Zoning Regulations

Revised 2006

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**ARTICLE I  
GENERAL PROVISIONS**

**Section 1: Short Title:**

This ordinance shall be known and may be cited as the Zoning Code of the Village of Indian Point, Missouri.

**Section 2: Authority and Purpose:**

2.1: **Authority.** This ordinance is adopted pursuant to the authority contained in Chapter 89, Sections 89.010 to 89.250 of the Revised Statutes of Missouri.

2.2: **Purpose.** The Zoning Regulations contained in this ordinance are in accordance with the Village of Indian Point Comprehensive Plan and adopted for the following purposes and are designed to:

2.2a. Lessen congestion in the streets.

2.2b. Secure safety from fire, panic and other dangers.

2.2c. Promote health and the general welfare.

2.2d. Provide adequate light and air.

2.2e. Prevent overcrowding of the land.

2.2f. Avoid undue concentration of population.

2.2g. Preserve features of historical significance.

2.2h. Facilitate the adequate provision of transportation, water, sewerage, parks, and other public requirements.

2.3: **Relationship to the Comprehensive Plan.** The provisions of this ordinance shall be administered to ensure orderly growth and development, preserve the character of the Village, conserve the values of property and encourage the most appropriate use of land throughout the Village. It shall supplement and implement the policies of the Village of Indian Point's Comprehensive Plan and other planning documents and related land development considerations.

**Section 3: Jurisdiction:**

This ordinance shall be effective throughout the Village of Indian Point which comprises the area within the corporate boundaries of the Village of Indian Point.

**A:1, S1, S2, S3.**

**Section 4: Effective Date:**

This ordinance shall be in full force and effect from and after passage. Any preliminary plats, master plats, master plans and final plats submitted to and approved by the Village of Indian Point or recorded with the Recorder of Deeds of Stone County prior to the date of adoption of this ordinance which remains currently in force and maintained in force, including anything built to date or contemplated to be built in accordance with said plats, shall be grand fathered from the requirements of this ordinance and considered permitted uses. The intent of this provision is to acknowledge the validity and the superiority of all prior approvals that would have been required at the time of such action and duly recorded with the Village of Indian Point, Missouri, or Stone County, Missouri according to the regulations and requirements in force at the time of such recording. Any other users or building lots that are in conflict with the provisions herein shall be considered permitted, non-conforming situations according to Article VI.

**Section 5: Burden of Proof:**

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

**Section 6: Interpretation, Conflict and Severability:**

- 6.1: **Interpretation and Application.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements necessary to promote public health, safety and general welfare.
- 6.2: **Conflict.** These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship, provided however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern, except as provided for in Article I, Section 4.
- 6.3: **Severability.** The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, the decision shall not affect the remaining portions of this ordinance.

**A:1, S4, 5, 6.3**

**Section 7: Major Street Plan Map:**

- 7.1 **Applicability.** No structure or any portion thereof, on either side of any street which is included in the exhibit designated Major Street Plan in the Comprehensive Plan, shall hereafter be erected or structurally altered without observing the minimum setback as defined for each zoning district identified in these provisions.
- 7.2: **Reference.** The Major Street Plan, and all the notations and information thereon, is hereby adopted by reference and made a part of this Title, the same as if it were herein described in detail.
- 7.3: **Requirements.** This regulation shall not act to reduce any of the yard requirements in any district, but is the minimum requirement for yards along such street.

**Section 8: Official Zoning Map:**

- 8.1: **Preparation.** The Planning and Zoning Commission shall cause to be prepared a map of all lots, tracts and parcels of lands located within the Village of Indian Point, which map shall describe by legend the zoning classification or district of each such lot, tract and parcel of land as the same has been heretofore approved and established by the Planning and Zoning Commission and the Board of Trustees according to law.
- 8.2: **Official Title.** A map, identified by the particular section, township and range of the lands embraced therein, shall be marked "Official Zoning Map of the Village of Indian Point, Missouri," and shall be signed by the Chairman of the Board of Trustees and marked with the effective date of this Title.
- 8.3: **Maintenance.** The Official Zoning Map shall be kept in the Village administrative offices and maintained by the Planning and Zoning Commission of the Village and shall be available for inspection and examination by members of the public at all reasonable times, the same as any other public record. It shall be the responsibility of the Planning and Zoning Commission of the Village to keep the information presented in the Official Zoning Map current. Any changes or amendments to the map resulting from actions of an officially constituted body (Board of Trustees, Board of Zoning Adjustment, or Circuit Court) shall be included and reflected on the Official Zoning Map within 45 days of such action. Such changes or amendments shall be noted on the Official Zoning Map along with an effective date of the revision and signature by the Chair of Planning and Zoning Commission.

**A:1, S7, 8.3**

**Section 9: Future Development Guide:**

- 9.1: **Preparation.** The Planning and Zoning Commission shall also cause to be prepared a map of all lots, tracts, and parcels of land located within the Village of Indian Point, which map shall illustrate the proposed acceptable future land uses as determined by the Master Plan goals and objectives or approved individual development master plans.
- 9.2: **Use.** The Future Development Guide shall be used in the review and evaluation of rezoning requests to determine whether such request is in conformance with the overall master plan for the Village. Rezoning requests that are in conformance shall be recommended for approval if all other provisions of this ordinance are met. Rezoning requests that are not in conformance shall be not be recommended for approval or shall be recommended for approval subject to amendment of the Future Development Guide.
- 9.3: **Official Title.** A map, identified by the particular section, township, and range of the lands embraced therein, shall be marked "Future Development Guide of the Village of Indian Point, Missouri," and shall be signed by the Chairman of the Planning and Zoning Commission and marked with the effective date of this Title.
- 9.4: **Maintenance.** The Future Development Guide shall be kept in the Village administrative offices and maintained by the Planning and Zoning Commission of the Village and shall be available for inspection and examination by members of the public at all reasonable times, the same as any other public record. It shall be the responsibility of the Planning and Zoning Commission of the Village to keep the information presented in the Future Development Guide current. Any changes or amendments to the map resulting from actions of an officially constituted body (Board of Trustees, Board of Zoning Adjustment or Circuit Court) shall be included and reflected on the Future Development Guide within 45 days of such action. Such changes or amendments shall be noted on the Future Development Guide along with an effective date of the revision and signature by the Chair of Planning and Zoning Commission.

**ARTICLE II  
DEFINITIONS**

**Section 1: General Interpretations:**

Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the meaning herein indicated. Where words have not been defined, the standard dictionary definition shall prevail. In interpreting the meaning of the Regulations, the following general rules shall apply:

- 1.1: **Tense.** Words used in the present tense shall also include the future tense.
- 1.2: **Number.** Words used in the singular number shall also include the plural and words in the plural number shall include the singular, except where the natural construction of the writing indicates otherwise.
- 1.3: **Shall.** The word “shall” is mandatory and not discretionary.
- 1.4: **May.** The word “may” is permissive.
- 1.5: **Use.** The words “used” or “occupied” shall be construed to include “intended, designed or arranged to be used or occupied”.
- 1.6: **Regulations.** Where reference is made to the Regulations, it shall be construed to mean the regulations as originally passed in this ordinance and all subsequent amendments, supplements and revisions.

**Section 2: Basic Definitions:**

- 2.1: **Accessory Building or Use.** A subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the main building or land. An accessory use is one which is subordinate and/or smaller in floor area, size or significance to the main use of the premises.
- 2.2: **Accommodations.** Any apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, house, or any other private or commercial structure which is situated on real property and designed for occupancy by one (1) or more individuals.
- 2.3: **Alley.** A way which affords only a secondary means of access to property abutting thereon, used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
- 2.4: **Apartment.** A room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three (3) or more such rooms or suites.

**A:2, S1, 2.4**

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- 2.5: **Bed and Breakfast.** A dwelling designed to accommodate lodging for individuals pursuant to previous arrangement for periods of less than thirty days pursuant to criteria set forth in Article VIII, Section 7: Additional Conditions for Particular Special Uses.
- 2.6: **Building.** Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind.
- 2.7: **Building or Structure, Height of.** The vertical dimension measured from the highest elevation where the finished grade meets the building foundation.
- 2.8: **Building Line.** The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of the proposed structure may be built, but shall not include the face of one-story unoccupied gable-roofed areas over porches, entrance or line appendages.
- 2.9: **Camp Ground.** A grouping of rentable land sites used for camping, whether in a recreational vehicle whose intended use is for dwelling purposes or in a temporary shelter such as a tent or sleeping bag pursuant to criteria set forth in Article VIII, Section 7: Additional Conditions for Particular Special Uses.
- 2.10: **Camp Site.** A portion of the rentable space of a camp ground for an individual tenant of minimum required dimension as set forth in Article VIII, Section 7: Additional Conditions for Particular Special Uses.
- 2.11: **Commercial.** To be engaged in commerce or business with intent to gain profit whether in currency or trade.
- 2.12: **Commission.** Shall mean the Village of Indian Point, Missouri Planning and Zoning Commission.
- 2.13: **Comprehensive Plan.** The Village of Indian Point Comprehensive Plan, which is a comprehensive long-range plan intended to guide the growth and development of the Village.
- 2.14: **Condominium.** A building containing one or more dwellings, commercial or office units, in which multiple units are separated by party walls and which units are designed and intended to be separately owned in fee under the condominium statutes of the State of Missouri.
- 2.15: **Density.** The permitted number of dwelling units per gross acre of land to be developed.
- 2.16: **District.** A section or sections of the Village of Indian Point in which the Zoning Regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are similar.

**A:2, S2.5; 2.16**

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- 2.17: **Dwelling.** Any building or portion thereof, which is designed and used exclusively for residential purposes.
- 2.18: **Dwelling, Single-Family.** A detached building used exclusively for residential purposes having suitable accommodations for only one family.
- 2.19: **Dwelling, Two-Family.** A building used exclusively for residential purposes and having accommodations for and occupied exclusively by two families living independently of each other.
- 2.20: **Dwelling, Multi-Family.** A building used exclusively for residential purposes and having accommodations for and occupied exclusively by three or more families living independently of each other.
- 2.21: **Exchange Program.** Any opportunity or procedure for the assignment or exchange of time-share periods among purchasers or owners in the same or other time-share plans.
- 2.22: **Family.** One or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic employees. A family shall under no circumstances be construed as a boarding house, club, sorority or fraternity house, lodging house, hotel, motel or commune.
- 2.23: **Frontage.** The length of the property abutting on one side of a street or place measured along the dividing line between the property and the street or place.
- 2.24: **Future Development Guide.** An exhibit depicting desired future development patterns and land uses upon which rezoning decisions are evaluated pursuant to Article I, Section 9.
- 2.25: **Garage, Private.** An accessory building designed or used for the storage of vehicles owned and used by the occupants of the building to which it is accessory.
- 2.26: **Garage, Public.** A building that is not an accessory building or portion thereof designed and used exclusively for housing motor vehicles, generally for a fee.
- 2.27: **Governing Body.** The Board of Trustees of the Village of Indian Point, Missouri.
- 2.28: **Grade.** The elevation measured in vertical dimension at a point approximately parallel to and not more than five (5) feet from a street line shall be considered the grade adjoining the street. Where no sidewalk has been constructed, the grade shall be established by the City Engineer.
- 2.28a. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk or ground level at the center of the wall adjoining the street.

**A2: S2.17, 2.28a**

- 2.28b. For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalks or ground level at the centers of all walls adjoining the streets.
- 2.28c. For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
- 2.29: **Group Home.** A dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a mental or physical disability, who need not be related by blood or marriage.
- 2.30: **Home Occupation.** An activity carried on by the occupant of a dwelling as a secondary use, including professional or semi-professional offices, when conducted entirely within the dwelling, in connection with which there is no public display or storage of stock-in-trade upon the premises or no identification which is visible from the exterior of the home occupation or variation from the residential character of the main building or accessory building and in connection with which no person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat or glare. A home occupation shall not include the conducting of a beauty or barber shop, tea room or restaurant, rest home, medical or dental clinic, or cabinet, metal or auto repair shop, or antique shops or dealerships and shall not cause parking or traffic congestion in the immediate neighborhood.
- 2.31 **Hotel.** A building which provides a common entrance, lobby, halls, and stairways, and in which lodging is provided to transient guests.
- 2.32: **Institution.** A building occupied by a not-for-profit corporation or a non-profit establishment for public use.
- 2.33: **Laundromat.** A business that provides home-type washing, drying or ironing machines for hire to be used by customers on the premises.
- 2.34: **Lease.** A contract or agreement by which a property owner lets property or accommodations for a specific period of time which is a month or longer. (Note! See rent)
- 2.35: **Lodge, Lodging.** A structure wherein accommodations are let to guests for sleeping which may or may not include meals.
- 2.36: **Lodging House.** A structure wherein lodging is provided for individuals pursuant to previous arrangement and not open to transients.

- 2.37: **Lot or Plot.** A building site or parcel of land occupied or intended to be occupied, including the land area necessary for one (1) main building together with any accessory buildings, open spaces and parking spaces required by this Chapter, and having its principal frontage upon a street or upon an officially approved place.
- 2.38: **Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection, or upon one (1) street that curves around two (2) or more sides of the lot.
- 2.39: **Lot, Double Frontage.** A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.
- 2.40: **Lot of Record.** A lot or portions of one or more lots which are part of a subdivision, the map of which has been recorded in the Office of the Recorder of Deeds of Stone County, or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Recorder of Deed. (Please note this definition was not added in the last revision or 11/26/96 revision.)
- 2.41: **Mobile Home, Trailer Home and Single-Wide Home.** A building designed for long-term occupancy that has substantially the following characteristics:
- 2.41a. Composed of one (1) or more sections, each of which was substantially assembled in a manufacturing plant, typically with pre-installed plumbing and electrical facilities that have connections provided for attachment to outside systems. This is intended to apply to major assemblies of sections comprising more than one wall, floor, and/or roof component and does not include prefabricated sub-elements such as panels roof or floor trusses and plumbing trees, for instance.
  - 2.41b. Any of the following apply: 1) The length of the shortest exterior wall (excluding porches, room offsets and other secondary exterior wall faces) is less than twenty (20) feet wide, 2) The main roof pitch is less than two (2) feet rise in twelve (12) feet towards the main ridge line, or 3) The main roof overhang extends less than twelve (12) inches from the exterior walls when measured on a horizontal plane perpendicular to the exterior wall from the lowest edge of the roof.
  - 2.41c. Designed to be transported in pre-assembled sections to the building site on its own chassis with either permanent or detachable tongue and wheels, or on another conveyance such as a flat bed trailer or truck.
  - 2.41d. Arrives at the building site ready for occupancy except for minor and incidental assembly operations, location on foundation supports or a permanent full foundation, connection to utilities, etc.

**A:2, S2.27; 2.41d**

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- 2.41e. May or may not comply with the Council of American Building Officials (CABO) One and Two Family Dwelling Code or similar building code standards.
- 2.41f. Is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 6, 1976.
- 2.42: **Manufactured Home, Pre-Manufactured Home and Double-Wide Home.** A building designed for long-term occupancy that has substantially the following characteristics.
  - 2.42a. Composed of one (1) or more sections, each of which was substantially assembled in a manufacturing plant, typically with pre-installed plumbing and electrical facilities that have connections provided for attachment to outside systems. This is intended to apply to major assemblies of sections comprising of more than one (1) wall, floor and/or roof component and does not include prefabricated sub-elements such as panels, roof or floor trusses and plumbing trees, for instance.
  - 2.42b. All of the following apply: 1) The length of the shortest exterior wall (excluding porches, room offsets and other secondary exterior wall faces) is twenty (20) feet or more wide, 2) The main roof pitch is two (2) feet or more rise in twelve (12) feet towards the main ridge line, or 3) The main roof overhang extends twelve (12) inches or more from the exterior walls when measured on a horizontal plane perpendicular to the exterior wall from the lowest edge of the roof.
  - 2.42c. Designed to be transported in pre-assembled sections to the building site on its own chassis with either permanent or detachable tongue and wheels, or on another conveyance such as a flat bed trailer or truck.
  - 2.42d. Arrives at the building site ready for occupancy except for minor and incidental assembly operations, location on foundation supports or a permanent full foundation, connection to utilities, etc.
  - 2.42e. May or may not comply with the Council of American Building Officials (CABO) One and Two Family Dwelling Code or similar building code standards.
  - 2.42f. Is built in compliance with the Federal Manufactured Housing Construction and Safety standards Act of 1974, which became effective June 6, 1976.

**A2: S2.41, 2.42f**

- 2.43: **Modular Building and Prefabricated Building.** A building designed for long-term occupancy that has substantially the following characteristics:
- 2.43a. Composed of multiple factory-fabricated components that do not comprise more than one (1) wall, floor and/or roof component and are not pre-assembled into self supporting building section(s) or modules(s) prior to being located at the building site. This is intended to apply to prefabricated but separate wall, floor and roof components, and does not include prefabricated sub-elements such as panels, roof or floor trusses and plumbing trees, for instance.
  - 2.43b. Designed to be transported as unassembled components to the building site on a separate conveyance such as a flat bed trailer or truck.
  - 2.43c. Requires assembly of separate wall, floor and roof components at the building site in order to comprise self-supporting building section(s) or module(s), with one or more modules to be incorporated at the building site into a module structure on a permanent foundation. Also requires on-site installation of plumbing and electrical facilities and connections as well as other major on-site installations and assembly operations before the building is ready for occupancy.
  - 2.43d. Built according to the Council of American Building Officials (CABO) One and Two Family Dwelling Code or similar building code standards.
- 2.44: **Motel.** A Group of attached or detached permanent, non-mobile buildings containing individual sleeping or separate living facilities; designed and used for the accommodation of non-permanent residents. The term "Motel" shall include motor court, auto court, cabin, or tourist court.
- 2.45: **Non-Conformance.** A lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include but is not limited to failure to conform to use, height, area, coverage, or off-street parking requirements.
- 2.46: **Non-Conforming Use.** A structure or premises legally occupied by a use that does not conform to the regulations of the district in which it is situated as established in this document.
- 2.47: **Official Zoning Map.** The instrument adopted by the Board of Trustees designating the boundaries of approved zoning districts throughout the Village pursuant to Article I, Section 8.
- 2.48: **Parking Lot.** An open, unoccupied, surfaced area used or required for use for parking of vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted.

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- 2.49: **Parking Space.** A surfaced area on privately owned property, either within or outside of a building, and sufficient in size to store one (1) automobile.
- 2.50: **Planned Development District.** A tract of land under single ownership or control which is to be developed in accordance with a plan adopted by ordinance and the boundaries of which are established on the Official Zoning Map of the Village.
- 2.51: **Planning Commission.** The official planning and zoning body of the Village of Indian Point, Missouri.
- 2.52: **Recreational Vehicle.** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples are travel trailers, camping trailers, truck campers, and motor homes. Manufactured homes and modular homes shall not be considered trailers or recreational vehicles.
- 2.53: **Rent.** A stated payment at fixed time intervals less than a month in duration for the use of property or accommodations. State and local sales tax applies to such stated payments. ( Note! See Lease)
- 2.54: **Rental Property.** A resort, motel, hotel, or camp site as defined herein where accommodations are granted in exchange for stated payments at fixed time intervals less than a month in duration.
- 2.55: **Resort.** A vacation destination which provides lodging and/or accommodations for time intervals generally less than one (1) month for fees that are subject to sales tax.
- 2.56: **Setback.** A distance between lot line and the building line as specified for each Zoning District.
- 2.57: **Sight Triangle.** An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and eight (8) feet above the grades of the outside edge of the street surface of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points ten (10) feet from their point of intersection or at equivalent points on private streets, except that the site triangle shall be increased to twenty-five (25) feet for commercial uses, when deemed necessary for traffic safety by the Governing Body.
- 2.58: **Special Use.** The use of a structure or plot of land other than that permitted in a particular zoning district. Special use requires a permit from the Planning and Zoning Commission.

A2: S2.49; 2.58

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- 2.59: **Street Private (Private Drive).** A strip of land in private common or individual ownership, including the entire right-of-way, if any, intended primarily as a means of vehicular and pedestrian travel which may include space for sewers, public utilities, trees and sidewalks, such private street not being required to meet the standards of the subdivision ordinance of the Village.
- 2.60: **Street Public.** A strip of land in public ownership, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel which may include space for sewers, public utilities, trees and sidewalks.
- 2.61: **Street Line.** A right-of-way line between a lot, tract or parcel of land and a street.
- 2.62: **Structure.** A composition of two (2) or more component parts or building material joined together in some definite manner, so fabricated or assembled that each adds to the strength and rigidity of the other in final assembly. For the purposes of this Chapter, it shall include buildings, towers, tanks, antennae, cages for transformer substations, pergolas, billboards, trash receptacle screen, trash burners, BBQ pits, but not excluding other assemblies of similar type which are permanently located on a lot.
- 2.63: **Structural Alterations.** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, floor joists, roof joists or girders, or any substantial change in the roof or exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration: a) Attachment of new front where structural supports are not changed., b) Addition of fire escapes where structural supports are not changed., c) New windows where lintels and supporting walls are not materially changed., d) Repair or replacement of non-structural members.
- 2.64: **Terrace.** An artificial or natural embankment in the area between a building and lot line.
- 2.65: **Time Share.** A dwelling unit under single or multiple ownership whereby the interests of those individuals under the multiple ownership are defined by time intervals and such transaction or tenancy is considered a commercial venture with rental revenues subject to sales tax.
- 2.66: **Tract.** An area of ground under single or group ownership that is either a single parcel and recorded by the County or a collection of lots under the same single or group ownership.
- 2.67: **Trailer.** A vehicle other than a motor vehicle, whether or not such vehicle is attached to or resting on the ground or something having a location on the ground. (See recreational vehicle hereof.)

**A2: S2.59; 2.67**

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- 2.68: **Yard.** An open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
- 2.69: **Yard, Front.** That portion of the yard extending across the front of a lot between the street line and the front building line. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- 2.70: **Zoning Inspector.** A person or persons designated by the Board of Trustees of the Village of Indian Point, Missouri.
- 2.71: **Zoning Map.** The Official Zoning Map of the Village of Indian Point, Missouri located in the Village administrative offices.

A:2, S2.68; 2.71

**ARTICLE III  
INTERPRETATION**

**Section 1: Interpretation of District Boundaries:**

- 1.1: **Illustration of Boundaries on Official Zoning Map.** The boundaries of the zoning districts shall be shown upon the Official Zoning Map which is a part of this Chapter. The Zoning Map shall be located in the Administration Offices of the Village of Indian Point, Missouri. The Zoning Map and all notations, references, and other information shown thereon are all set forth or described herein or contained in the Zoning Technical File located in the Administration Offices of the Village of Indian Point, Missouri and maintained by the Planning and Zoning Commission.
  
- 1.2: **Interpretation of Boundaries.** Where uncertainty exists with respect to the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:
  - 1.2a. The zoning district boundaries shall be streets, alleys, or platted property boundaries. Where the districts designated on the map accompanying and made a part of this Chapter are bounded by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of the district.
  
  - 1.2b. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the zoning district boundaries shall be construed to be the lot lines. Where the districts designated on the Zoning Map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of the zoning districts unless the boundaries are otherwise indicated on the Zoning Map.

**Section 2: Classification of Newly Annexed Territory:**

All undeveloped territory which may hereafter be annexed to the Village of Indian Point, Missouri, shall be classified as "Agriculture" until, within a period not to exceed ninety (90) days following the date of annexation, the Planning Commission shall appropriately reclassify such territory in accordance with Article V of this Chapter.

**Section 3: General Regulations:**

Except as hereinafter specifically provided:

- 3.1: **Use of Land.** Land shall not be used except for a purpose permitted in the zoning district in which it is located.

**A3: S1, S2, S3.1**

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- 3.2: **Building.** No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the zoning district.
- 3.3: **Conformance to Regulations.** No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the use regulations of the zoning district in which such building is located.
- 3.4: **Parking and Loading Requirements.** No building shall be erected, or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the zoning district in which such building is located.
- 3.5: **Dimensional and Area Requirements.** The minimum yards, parking spaces, and open spaces, including lot area per family, required by this Chapter for each and every building existing on the effective date of this Chapter, or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this Chapter for the zoning district in which such lot is located.
- 3.6: **Compliance Required.** Every building hereafter erected or structurally altered shall comply with the zoning code of the Village of Indian Point, Missouri and authorized by a zoning compliance permit issued through the Village Office.
- 3.7 **Use on a Single Lot.** All uses shall be located on a single lot and shall conform to the bulk and setback requirements of these regulations. Unless otherwise prohibited by existing subdivision covenant or deed restriction, any applicant proposing a use on two or more lots, all of which are held in single ownership, shall combine the lots prior to submitting an application for use. *(Inserted October 10, 2006)*

### Section 4. Required Permits:

- 4.1: **Site Clearance Development Permit.** For development on a parcel of land for any purpose as defined in Article V of these regulations, an applicant intending to remove vegetation or structures and disturb more than 30% of the site area shall submit to the Planning Commission a site plan per Article X, Section 4 and a letter outlining existing vegetation or structures to be removed, plans for the immediate and effective removal of debris, estimated costs of grading and landscape replacement and erosion control plantings and measures that would be necessary for restoration of the land in the event the development does not commence within sixty (60) days of such disturbance. Failure to act or comply shall be subject to Article XII, Section 8: Violation and Penalties. A Site Clearance Development Permit shall not be required for mowing or clearing of underbrush ("brush-hogging"). *(Amended December 9, 2004.)*

A3: S3.2, S4.1

- 4.2: **Zoning Compliance Permit.** It is intended that the provisions of this ordinance shall be followed and enforced to the greatest extent allowed by State law. Accordingly, the Village shall utilize an instrument to be called a "Zoning Compliance Permit" that shall have the following affect and conditions:
- 4.2a: No structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered without the issuance of a Zoning Compliance Permit being issued by the Zoning Administrator.
  - 4.2b: The permit shall state the conditions under which construction activities are allowed based on approved zoning, citing specific articles, setback dimensions, allowable uses, and/or special exceptions authorized by the Planning and Zoning Commission that had been granted as part of the zoning approval process.
  - 4.2c: The permit shall be either issued or refused within ten (10) calendar days following the time a rezoning petition has been approved or denied by the Board of Trustees (or Board of Zoning Adjustments if applicable), or it shall be issued or refused within ten (10) calendar days upon request by an applicant when no zoning action is needed to allow for the intended construction activity. *(Amended December 9, 2004)*
  - 4.2d: The Permit shall be signed by both the Zoning Administrator and the Applicant indicating acceptance of, and agreement with, the provisions of the permit.
  - 4.2e: Violation of the provisions of the permit shall be grounds for the revocation of any zoning approvals granted by the Board of Trustees (or Board of Zoning Adjustments if applicable).
  - 4.2f: A zoning compliance permit shall become null and void six (6) months after the date on which it is issued unless within such six (6) month period construction, structure, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.
  - 4.2g: Within ten (10) calendar days after the completion of the work permitted by a zoning compliance permit, the permit holder must notify the Zoning Administrator that the work is complete and make arrangements to meet the Zoning Administrator or a designated Zoning Inspector at the property within ten (10) calendar days from date of said notification for a site inspection to verify that the provisions of the zoning compliance permit have been met. *(Inserted December 9, 2004)*

**ARTICLE IV  
ESTABLISHMENT OF ZONING DISTRICTS**

**Section 1: Districts Established:**

For the purposes of this Chapter, the Village of Indian Point, Missouri, is divided into the following districts:

- 1.1: **“RM-1” Single-family Residential Mobile Home District.** Low density residential district permitting detached singular residential mobile homes as defined in Article II, Section 2.41 where related recreational, religious, and educational facilities may be provided.
- 1.2: **“RM-2” Single-family Residential Manufactured Housing District.** Low density residential district permitting detached singular residential manufactured homes as defined in Article II, Section 2.42 where related recreational, religious and educational facilities may be provided.
- 1.3: **“R-1” Single-family District.** Low density residential district permitting detached singular residential dwellings affixed to a permanent foundation where related recreational, religious, and educational facilities may be provided.
- 1.4: **“R-2” Two-family District.** Low density residential district permitting attached residential dwellings affixed to a permanent foundation of no more than two (2) dwellings per building.
- 1.5: **“R-3” Four-family District.** Moderate density residential district permitting attached residential dwellings affixed to a permanent foundation of no more than four (4) dwellings per building served by common facilities and open space.
- 1.6: **“R-4” Multi-family District.** High density residential district permitting attached residential dwellings affixed to a permanent foundation of no more than twelve (12) dwellings per acre served by common facilities and open space. (*Amended December 9, 2004*)
- 1.7: **“C-1” Low Intensity Commercial District.** A district established for resort type accommodations and incidental services oriented towards camping and tourism.
- 1.8: **“C-2” General Commercial District.** A district established for general commercial activities.

**A 4: S1:1.8**

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- 1.9: **“PDD” Planned Development District.** A specifically enumerated specialized district where upon an approved site plan, regulations permit greater flexibility and consequently more creative and imaginative design than generally is possible under conventional zoning regulations.
- 1.10: **“A-1” Agricultural.** Tracts of land which have not been platted or subdivided.

**A 4: S1.9, S1.10**

**ARTICLE V  
USE REGULATIONS BY ZONING DISTRICT**

**Section 1: General Regulations:**

- 1.1: **Newly Annexed Land.** Any territory hereafter annexed to the Village shall be zoned “A-1” until changed as provided in Article III, Section 2: Classification of Newly Annexed Territory of this Chapter, unless otherwise indicated in an Annexation Plan of Intent.
- 1.2: **Vacated Land.** Whenever any street, alley or public way is vacated by official action of the Board of Trustees, the zoning for said land shall be automatically designed “A-1”. Adjoining property owners may petition the Board at such time of vacation, or at any point in the future, that consideration be given to allow the zoning districts adjoining each side of such street, alley or public way to be extended to the center of such vacation and all areas included in this vacation shall then be subject to all regulations of the extended district.
- 1.3: **Utility Connections Required.** All structures requiring utility connections within zoning districts established by this Chapter shall be connected to public utilities, including: water, sewer, electricity, gas, and telephone where these facilities are available at the time of construction. If not available at the time of construction, easements for future connections to such utilities shall be provided in accordance with provisions set forth in the Subdivision Regulations. The intent of the Board of Trustees is to require the use of public utilities when and where available.
- 1.4: **Access to Public Streets Required.** All uses within zoning districts are required to be connected to public streets. If additional roads or streets are required, it shall be the responsibility of the builder or developer to construct them to the standards of the Design Specifications of the Village of Indian Point as approved in Ordinance 94-3.
- 1.5: **Setback Yards Required.** Setback yards shall be established, specified and required in all zoning districts from all lot lines as set forth herein except that no setback shall be required when such lot line is the Corps of Engineers take line for Table Rock Lake. Normal setback requirements as set forth herein shall apply for all other Corps. Of Engineers take lines, however.
- 1.6: **Fence Regulations.** A fence may be constructed on or near the property line to the backyard and either or both side yards with the exception no fence shall extend beyond the front corner of the main structure. Any exception from this must be approved by the Planning and Zoning Commission. *(Amended October 10, 2006)*

**A 5: S1.1, S1.6**

- 1.7: **Underground Setbacks.** The minimum underground setbacks on front, side and rear yards in all districts for underground structures, excluding utilities and private wastewater septic fields, shall be five (5) feet from a platted property line. Except that no underground setback shall be required when such property line is the Corps of Engineers take line for Table Rock Lake, excluding utilities and private wastewater septic fields. The minimum underground setbacks on front, side and rear yards for private wastewater septic fields shall be ten (10) feet from a platted property line, including when such property line is the Corps of Engineers take line for Table Rock Lake. Utilities may exist within the setbacks when granted by easements.
  
- 1.8: **Mobile Home, Trailer Home and Single-Wide Home; Manufactured Home, Pre-manufactured Home and Double-Wide Home.** Structures that are Mobile Homes, Trailer Homes, Single Wide Homes, Manufactured Homes, Pre-manufactured Homes and Double-Wide Homes as defined in Article II, Sections 2.41 and 2.42 are only permitted in a district when specifically allowed, such as in the RM-1 AND RM-2 districts.
  
- 1.9: **Modular Buildings and Prefabricated Buildings.** Structures that are Modular Buildings or Prefabricated Buildings as defined in Article II, Section 2.43 are permitted in all districts.
  
- 1.10: **Encroachment.** *(Inserted entire section October 10, 2006)*
  - 1.10a Encroachment. The following structures may encroach into required setbacks provided that they do not cross property lines or utility easements:
    - 1. play equipment;
    - 2. clothesline poles;
    - 3. portable yard furniture;
    - 4. flagpoles and mailboxes.
  
  - 1.10b Encroachment. The following structures may encroach into required setbacks if they are approved by the Planning Commission and provided that they do not cross property lines or utility easements:
    - 1. patios, terraces, walks, and driveways, provided they are at grade and not covered;
    - 2. retaining walls and structural/grading landscaping components;
    - 3. building overhangs, coves, and cornices may be allowed, provided they do not exceed three (3) feet. The definition of overhang specifically excludes any exterior wall of any structure regardless of its elevation above ground level.

**Section 2: Zoning District “RM-1” SINGLE –FAMILY Residential Mobile Home:**

- 2.1: **Use Regulations.** All buildings and land within an “RM-1” Zoning District shall be limited to the following uses:

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- 2.1a: Single-family detached dwellings that are affixed to a permanent foundation and single-family detached dwellings that are defined in Section 2.41 as a Mobile Home, Trailer Home and Single-Wide Home and are affixed to a permanent foundation or have full foundation skirting.
- 2.1b: Planned Development Districts for single family dwellings as approved by the Planning and Zoning Commission.
- 2.1c: Accessory buildings customary, incidental and subordinate to the use of the main buildings.
- 2.1d: Special uses such as churches, golf courses and country clubs, home occupations, public parks and playgrounds, public buildings, facilities and utilities as permitted in Article 8 of this Chapter and approved by the Planning and Zoning Commission.
- 2.2: **Coverage.** Mobile home and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Every mobile home moved or altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main dwelling on one (1) lot except as specifically provided hereinafter.
- 2.3: **Parking Regulations.** A minimum of two (2) off-street parking spaces shall be provided per single-family dwelling. On street parking is prohibited.
- 2.4: **Dimensional Requirements.**
  - 2.4a: **Minimum Dwelling Area.** A single-family-mobile home shall have a minimum of eight hundred (800) square feet of living space, excluding carports and/or garages, porches and/or other appurtenances.
  - 2.4b: **Minimum Lot Area.** The minimum lot area per mobile home park dwelling and accessory structures shall be no less than thirty five hundred (3,500) square feet.
  - 2.4c: **Minimum Front Yard.** The minimum front yard setback shall be fifteen (15) feet from platted property line except that in no case shall building be closer than fifteen (15) feet from the edge of a road surface of a public or private roadway.
  - 2.4d: **Minimum Side Yard.** The minimum side yard on each side of a mobile home shall be ten (10) feet in width from a platted property line except as provided in Article V, Section 1 and except that in no case shall a mobile home be closer than ten (10) feet from the edge of a road surface of a public or private roadway.
  - 2.4e: **Minimum Back Yard.** The minimum back yard distance from the mobile home to the rear lot line shall be no less than fifteen (15) feet except as provided in Article V, Section 1.

**A 5: S2.1a, S2.4e**

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- 2.4f: **Accessory Structures.** Accessory structures shall not be located in any setback yard except as provided in Article V, Section 1.
- 2.4g: **Height Restrictions.** No structure shall exceed thirty (30) feet in height as identified in Article II, Section 2, unless specifically permitted.
- 2.5: **Time-Share Exclusion.** No building or lot within a district zoned “RM-1” single-family, residential mobile home park, shall be used as time-share property or as a time-share unit as defined in Article II, Section 2.
- 2.6: **Rental Property Exclusion.** No building or lot within any district zoned “RM-1” single-family residential mobile home park, shall be used as rental property as defined in Article II, Section 2. Such restriction shall not include the lease of buildings or lots as defined in Article II, Section 2.
- 2.7: **Special Uses.** An approved permit must be obtained from the Planning and Zoning Commission for special uses. See Article VIII of this Chapter for procedures.
- 2.8: **Vehicle Storage.** The storage of a motor vehicle, boat, trailer, or recreational vehicle as defined in Article II, Section 2, in an “RM-1” single-family mobile home district shall only be allowed when such vehicle is the personal property of the owner or occupant of the lot subject to the following conditions:
  - 2.8a: **Temporary Living Quarters Prohibition.** No property within any district zoned “RM-1” single-family residential mobile home, shall be used exclusively to provide temporary living quarters in a boat, trailer or recreational vehicle.
  - 2.8b: **Good Working Order Requirement.** The storage of any abandoned or junked vehicles shall be prohibited. Any vehicle located on a lot in the RM-1 district shall be maintained in operable order and shall have a valid registration for operation and use.
  - 2.8c: **Exclusive Lot Use Stipulations.** No property within any district zoned “RM-1” single-family residential mobile home, shall be used exclusively to provide storage of a boat, trailer or recreational vehicle unless stored in an enclosed structure on a lot immediately adjacent to the owner’s primary residence.

### **Section 3: Zoning District “RM-2” Single-Family Residential Manufactured Housing:**

- 3.1: **Use Regulations.** All buildings and land within a “RM-2” Zoning District shall be limited to the following uses:
  - 3.1a: Single-family detached dwellings that are affixed to a permanent foundation and single-family detached dwellings that are defined in Article II, Section 2.42 as a manufactured home, pre-manufactured home and double-wide and are affixed to a permanent foundation.

**A5: S2.4f, S3.1a**

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- 3.1b: Planned Development Districts for single family dwellings as approved by the Planning and Zoning Commission.
- 3.1c: Accessory buildings customary, incidental and subordinate to the use of the main buildings.
- 3.1d: Special uses such as churches, golf courses and country clubs, home occupations, public parks and playgrounds, public buildings, facilities and utilities as permitted in Article VIII of this chapter and approved by the Planning and Zoning Commission.
- 3.2: **Coverage.** Manufactured home and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Every manufactured home moved or altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main dwelling on one (1) lot except as specifically provided hereinafter.
- 3.3: **Parking Regulations.** A minimum of two (2) off street parking spaces shall per single family dwelling. On street parking is prohibited.
- 3.4: **Dimensional Requirements:**
  - 3.4a: **Minimum Dwelling Area.** A single family manufactured home shall have a minimum of eight hundred (800) square feet of living space, excluding carports and/or garages, porches and/or other appurtenances.
  - 3.4b: **Minimum Lot Area.** The minimum lot area per manufactured home dwelling and accessory structures shall be no less than thirty-five hundred (3,500) square feet.
  - 3.4c: **Minimum Front Yard.** The minimum front yard setback shall be fifteen (15) feet from platted property line except that in no case shall a manufactured home be closer than fifteen (15) feet from the edge of a road surface of a public or private roadway.
  - 3.4d: **Minimum Side Yard.** The minimum side yard on each side of a manufactured home shall be ten (10) feet in width from a platted property line except as provided in Article V, Section 1 and except that in no case shall a building be closer than ten (10) feet from the edge of a road surface of a public or private roadway.
  - 3.4e: **Minimum Back Yard.** The minimum back yard distance from the manufactured home to the rear lot line shall be no less than fifteen (15) feet except as provided in Article V, Section 1.
  - 3.4f: **Accessory Structures.** Accessory structures shall not be located in any setback yard except as provided in Article V, Section 1.

A5: S3.1b, S3.4f

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- 3.4g: **Height Restrictions.** No structure shall exceed thirty (30) feet in height as identified in Article II, Section E, unless specifically permitted.
- 3.5: **Time Share Exclusion.** No building or lot within a district zoned “R-2 or RM-2” shall be used as time share property or as a time share unit as defined in Article II, Section 2.
- 3.6: **Rental Property Exclusion.** No building or lot within any district zoned “RM-2” manufactured home shall be used as rental property as defined in Article II, Section 2. Such restriction shall not include the lease of buildings or lots as defined in Article II, Section 2.
- 3.7: **Special Uses.** An approved permit must be obtained from the Planning and Zoning Commission for special uses. See Article VIII of this Chapter for procedures.
- 3.8: 3.8a: **Temporary Living Quarters Prohibition.** No property within any district zoned RM-2 manufactured home, shall be used exclusively to provide temporary living quarters in a boat, trailer or recreational vehicle.
- 3.8b: **Good Working Order Requirement.** The storage of any abandoned or junked vehicle shall be prohibited. Any vehicle located on a lot in the RM-2 district shall be maintained in operable order and shall have a valid registration for operation and use.
- 3.8c: **Exclusive Lot Use Stipulations.** No property within any district zoned RM-2, manufactured home, shall be used exclusively to provide storage of a boat, trailer, or recreational vehicle unless stored in an enclosed structure on a lot immediately adjacent to the owner’s primary residence.

### Section 4: Zoning District “R-1”, Single Family:

- 4.1: **Use Regulations.** All buildings and land within an “R-1” Zoning District shall be limited to the following uses:
- 4.1a: Single family detached dwellings affixed to a permanent foundation.
- 4.1b: Planned Development Districts for single family dwellings as approved by the Planning and Zoning Commission.
- 4.1c: Accessory buildings customary, incidental and subordinate to the use of the main buildings.
- 4.1d: Special Uses such as churches, golf courses and country clubs, home occupations, public parks and playgrounds, public buildings, facilities and utilities as permitted in Article 8 of this Chapter and approved by the Planning and Zoning Commission.

**A5: S3.4g; S4.1d**

- 4.1e: Structures that are mobile homes, trailer homes, single-wide homes, manufactured homes, pre-manufactured homes and double-wide homes as defined in Article II, Section 2.41 and 2.42 are prohibited in the R-1 district.
- 4.1f: Modular Homes as defined in Section 2.43 may be constructed to replace any existing mobile home, trailer home, single-wide home, manufactured home pre-manufactured home, or double-wide home as defined in Article II, Sections 2.41 and 2.42. *(Inserted October 10, 2006)*
- 4.1g: Same-site/same-type replacement (i.e., remove one unit and replace with same type of unit on same site) manufactured homes, pre-manufactured homes and double-wide homes as defined in Article II, Section 2.42 must either be with units that are fewer than ten (10) years old or the units must be inspected by an inspection company approved by the Village at the owner's expense to determine that all mechanical systems are functional and adequate and that all structural components, including but not limited to windows, siding, roof, insulation, and flooring are in good, functional repair. *(Inserted October 10, 2006)*
- 4.1h: Same-site replacement of mobile homes, trailer homes, or single-wide homes as defined in Article II, Section 2.41 must be units defined in Article II, Section 2.42 that are fewer than ten (10) years old or the units must be inspected by an inspection company approved by the Village at the owner's expense to determine that all mechanical systems are functional and adequate, and that all structural components, including but not limited to windows, siding, roof, insulation, and flooring, are in good functional repair, or with units defined in Article II, Section 2.43 or a stick-built home. *(Inserted October 10, 2006)*
- 4.2: **Coverage.** Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot except as specifically provided hereinafter.
- 4.3: **Parking Regulations.** A minimum of two (2) off-street parking spaces shall be provided per single family dwelling. On street parking is prohibited.
- 4.4: **Dimensional Requirements:**
  - 4.4a: **Minimum Dwelling Area.** A single family dwelling shall have a minimum of twelve hundred (1,200) square feet of living area on one (1) or more levels as permitted by height restrictions so long as the main level of the dwelling shall have a minimum of eight hundred (800) square feet of living space, excluding carports and/or garages, porches and/or other appurtenances.
  - 4.4b: **Minimum Lot Area.** The minimum lot area per dwelling and accessory structures shall be no less than nine thousand (9,000) square feet.

**A 5: S4.1e; S4.4b**

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- 4.4c: **Minimum Front Yard.** The minimum front yard setback shall be fifteen (15) feet from platted property line except that in no case shall a building be closer than fifteen (15) feet from the edge of a road surface of a public or private roadway.
- 4.4d: **Minimum Side Yard.** The minimum side yard on each side of a two-family dwelling shall be ten (10) feet in width from a platted property line except as provided in Article V, Section 1 and except that in no case shall a building be closer than ten (10) feet from the edge of a road surface of a public or private roadway.
- 4.4e: **Minimum Back Yard.** The minimum back yard distance from the structure to the rear lot line shall be no less than fifteen (15) feet except as provided in Article V, Section 1.
- 4.4f: **Accessory Structures.** Accessory structures shall not be located in any setback yard except as provided in Article V, Section 1.
- 4.4g: **Height Restrictions.** No structure shall exceed forty (40) feet in height as identified in Article II, Section 2, unless specifically permitted.
- 4.5: **Time-Share Exclusion.** No building or lot within a district zoned "R-1" single family, shall be used as time-share property or as a time-share unit as defined in Article II, Section 2.
- 4.6: **Rental Property Exclusion.** No building or lot within any district zoned "R-1" single family, shall be used as rental property as defined in Article II, Section 2. Such restriction shall not include the lease of buildings or lots as defined in Article II, Section 2.
- 4.7: **Special Uses.** An approved permit must be obtained from the Planning and Zoning Commission for special uses. See Article VIII of this Chapter for procedures.
- 4.8: **Vehicle Storage.** The storage of a motor vehicle, boat, trailer, or recreational vehicle as defined in Article II, Section 2, in an "R-1" single-family district shall only be allowed when such vehicle is the personal property of the owner or occupant of the lot subject to the following conditions:
- 4.8a: **Temporary Living Quarters Prohibition.** No property within any district zoned "R-1" single family shall be used exclusively to provide temporary living quarters in a boat, trailer, or recreational vehicle.
- 4.8b: **Good Working Order Requirement.** The storage of any abandoned or junked vehicles shall be prohibited. Any vehicle located on a lot in the "R-1" District shall be maintained in operable order and shall have a valid registration for operation and use.

**A5: S4.4c; S4.8b**

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- 4.8c: **Exclusive Lot Use Stipulations.** No property within any district zoned “R-1” single family, shall be used exclusively to provide storage of a boat, trailer, or recreational vehicle unless stored in an enclosed structure on a lot immediately adjacent to the owner’s primary residence.
- 4.9: **Ventless Fireplaces.** Ventless Fireplaces are permitted in dwelling units provided that: *(Inserted October 10, 2006)*
  - 4.9a: Units must be installed according to manufacturer’s instructions. Where identified by the manufacturer, installation must meet specific codes listed in installation instructions. *(Inserted October 10, 2006)*
  - 4.9b: All clearances must be met, including those around vent pipes, finish materials, mantels and wood surrounds. *(Inserted October 10, 2006)*
  - 4.8c: Manufacture’s specifications for room sizing requirements and ventilation systems must be adhered to. *(Inserted October 10, 2006)*

### **Section 5: Zoning District “R-2” Two-Family:**

- 5.1: **Use Regulations.** All buildings and land within “R-2” Zoning District shall be limited to the following uses:
  - 5.1a: Single family dwellings affixed to a permanent foundation.
  - 5.1b: Two family dwellings.
  - 5.1c: Planned Development Districts providing single-family and two-family dwellings as approved the Planning and Zoning Commission.
  - 5.1d: Accessory buildings customary, incidental and subordinate to the use of the main buildings.
  - 5.1e: Special uses such as churches, golf courses and country clubs, home occupations, public parks and playgrounds, public buildings, facilities and utilities as approved by the Planning and Zoning Commission. See Article VIII of this Chapter for procedures.
  - 5.1f: Structures that are mobile homes, trailer homes, single-wide homes, manufactured home, pre-manufactured homes and double-wide homes as defined in Article II, Section 2.41 and 2.42 are prohibited in the “R-2” district.
  - 5.1g: Modular Homes as defined in Section 2.43 may be constructed to replace any existing mobile home, trailer home, single-wide home, manufactured home pre-manufactured home, or double-wide home as defined in Article II, Sections 2.41 and 2.42. *(Inserted October 10, 2006)*

**A5: S4.8c, S5.1g**

- 5.1h: Same-site/same-type replacement (i.e., remove one unit and replace with same type of unit on same site) manufactured homes, pre-manufactured homes and double-wide homes as defined in Article II, Section 2.42 must either be with units that are fewer than ten (10) years old or the units must be inspected by an inspection company approved by the Village at the owner's expense to determine that all mechanical systems are functional and adequate and that all structural components, including but not limited to windows, siding, roof, insulation, and flooring are in good, functional repair. *(Inserted October 10, 2006)*
- 5.1j: Same-site replacement of mobile homes, trailer homes, or single-wide homes as defined in Article II, Section 2.41 must be units defined in Article II, Section 2.42 that are fewer than ten (10) years old or the units must be inspected by an inspection company approved by the Village at the owner's expense to determine that all mechanical systems are functional and adequate, and that all structural components, including but not limited to windows, siding, roof, insulation, and flooring, are in good functional repair, or with units defined in Article II, Section 2.43 or a stick-built home. *(Inserted October 10, 2006)*
- 5.2: **Coverage.** Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area.
- 5.3: **Parking Regulations.** A minimum of two (2) off street parking spaces shall be provided per family dwelling. On street parking is prohibited in "R-2" districts.
- 5.4: **Dimensional Requirements:**
- 5.4a: **Minimum Dwelling Area.** Two-family dwellings shall have a minimum of eight hundred fifty (850) square feet of living area per dwelling unit excluding carports and/or garages, porches and/or other appurtenances.
- 5.4b: **Minimum Lot Area.** The minimum lot area for a two-family dwelling and accessory structures shall be no less than nine thousand (9,000) square feet.
- 5.4c: **Minimum Front Yard.** The minimum front yard setback shall be fifteen (15) feet from platted property line except that in no case shall a building be closer than fifteen (15) feet from the edge of a road surface of a public or private roadway.
- 5.4d: **Minimum Side Yard.** The minimum side yard on each side of a two-family dwelling shall be ten (10) feet in width from a platted property line except as provided in Article V, Section 1 and except that in no case shall a building be closer than ten (10) feet from the edge of a road surface of a public or private roadway.
- 5.4e: **Minimum Back Yard.** The minimum back yard distance from the structure to the rear lot line shall be no less than fifteen (15) feet except as provided in Article V, Section 1.

**A5,S5.1h; S5.4e**

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- 5.4f: **Accessory Structures.** Accessory structures shall not generally be located in any setback yard except as provided in Article V, Section 1.
- 5.4g: **Height Restrictions.** No structure shall exceed forty (40) feet in height as identified in Article II, Section 2, unless specifically permitted.
- 5.5: **Special Uses.** An approved permit must be obtained from the Planning and Zoning Commission for special uses. See Article VIII of this Chapter for procedures.
- 5.6: **Ventless Fireplaces.** Ventless Fireplaces are permitted in dwelling units provided that: *(Inserted October 10, 2006)*
  - 5.6a: Units must be installed according to manufacturer's instructions. Where identified by the manufacturer, installation must meet specific codes listed in installation instructions. *(Inserted October 10, 2006)*
  - 5.6b: All clearances must be met, including those around vent pipes, finish materials, mantels and wood surrounds. *(Inserted October 10, 2006)*
  - 5.6c: Manufacture's specifications for room sizing requirements and ventilation systems must be adhered to. *(Inserted October 10, 2006)*

### Section 6: Zoning District "R-3", Four Family:

- 6.1: **Use Regulations:**
  - 6.1a: Any use permitted in the "R-1" single family dwelling or "R-2" two family dwelling districts.
  - 6.1b: Four-family residential dwellings affixed to a permanent foundation.
  - 6.1c: Planned Development Districts providing "R-1", "R-2", and "Four-family" dwellings as approved by the Planning and Zoning Commission.
  - 6.1d: Accessory buildings customary, incidental and subordinate to the use of the main buildings.
  - 6.1e: Special uses such as churches, golf courses and country clubs, home occupations, public parks and playgrounds, public buildings, facilities and utilities as permitted by the Planning and Zoning Commission. See Article 8 of this Chapter for procedures.
  - 6.1f: Structures that are mobile homes, trailer homes, single-wide homes, manufactured homes, pre-manufactured homes and double-wide homes as defined in Article II, Section 2.41 and 2.42 are prohibited in the "R-3" District.

**A 5: S5.4f, S6.1f**

- 6.1g: Modular Homes as defined in Section 2.43 may be constructed to replace any existing mobile home, trailer home, single-wide home, manufactured home pre-manufactured home, or double-wide home as defined in Article II, Sections 2.41 and 2.42. *(Inserted October 10, 2006)*
- 6.1h: Same-site/same-type replacement (i.e., remove one unit and replace with same type of unit on same site) manufactured homes, pre-manufactured homes and double-wide homes as defined in Article II, Section 2.42 must either be with units that are fewer than ten (10) years old or the units must be inspected by an inspection company approved by the Village at the owner's expense to determine that all mechanical systems are functional and adequate and that all structural components, including but not limited to windows, siding, roof, insulation, and flooring are in good, functional repair. *(Inserted October 10, 2006)*
- 6.1j: Same-site replacement of mobile homes, trailer homes, or single-wide homes as defined in Article II, Section 2.41 must be units defined in Article II, Section 2.42 that are fewer than ten (10) years old or the units must be inspected by an inspection company approved by the Village at the owner's expense to determine that all mechanical systems are functional and adequate, and that all structural components, including but not limited to windows, siding, roof, insulation, and flooring, are in good functional repair, or with units defined in Article II, Section 2.43 or a stick-built home. *(Inserted October 10, 2006)*
- 6.2: **Coverage.** Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area including any unseverable common areas.
- 6.3: **Parking Regulations.** A minimum of one and a half (1.5) off street parking spaces shall be provided per family unit. Parking within the road right-of-way is prohibited.
- 6.4: **Dimensional Requirements:**
  - 6.4a: **Minimum Dwelling Area.** Four-family dwellings shall have a minimum of six hundred fifty (650) square feet of living area for each dwelling unit, excluding carports and/or garages, porches and/or other appurtenances.
  - 6.4b: **Minimum Lot Area.** The minimum lot area for a four-family dwelling building and accessory structures shall be no less than fifteen thousand (15,000) square feet or three thousand seven hundred fifty (3,750) square feet per dwelling unit, which ever is greater, except that overall density on a collection of more than four (4) adjacent lots shall not exceed an equivalent overall density of ten (10) dwelling units per acre.
  - 6.4c: **Minimum Front Yard.** The minimum front yard setback shall be fifteen (15) feet from platted property line except that in no case shall a building be closer than fifteen (15) feet from the edge of a road surface of a public or private roadway.

**A5: S6.1g, S6.4c**

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- 6.4d: **Minimum Side Yard.** The minimum side yard on each side of a four-family dwelling shall be ten (10) feet in width from a platted property line except as provided in Article V, Section 1.
- 6.4e: **Minimum Back Yard.** The minimum back yard distance from the structure to the rear lot line shall be no less than fifteen (15) feet except as provided in Article V, Section 1.
- 6.4f: **Accessory Structures.** Accessory structures shall not be located in any setback yard except as provided in Article V, Section 1.
- 6.4g: **Height Restrictions.** No structure shall exceed fifty (50) feet in height as defined in Article II, Section 2 unless specifically permitted by the Planning and Zoning Commission. Every building in excess of thirty (30) feet in height shall provide one (1) additional foot of side, rear and front setback for each additional two (2) feet in height above thirty (30) feet.
- 6.5: **Special Uses.** An approved permit must be obtained from the Planning and Zoning Commission for special uses. See Article VIII of this Chapter for procedures.
- 6.6: **Ventless Fireplaces.** Ventless Fireplaces are permitted in dwelling units provided that: *(Inserted October 10, 2006)*
  - 6.6a: Units must be installed according to manufacturer's instructions. Where identified by the manufacturer, installation must meet specific codes listed in installation instructions. *(Inserted October 10, 2006)*
  - 6.6b: All clearances must be met, including those around vent pipes, finish materials, mantels and wood surrounds. *(Inserted October 10, 2006)*
  - 6.6c: Manufacture's specifications for room sizing requirements and ventilation systems must be adhered to. *(Inserted October 10, 2006)*

### Section 7: Zoning District "R-4", Multi-Family:

#### 7.1: Use Regulations:

- 7.1a: Any use permitted in the "R-1" single family dwelling, "R-2" two family or "R-3" four family dwelling districts.
- 7.1b: High density attached residential dwellings of more than four (4) dwelling units per building affixed to a permanent foundation served by common facilities and open space.
- 7.1c: Accessory buildings customary, incidental and subordinate to the use of the main buildings.

A5: S6.4d, S7.1c

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- 7.1d: Special uses such as churches, golf courses and country clubs, home occupations, public parks and playgrounds, public buildings, facilities and utilities as permitted by the Planning and Zoning Commission. See Article 8 of this Chapter for procedures.
- 7.1e: Structures that are Mobile Homes, Trailer Homes, Single-Wide Homes, Manufactured Homes, Pre-manufactured Homes and Double-Wide Homes as defined in Article II, Sections 2.41 and 2.42 are prohibited in the "R-4" District.
- 7.1f: Modular Homes as defined in Section 2.43 may be constructed to replace any existing mobile home, trailer home, single-wide home, manufactured home pre-manufactured home, or double-wide home as defined in Article II, Sections 2.41 and 2.42. *(Inserted October 10, 2006)*
- 7.1g: Same-site/same-type replacement (i.e., remove one unit and replace with same type of unit on same site) manufactured homes, pre-manufactured homes and double-wide homes as defined in Article II, Section 2.42 must either be with units that are fewer than ten (10) years old or the units must be inspected by an inspection company approved by the Village at the owner's expense to determine that all mechanical systems are functional and adequate and that all structural components, including but not limited to windows, siding, roof, insulation, and flooring are in good, functional repair. *(Inserted October 10, 2006)*
- 7.1h: Same-site replacement of mobile homes, trailer homes, or single-wide homes as defined in Article II, Section 2.41 must be units defined in Article II, Section 2.42 that are fewer than ten (10) years old or the units must be inspected by an inspection company approved by the Village at the owner's expense to determine that all mechanical systems are functional and adequate, and that all structural components, including but not limited to windows, siding, roof, insulation, and flooring, are in good functional repair, or with units defined in Article II, Section 2.43 or a stick-built home. *(Inserted October 10, 2006)*
- 7.2: **Coverage.** Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area including any non severable common areas.
- 7.3: **Parking Regulations.** A minimum of one and a half (1.5) off street parking spaces shall be provided per family unit. Parking within the road right-of-way is prohibited.
- 7.4: **Dimensional Requirements:**
- 7.4a: **Minimum Dwelling Area.** Multi-family dwellings shall have a minimum of six hundred fifty (650) square feet of living area for each dwelling unit, excluding carports and/or garages, porches and/or other appurtenances.

**S5: S7.1d ;S7.4a**

- 7.4b: **Minimum Lot Area.** The Minimum lot area for a multi-family dwelling building and accessory structures shall be no less than forty thousand (40,000) square feet or three thousand seven hundred fifty (3,750) square feet per dwelling unit, whichever is greater, except that overall density on a collection of more than four (4) adjacent lots shall not exceed an equivalent overall density of 12 dwelling units per acre.
- 7.4c: **Minimum Front Yard.** The minimum front yard setback shall be fifteen (15) feet from platted property line except that in no case shall a building be closer than fifteen (15) feet from the edge of a road surface of a public or private roadway.
- 7.4d: **Minimum Side Yard.** The minimum side yard on each side of a multi-family dwelling shall be ten (10) feet in width from a platted property line except as provided in Article V, Section 1.
- 7.4e: **Minimum Back Yard.** The minimum back yard distance from the structure to the rear lot line shall be no less than fifteen (15) feet except as provided in Article V, Section 1.
- 7.4f: **Accessory Structures.** Accessory structures shall not be located in any setback yard except as provided in Article V, Section 1.
- 7.4g: **Height Restrictions.** No structure shall exceed fifty (50) feet in height as defined in Article II, Section 2 unless specifically permitted by the Planning and Zoning Commission. Every building in excess of thirty (30) feet in height shall provide one (1) additional foot of side, rear and front setback for each additional two (2) feet in height above thirty (30) feet.
- 7.5: **Special Uses.** An approved permit must be obtained from the Planning and Zoning Commission for special uses. See Article VIII of this Chapter for procedures.
- 7.6: **Ventless Fireplaces.** Ventless Fireplaces are permitted in dwelling units provided that: *(Inserted October 10, 2006)*
- 7.6a: Units must be installed according to manufacturer's instructions. Where identified by the manufacturer, installation must meet specific codes listed in installation instructions. *(Inserted October 10, 2006)*
- 7.6b: All clearances must be met, including those around vent pipes, finish materials, mantels and wood surrounds. *(Inserted October 10, 2006)*
- 7.6c: Manufacturer's specifications for room sizing requirements and ventilation systems must be adhered to. *(Inserted October 10, 2006)*

**Section 8: Zoning District “C-1”, Low Intensity Commercial:**

- 8.1: **Permitted Uses.** All buildings and land within a “C-1” Zoning District shall be directly related to or incidental to accommodations for tourists and shall include the following primary uses:
- 8.1a: Campgrounds.
  - 8.1b: Marina
  - 8.1c: Motels, lodges, resorts, and other accommodations for rental on a nightly, weekly, or monthly basis not to exceed three consecutive calendar months in any four month period. *(Amended October 10, 2006)*
  - 8.1d: Rental property as herein defined.
  - 8.1e: Time-share property or time-share units.
  - 8.1f: Structures that are Mobile Homes, Trailer Homes, Single-Wide Homes, Manufactured Homes, Pre-Manufactured Homes and Double-Wide Homes as defined in Article II, Section 2.41 and 2.42 are prohibited in the C-1 district; except that these types of structures are permitted in tourist campgrounds when used as accommodations for customers or employees of the tourism business.
  - 8.1g: Modular Homes as defined in Section 2.43 may be constructed to replace any existing mobile home, trailer home, single-wide home, manufactured home pre-manufactured home, or double-wide home as defined in Article II, Sections 2.41 and 2.42. *(Inserted October 10, 2006)*
  - 8.1h: Same-site/same-type replacement (i.e., remove one unit and replace with same type of unit on same site) manufactured homes, pre-manufactured homes and double-wide homes as defined in Article II, Section 2.42 must either be with units that are fewer than ten (10) years old or the units must be inspected by an inspection company approved by the Village at the owner’s expense to determine that all mechanical systems are functional and adequate and that all structural components, including but not limited to windows, siding, roof, insulation, and flooring are in good, functional repair. *(Inserted October 10, 2006)*
  - 8.1i: Same-site replacement of mobile homes, trailer homes, or single-wide homes as defined in Article II, Section 2.41 must be units defined in Article II, Section 2.42 that are fewer than ten (10) years old or the units must be inspected by an inspection company approved by the Village at the owner’s expense to determine that all mechanical systems are functional and adequate, and that all structural components, including but not limited to windows, siding, roof, insulation, and flooring, are in good functional repair, or with units defined in Article II, Section 2.43 or a stick-built home. *(Inserted October 10, 2006)*

**A5: S8.1, S8.1i**

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- 8.2: **Incidental Uses.** The following may be permitted as incidental uses when such uses do not occupy more square footage of floor area and/or more square footage of site area than the primary permitted use and such use is provided in support of the primary use within the same lot or parcel:
- 8.2a: Barber and beauty shops.
  - 8.2b: Child day care center.
  - 8.2c: Laundromat and cleaning establishments.
  - 8.2d: Miniature golf.
  - 8.2e: Offices.
  - 8.2f: Postal station.
  - 8.2g: Restaurants.
  - 8.2h: Retail Shops. (*Amended October 10, 2006*)
  - 8.2i: Studios; art, music, drama, reducing, photographic and dance.
  - 8.2j: Detached or attached residential housing for owners, operators and employees of the tourism business. (*Inserted December 9, 2004*)
- 8.3: **Coverage.** Main and accessory buildings shall not cover more than forty percent (40%) of the site.
- 8.4: **Parking Regulations.** Off-street parking space shall be provided as follows: Motels, Lodges and Resorts – one space for each rental unit plus one space for each two (2) employees during the largest work shift. Restaurants – one parking space for each 2.5 seats based on maximum seating capacity. Other – one parking space for each 200 square feet of Gross Leasable Area (GLA).
- 8.5: **Dimensional Requirements:**
- 8.5a: **Front Yard.** The minimum front yard setback for commercial structures in the “C-1” Zoning District shall be no less than ten (10) feet from a platted property line except that in no case shall a building line be closer than fifteen (15) feet from the edge of road surface of a public or private roadway. Where parking is a consideration within the front yard setback area, the minimum setback shall be thirty-five (35) feet from a platted property line except that in no case shall a building line be closer than fifteen (15) feet from the edge of road surface of a public or private roadway. A special permit from the Planning and Zoning Commission is required for front yard parking with less than thirty-five (35) feet setback.

**A5: S8.2; S8.5a**

- 8.5b: **Front Yard Exceptions.** The front yard regulations for structures erected or structurally altered for dwelling purposes shall be fifteen (15) feet from platted property line and that in no case shall a building be closer than fifteen (15) feet from the edge of a road surface of a public or private roadway.
- 8.5c: **Side Yard.** No side yard dimension is set for the “C-1” Commercial District where side yard property lines are adjacent to other “C-1” property. A ten (10) foot side yard set back is required where “C-1” property is adjacent to any residential zone. Structures erected or structurally altered for dwelling purposes shall be ten (10) feet in width from a platted property line except as provided in Article V, Section 1.
- 8.5d: **Rear Yard.** The minimum rear yard setback for commercial structures in the “C-1” Zoning District shall be no less than ten (10) feet except as provided for in Article V, Section 1.
- 8.5e: **Height Restrictions.** No non-building or non-dwelling structure, including but not limited to tanks, towers, poles or antennae, shall exceed fifty (50) feet in height as measured from the highest elevation where the finished grade meets the foundation of the structure, unless specifically permitted by the Planning and Zoning Commission.

**Section 9: Zoning District “C-2” General Commercial:**

- 9.1: **Use Regulations.** All uses permitted as primary or incidental uses within a “C-1” Commercial District and any other non-residential use not otherwise prohibited by this ordinance.
- 9.2: **Planned Development Requirement.** Any use in the “C-2” District must be developed according to a Planned Development District as set forth in this article.
- 9.3: **Parking Regulations.** Same as “C-1” or as authorized by Planned Development District.
- 9.4: **Lot Coverage.** Same as “C-1” or as authorized in by Planned Development District.
- 9.5: **Building Height.** Same as “C-1” or as authorized in by Planned Development District.
- 9.6: **Operation of Business.** All of the uses permitted under this section shall not emit any dust or smoke or noxious odors or fumes outside the property where the operation is located or produce an unreasonable noise level that would create a nuisance on the adjacent street or property. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be

**A5: S8.5b; S9.6**

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so screened by ornamental walls and fences or plantings that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level.

- 9.7: **Outside Storage.** No outside storage of materials or displays of merchandise shall be permitted under any circumstances.
- 9.8: **Lot Dimensional Requirements.** Same as “C-1” or as authorized by Planned Development District.
- 9.9: **Official Zoning Map Limitation.** No “C-2” Zoning District designations shall be granted and shown on the Official Zoning Map without approval of a Planned Development District by the Planning and Zoning Commission.

### **Section 10: Zoning District “PDD” Planned Development District:**

- 10.1: **Purpose and Intent.** The intent of the Planned Development District (“PDD”) regulations is to permit greater flexibility and consequently more creative and imaginative design in lot sizes, setbacks and site development standards than generally is possible under conventional zoning regulations in recognition of the opportunity to preserve unique topographic, vegetation or other site features. The purpose of the “PPD” is also to ensure that development possible in the “C-2” District is compatible with the general low intensity scale and sensitive natural environment of Indian Point.
- 10.2: **Creation of a “PDD” District.** It is hereby intended to permit, upon application and upon approval of site and use plans, the creation of a Planned Development District. Such a designation shall be determined by and shall be designed to lessen traffic congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to preserve features of historical significance, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and with a reasonable consideration being given, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the land throughout the Village. In “PDD” Districts, the regulations which are adopted are intended to accomplish the same purposes as do zoning and other applicable regulations in districts which are developed on a lot by lot rather than a unified basis.
- 10.3: **Application of Planned Development District Provisions.** A “PDD” may be proposed for any location in the Village. (*Amended December 9, 2004*)

**A5: S9.6, S10.3**

- 10.4: **Effect of Planned Development District Approval.** Approval of a Planned Development District shall constitute an authorized alternative to specific site development requirements for a specific zoning district as stated in the Zoning Ordinance. Designation of a property as a Planned Development District in accordance with an approved development plan shall overlay and supplement all existing zoning classifications. Such property shall, for zoning purposes, be identified by the letters "PDD" followed by an identifying number with the underlying zoning indicated. Provisions of such PDD approval shall be in full force and affect unless otherwise amended by action of the Planning Zoning Commission. Development of the property shall only be permitted in accordance with the approved PDD plans unless amendments to such PDD plans have been approved by the Planning and Zoning Commission.
- 10.5: **Development Intensity.** The intensity of the Planned Development District as a whole or by sub-area shall not exceed that allowed in the comparable zoning district of the allowed uses on an aggregate lot basis.
- 10.6: **Public Facilities.** All uses within the planned unit development are required to be connected to public utilities including: water, sewer, electricity, gas, and telephone where these facilities are available at the time of construction. If not available at the time of construction, easements for future connections to such utilities shall be provided in accordance with provisions set forth in the Subdivision Regulations. The intent of the Board of Trustees is to require the use of public utilities when and where available.
- 10.7: **Parking.** Unless specifically modified by the planned development district, parking requirements specified in each applicable land use district shall apply. Reductions in parking requirements shall be approved only if it can be demonstrated that parking demand will be less due to the design and character of the planned development.
- 10.8: **Perimeter Treatment.** The planned development district shall specify any special treatment of perimeter areas designed to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. The Board of Trustees may impose those standards and requirements for perimeter treatment it deems necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.
- 10.9: **Zoning District PDD Application Process.** Applications for Planned Development District shall be processed pursuant to a three-step review process. This procedure shall include: (1) a pre-application conference, (2) a preliminary development proposal, and (3) a final development proposal outlined in the following sections.

**10.10: Pre-Application Conference:**

10.10a: Not less than forty-five working (45) days before preparing and submitting the preliminary plat to the Commission, the developer and/or his/her engineer shall consult with the Zoning Administrator, while the plat is in sketch form, to ascertain the location of proposed arterial, collector streets, minor streets, parks, playgrounds, and other community facilities or planned developments and to acquaint himself/herself with the Commission's requirements. During the pre-application proceedings the general features of the planned development district, its layout, facilities and required improvements shall be determined to the extent necessary for the preparation of the preliminary planned unit development proposal. Pre-application proceedings shall be properly documented by minutes of conferences and memoranda, as may be necessary, and copies of such documentation shall be furnished to the developer.

10.10b: The Village shall have the right to schedule any other meetings within the forty-five (45) day reviewing period necessary to ensure that the planned development district is compatible with the principles of the Comprehensive Plan. It shall be the responsibility of the Village to schedule such meetings to include the developer and/or his/her engineer.

**10.11 Preliminary Proposal:**

10.11a: The developer shall submit to the Commission a preliminary proposal of the proposed planned development district which shall conform with the requirements set forth in Article V, Section 7 of this Chapter at least thirty (30) working days prior to the meeting of the Commission at which action is desired.

10.11b: The preliminary proposal shall also include a graphic concept plan at 1"=100' scale. A written descriptive summary shall also be submitted that shall include, but not be limited to, any supporting material describing the overall concept of the proposed development, the uses included and any limitations upon uses; building types; provisions for maintenance of common use areas where applicable; any proposed agreement, dedications or easements; any proposed private covenants and restrictions; and any other information pertinent to a determination of compliance with this Article. Additionally, the written concept plan must include a section detailing the beneficial aspects to the community of the Planned Development District proposal. A Circulation Plan must be included in the preliminary proposal. This plan would indicate any roads adjoining the property; the location of access from public roads into the project; and vehicular and pedestrian circulation systems within the project. A traffic flow and projected volumes would be a part of the Circulation Plan. The Circulation Plan may be included as part of the Master Conceptual Plan.

**A5: S10.10, S10.11b**

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10.11c: An Improvement Plan that indicates water supply and distribution facilities as well as the source of the water supply; sewage collection and disposal including the method and location of sewage discharge; methods and facilities for the management of storm water runoff; improvements to streets and roads; and any other physical improvements required to support the project.

### 10.12: Final Proposal:

10.12a: Upon approval of the preliminary proposal by the Commission, the developer shall submit the final proposal of the planned development district in accordance with the requirements of the Village of Indian Point Subdivision Regulations, Section 33, titled Final Plat, at least thirty (30) working days prior to the Commission meeting at which action is desired.

10.12b: Approval of the final proposal for a planned development district includes the approval of the subdivision final plat and amendment to the Official Zoning Map and Future Development Guide. Approval of the amendment to the Official Zoning Map and Future Development Guide requires a public hearing before the Commission and the Board of Trustees in accordance with the requirements set forth in these codes.

## **Section 11: Zoning District “A-1” AGRICULTURAL:**

11.1: **Use Regulations.** All buildings and land within an “A-1” Zoning District shall be limited to the following uses:

11.1a: Single-family detached dwellings affixed to a permanent foundation.

11.1b: Accessory buildings customary, incidental, and subordinate to the main building.

11.1c: Agriculture, including customary agricultural structures, provided that all structures and animals are kept a minimum of two hundred (200) feet from property lines.

11.1d: No use which constitutes a public nuisance such as air, water, noise, or ground pollution is permitted.

11.1e: Special uses such as churches, golf courses and country clubs, home occupations, public parks and playgrounds, public buildings, facilities and utilities as permitted by the Planning and Zoning Commission. See Article VIII of this Chapter for procedures.

11.1f: Structures that are Mobile Homes, Trailer Homes, Single-Wide Homes, Manufactured Homes, Pre-manufactured Homes and Double-Wide Homes as defined in Article II, Sections 2.41 and 2.42 are prohibited in the A-1 district.

**A5: S10.11c, S11.f**

- 11.2: **Parking Regulations.** A minimum of two (2) off street parking spaces shall be provided per family unit. Parking within the road right-of-way is prohibited.
- 11.3: **Dimensional Requirements:**
- 11.3a: **Front Yard.** The minimum front yard setback shall be twenty-five (25) feet from platted property lines except that in no case shall a building line be closer than twenty-five (25) feet from road surface of a public or private roadway.
  - 11.3b: **Side Yard.** The minimum side yard shall be not less than ten (10) feet from the platted property lines except as provided for in Article V, Section 1, except that in no case shall a building line be closer than ten (10) feet from road surface of a public or private roadway.
  - 11.3c: **Back Yard.** The minimum back yard distance from the structure to the rear lot line shall be no less than fifteen (15) feet except as provided for in Article V, Section 1.
  - 11.3d: **Height Restrictions.** Non non-building or non-dwelling structure, including but not limited to tanks, towers, poles or antennae, shall exceed fifty (50) feet in height as measured from the highest elevation where the finished grade meets the foundation of the structure, unless specifically permitted by the Planning and Zoning Commission.
- 11.4: **Time-Share Exclusion.** No property within any district zoned "A-1" Agricultural shall be used as time-share property or as a time-share unit.
- 11.5: **Rental Property Exclusion.** No building or lot within any district zoned "A-1" agricultural, shall be used as rental property as defined in Article II, Section 2. Such restriction shall not include the lease of buildings or lots as defined in Article II, Section 2.
- 11.6: **Zone Change Requests.** The property owner or agent of the owner shall seek a zoning change from the Planning and Zoning Commission to authorize development of all or a specific part of the Agricultural zoned property. Request for change of zoning shall follow the guidelines identified in Article X, Site Plan Review.

**A5: S11.2, S11.6**

**ARTICLE VI  
NON-CONFORMITIES**

**Section 1: General Provisions Affecting Non-Conformities:**

- 1.1: Within the districts established by this Chapter or by amendments that may later be adopted, there exist lots, premises, structures, and uses of land which were lawful before this Chapter was effective or amended, but which would be prohibited, regulated, or restricted under the provisions of this Chapter or future amendment. These are designated as non-conformities.
- 1.2: It is the intent of this Chapter to permit these non-conformities to continue until they are removed (except as otherwise herein provided). Such non-conformities are declared by this Chapter to be incompatible with the permitted uses of land and structures in the districts involved. It is further the intent of this Chapter that such non-conformities shall not be enlarged upon, expanded, or extended so as to increase the particular non-conformity, except as provided for herein, nor shall these be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- 1.3: A nonconforming use of land, premises, or structure shall not be enlarged upon, expanded, or extended after the effective date of the passage of this Chapter enacting these Zoning Regulations.
- 1.4: If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- 1.5: A nonconforming use or a nonconforming building or structure which is nonconforming only because of failure to provide required off-street parking spaces or loading berths shall have all the rights of a conforming use or structure.

**Section 2: Non-Conforming Uses of Land:**

Where, on the effective date of adoption or amendment of this Chapter, a lawful use of land exists that is no longer permissible under the regulations and standards of this Chapter, as adopted, or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

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- 2.1: No such nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Chapter.
- 2.2: Non such nonconforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this Chapter.
- 2.3: If any such nonconforming use of land ceases for any reason, other than normal annual interruptions for seasonal uses, for a period of more than thirty (30) consecutive days, any subsequent use of such land shall conform to the resolutions and standards set by this Chapter for the district in which such land is located.

### **Section 3: Non-Conforming Structures:**

Where, on the effective date of adoption or amendment of this Chapter, a lawful structure exists that could not be built under the regulations and standards of this Chapter as adopted or amended, by reasons of restrictions on lot area, lot coverage, floor area ratio, heights, yards, spacing between buildings, or other characteristics of the structure or its location on the lot, such structure may be continued so as it remains lawful subject to the following provisions:

- 3.1: No such structure may be enlarged or altered except as noted in Article VI, Section 1. On a nonconforming structure, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing, provided that the area of such building or the size of such structure as it existed at the effective date of adoption or amendment of this Chapter shall not be increased.
- 3.2: Should any such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and standards for the district in which it is located after it is moved.
- 3.3: Should any structure be destroyed, it shall be permissible to replace said structure in the same location to the same lot area, lot coverage, floor area ratios, heights, setback yards, or spacing between buildings that existed prior except that offenses to the zoning district requirements shall not be increased beyond what existed prior to the destruction of the building.

### **Section 4: Non-Conforming Uses of Structures:**

Where, on the effective date of adoption or amendment of this Chapter, a lawful use of a structure, or a premises, exists that is no longer permissible under the regulations and standards of this Chapter as adopted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

**A6: S2.1, S4**

## Zoning Regulations

Amended 2006

- 4.1: No existing building or structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or altered except in changing the use of such building or structure to a use permitted in the district in which it is located. On a structure devoted to a nonconforming use, work may be done on ordinary repairs, or replacement of walls, fixtures, wiring, or plumbing, provided that the area of such building or the size of such structure as it existed at the effective date of adoption or amendment of this Chapter shall not be increased.
- 4.2: Any nonconforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this Chapter, but no such use shall be extended to occupy land outside of such building or structure.
- 4.3: If no structural alterations are made, any nonconforming use of a building or structure, or of any premises, may be changed to another nonconforming use provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such changes, the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of this Chapter.
- 4.4: Any building or structure, or any premises, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations and standards of the district in which such building, structure, or premises is located, and the nonconforming use shall not be resumed.
- 4.5: When a nonconforming use of a building or structure, or of a premises, is discontinued or abandoned for more than six (6) consecutive months or for more than eighteen (18) months during any three (3) year period, the building or structure, or the premises, shall not thereafter be used except in conformance with the regulations and standards of the district in which it is located. For those uses considered to be "Seasonal Businesses" as defined in Article II, Section II, such nonconforming use shall not be permitted to continue if the building, structure or premises is discontinued or abandoned for more than nine (9) consecutive months or for more than any twenty-seven (27) months during any three (3) year period.
- 4.6: Where nonconforming use status applies to the use of a building, removal or destruction of the building or structure shall eliminate the nonconforming use status, and any use of a new building or structure must be a use permitted in the district in which it is located.

**A6: S4.1, S4.6**

**ARTICLE VII  
OFF-STREET PARKING AND LOADING REGULATIONS**

**Section 1: Applicability:**

Off-street parking and loading space, as required in this article, shall be provided for all new structures, and for alterations and additions to existing structures. Off-street parking and loading space shall be required for any existing structure or structure which is altered in any manner so as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area, or seats. Existing parking areas previously required shall not be used to satisfy required off-street parking for any new structures, alterations, or additions to existing structures or uses of land. Such parking space shall be maintained and shall not be reduced so long as the main structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this article.

**Section 2: General Provisions:**

- 2.1: **Accessory Use.** Off-street parking shall be considered as an accessory use of the use for which the parking is provided. Parking not located on the same tract on which the main use is located must be located within the zoning district in which parking or storage lots are permitted as a main use; or be located in accordance with the provisions of this article relating to off-street parking exceptions.
- 2.2: **Computation.** When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of 1/2 or less may be disregarded, and a fraction in excess of 1/2 shall be counted as one parking space. Tour bus parking spaces may be substituted for off-street spaces in a ratio of 1:12, for establishments greater than 4,000 square feet.
- 2.3: **Mixed Uses.** When a structure or development contains mixed uses, the off-street parking requirements shall be calculated for each individual use and the total parking requirement shall be the sum of the individual parking requirements.
- 2.4: **Large Commercial Vehicles.** The parking of commercial vehicles that weigh more than four (4) tons on any lot in a residential district shall be prohibited. Such vehicles, as described in this section, shall include vehicles used for business operations as well as buses or vehicles used by public or private institutions for transportation; provided however, that this section shall not prohibit temporary parking of any such vehicle while making pickups or deliveries.

**Section 3: Required Spaces:**

- 3.1: **Single Family and Two Family.** Two spaces per dwelling unit.

**A7: S1, S3.1**

- 3.2: **Four Family and Multi-Family.** One and a half spaces per dwelling unit.
- 3.3: **Motels, Lodges and Resorts.** One space for each rental unit plus one space for each two (2) employees during the largest work shift. Handicap parking requirements shall follow the ADA Standards.
- 3.4: **Restaurants.** One parking space for each 2.5 seats based on maximum seating capacity. Handicap parking requirements shall follow the ADA Standards.
- 3.5: **Other.** One parking space for each 200 square feet of Gross Leaseable Area (GLA) or as permitted by the Village Planning and Zoning Commission. Handicap parking requirements shall follow the ADA Standards.

**Section 4: Location of Parking Facilities:**

Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the entrance of the building which it is required to serve.

- 4.1: **One and Two Family Dwellings.** On the same lot as the principle structure.
- 4.2: **Four and Multi-Family Dwellings.** Not more than 200 feet from the premises they are required to serve.
- 4.3: **Commercial Uses.** Not more than 300 feet from the building they are required to serve.
- 4.4: **Other Uses.** Other uses require a special use permit from the Planning and Zoning Commission.

**Section 5: Special Uses:**

- 5.1: **Parking Uses Permitted.** In order to provide off-street parking areas, the Planning and Zoning Commission may, after public notice and hearing, grant as a special use the establishment of parking areas under the provisions further set forth in this section.
- 5.2: **Location.** Parking provided under this section must be within 300 feet (along lines of public access) from the boundary of the use for which the parking is provided.
- 5.3: **Use.** The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials, or supplies. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.

**Section 6: Loading and Unloading Regulations:**

Loading and unloading space shall be provided off-street and on the same premises with every structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, laundry, office uses or warehouses or other uses, involving the receipt or distribution of materials or merchandise by motor vehicle. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys and walkway.

**ARTICLE VIII  
SPECIAL USE PERMITS**

**Section 1: General Considerations:**

- 1.1: **Delegation of Power.** The Planning and Zoning Commission is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in these regulations; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with these regulations; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interest of these regulations and the health, safety, and welfare of the community. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of these regulations, or where the standards of this Article are not found to exist.
  
- 1.2: **Conditions and Guarantees.** Prior to the granting of any special use permit, the Planning and Zoning Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use permit as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Planning and Zoning Commission may require such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will be, fully complied with.
  
- 1.3: **Conceptual (or Preliminary) Special Use Permit.** No zoning compliance permit shall be issued for a land use change based on a conceptual (or preliminary) special use permit.

**Section 2: Procedures:**

- 2.1: **Application.** A written application for a special use permit shall be filed with the Planning and Zoning Administrator and shall include a statement indicating the section of the ordinance under which the permit is sought, the grounds upon which it is requested, and sufficient evidence to show that the use will conform to the standards set forth.
  
- 2.2: **Fees.** Every application for a special use permit shall be subject to a filing fee as established by the Governing Body.
  
- 2.3: **Ownership List.** The application for an amendment of zoning by special use permit shall be accompanied by an ownership list listing the legal description of the property to be zoned, certificate of ownership, and the name and address of the owners of any real property located within one thousand (1000) feet of the boundaries of the property for which the zoning amendment is requested.

**A8: S1, S2.3**

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- 2.4: **Site Plan.** All applicants for a special use permit shall submit with their application the materials required by Site Plan Review in these regulations, including the following:
- 2.4a: A site plan.
  - 2.4b: Location map showing development and zoning designation, if any, of adjacent property within one thousand (1000) feet.
  - 2.4c: The full legal description of the boundaries of said development area.
  - 2.4d: The description of the general character of all structures.
  - 2.4e: All other submittals required by Site Plan Review in these regulations.
- 2.5: **Hearing.** Upon receipt of the formal application and all accompanying material, the Planning and Zoning Administrator shall call a public hearing for the next scheduled meeting of the Planning and Zoning Commission; provided, however, that notice must be published one time in a newspaper of general circulation at least fifteen (15) days prior to the date set for the hearing. The Planning and Zoning Commission shall act within thirty (30) days after the close of the public hearing.
- 2.5a: In addition to the publication of the notice described above, such notice shall be given by certified mail by the Planning and Zoning Administrator to all owners of any real property within one thousand (1000) feet of the proposed rezoning. If the record title owners of any lots included in such proposed change be non-residents of the Village, then a written notice of such hearing shall be mailed by certified mail to them, addressed to their last known addresses at least ten (10) days prior to such hearing. Notice mailed to owners of real property who share ownership of a dwelling unit with another owner or owners in a condominium development, approved by the County under RSMO 448, shall be given to the members of the Board of Managers of the condominium on file with County Recorder of Deeds.
  - 2.5b: The Planning and Zoning Commission shall also require notices be sent to other persons as it may from time to time provide by its rules.
- 2.6: **Findings.** In taking action, the Planning and Zoning Commission shall specify within thirty (30) days of the close of the public hearing the particular grounds relied upon when denying a proposed use, and when approving a proposed use, shall make affirmative findings that the proposed use conforms with the general standards set forth in this Article. In no case shall an exception be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community at large.

**A8: S2.4, S2.6**

- 2.7: **Zoning Compliance Permits.** On final approval the owner shall provide five (5) copies of the approved Final Site Plan to the Village Superintendent. The Planning and Zoning Administrator shall issue building permits only in accordance with the approved Final Site Plan.
- 2.8: **Amendments.** If any substantial variation or rearrangement of buildings, parking area and drives, entrances, heights or open space is requested by the applicant, the applicant shall proceed by following the same procedure previously followed and outlined in the Site Plan Review procedures.

**Section 3: Height and Area Requirements:**

- 3.1: **Height Regulations.** The allowed height of structures shall be in accordance with the use regulations by zoning district defined in Article V of this Chapter or that the proposed structure is consistent in scale and bulk to the character of the neighboring structures, and the result of the increase in height does not create an adverse effect on the value or utility of adjacent property.
- 3.2: **Yard Regulations.** The allowed yard regulations shall be in accordance with the use regulations by zoning district defined in Article V of this Chapter. Yard regulations may be reduced upon a showing of sufficient open spaces accessible to occupants; a separation between structures for fire-fighting purposes; and that there is consistency with the visual character of the community.
- 3.3: **Open Space.** Provision of open space may be required for the issuance of Special Use Permits. In such cases, open space shall be designated on all site plans and subdivision plats in accordance with Article V of these regulations. The Planning and Zoning Commission may require the provision of open space to buffer dissimilar uses; to counterbalance any reduction in lot area, yard size or bulk limitations.
  - 3.3a: **Open Space Requirements.** For open space to be dedicated to the public, the Village and the applicant shall enter into an agreement providing for the establishment of an association to maintain the dedicated open space. Such agreement shall include provision for default, cure by the Village, and enforcement.
  - 3.3b: **Disposition of Open Space.** The association established in the preceding section shall not be dissolved or permitted to otherwise dispose of any open space by sale or otherwise without first offering to dedicate the same to the Village.

**Section 4: Standards for Issuance of Special Use Permits:**

Before any permit shall be granted, the Planning and Zoning Commission shall make written findings certifying that adequate provision has been made for the following:

**A8, S2.7, S4**

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- 4.1: The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon.
- 4.2: Accessibility of the property to police, fire, refuse collection, and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.
- 4.3: Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.
- 4.4: The location, nature, and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.
- 4.5: The adequacy of required yard and open space requirements and sign provisions.
- 4.6: The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community; and with the standards for development in these regulations.

### **Section 5: Approved Action:**

If the Planning and Zoning Commission approves an application, it shall adopt an order to that effect. The Comprehensive Zoning Map, which has been adopted by reference, shall be changed to reflect such amendment, and the section of the zoning order incorporating the same shall reincorporate such map as amended.

### **Section 6: Appeals:**

Appeals of the actions of the Planning and Zoning Commission shall be made to the Board of Trustees. Further appeal may be made to the Stone County Circuit Court. An appeal of an interpretation of the regulations shall be made to the Village Board of Zoning Adjustment.

### **Section 7: Additional Conditions for Particular Special Uses:**

In granting a special use permit, the Village may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. The following additional conditions shall be requirements for the approval of the following special uses:

**A8, S4.1, S7**

7.1: **Camp Grounds:** Shall be permitted subject to the following conditions:

- 7.1a: The site selected for camp ground areas shall be well drained and primarily designed to provide space for short-term occupancy to the traveling public. Location of the site may not necessarily front on a major roadway or thoroughfare, but it shall be directly accessible to the major roadway by means of a private road or public road on which it has frontage.
- 7.1b: Minimum tract size shall be two (2) acres.
- 7.1c: The maximum number of camp sites allowed shall not be more than ten (10) per acre. Consideration shall be given to whether the camp and the density level are designed accordingly.
- 7.1d: The applicant for a camp ground shall submit a development plan to the Planning and Zoning Commission for approval. Such plan shall contain the information as required below and any other information the Board reasonably shall deem necessary to full evaluate the proposed development. The applicant shall submit the information on a sheet size not to exceed 24" x 36" dimensions as a proposed development plan showing:
- 7.1e: Period of occupancy the campsite may be occupied by the same person, tent, camper, or vehicle shall not exceed nine (9) months total in any calendar year January – December.

7.2: **Bed and Breakfast:** The following requirements shall apply:

- 7.2a: Two (2) off-street parking spaces with one (1) additional off-street parking space per lodging room shall be provided.
- 7.2b: The structure shall contain no less than two-thousand (2000) square feet of habitable floor area.
- 7.2c: The zoning district as defined in Article V of these regulations must be C-1.

7.3: **Adult Entertainment Business:** The following requirements shall apply:

- 7.3a: The applicant must specify the exact use proposed, i.e., adult bookstore, adult theater, modeling studio, strip show, etc.
- 7.3b: The proposed use shall be located no closer than five-thousand (5000) feet from any church, school, public building, or existing residence.
- 7.3c: An adult entertainment business shall be located no closer than five-thousand (5000) feet from another adult entertainment business.
- 7.3d: The Village may require any additional conditions that are deemed necessary.

**A8, S7.1b, S7.3d**

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- 7.4: **Day Care Centers:** Shall obtain a special use permit for the care of more than six (6) children, provided that:
- 7.4a: One (1) off-street parking space is provided for each non-resident or non-family member employee, in addition to the two (2) spaces per single-family or two (2) spaces per unit of a two-family residence that is required.
  - 7.4b: An off-street drop-off/pick-up area must be provided.
  - 7.4c: The requirements for accessory uses for the proposed day care home are met.
- 7.5: **Gambling Establishments:** The following requirements shall apply to any proposed gambling establishment as defined by Standard Industrial Classification (SIC) Code, Industry Major Group 79:
- 7.5a: The applicant must specify the exact use proposed, i.e., coin-operated amusement devices, gambling games, proposed facilities, and management.
  - 7.5b: The proposed use shall be located no closer than five-thousand (5000) feet from any church, school public building, or existing residence.
  - 7.5c: A gambling establishment shall be located no closer than five-thousand (5000) feet from another gambling establishment.
  - 7.5d: The Village may require any additional conditions that are deemed necessary.

### Section 8: Time Limit:

- 8.1: **Sunset:** A special use permit shall expire, upon public hearing, unless a zoning compliance permit is taken with twelve (12) months to effectuate such specially permitted use; or if no zoning compliance permit is required, evidence of use is filed with the Planning and Zoning Administrator.
- 8.2: **Abandonment:** Once a specially permitted use ceases or is abandoned for a period of more than twelve (12) months, the special use permit shall expire upon public hearing.
- 8.3: **Home Occupation:** A special use permit for a home occupation shall not be transferable to a new owner of the real estate.

**A8: S7.4, S8.3**

**ARTICLE IX  
COMMERCIAL SIGNAGE PROVISIONS (SIGNS)**

**Section 1: Effect of this Article:**

This article shall govern the placement, construction, materials, appearance, illumination, and maintenance of signs by individuals and businesses on private property in the Village of Indian Point, Missouri.

**Section 2: Purpose and Rationale for Action:**

The purpose of this Article is to create the legal framework for a comprehensive and balanced system of commercial signing in the Village that facilitates the easy and pleasant communication between people and their environment and to avoid the visual clutter that is potentially harmful to vehicular traffic and pedestrian safety, property values, business opportunities, and community appearance as defined below:

- 2.1 Promote public safety and welfare:
  - 2.1a: Preserve and protecting adequate lines of sight for motorists along roadways.
  - 2.1b: Prevent encroachment of signs into public and private road right-of-ways.
  - 2.1c: Require durable and safe sign construction.
  - 2.1d: Prevent sign illumination from interfering with safe vehicle operation.
  - 2.1e: Provide for clear direction for emergency and service vehicles.
  - 2.1f: Provide for safe flow of vehicular traffic, and
  - 2.1g: Provide for clear direction for visitors to businesses and residences.
- 2.2: Preserve the natural landscape and aesthetic qualities:
  - 2.2a: Prevent large, elevated and/or brightly lit billboards.
  - 2.2b: Limit the use of temporary signs or portable signs to actual temporary use.
  - 2.2c: Prevent nuisances from one (1) property that negatively affect another property.
  - 2.2d: Promote quality signage with regards to materials, completeness, design, construction, maintenance, and general condition, and

**A9: S1, S2.2d**

- 2.2e: Prevent an over-proliferation of signs in general.
- 2.3: Allow for adequate commercial signage:
  - 2.3a: Provide for the location of off-premises and on-premises signs for directional, informational, identification and promotional purposes.

**Section 3: General Provisions:**

- 3.1: **Aesthetic Character:** It is the intent of this Article to authorize the use of signage (signs) that are:
  - 3.1a: Compatible with their surroundings.
  - 3.1b: Appropriate to the activity that displays them
  - 3.1c: Expressive of the identity of individual activities.
  - 3.1d: Legible in circumstances in which they are seen, and
  - 3.1e: Reflective of standards set forth in the Master Plan for the Village of Indian Point, Missouri and those established by the Village of Indian Point Sign Committee.
- 3.2: **Allowable Zoning Districts:** The placement or erection of signs shall be permitted in the commercial zoning districts of the Village only, except where specifically provided for herein or except when part of a Uniform Directional Signage Program installed by the governing body or duly authorized public entity.
- 3.3: **Grandfathering:** Signs that do not conform with this article that are in existence prior to the adoption of this article shall be allowed to remain as long as they conform to the following criteria:
  - 3.3a: The business they advertise, promote or represent remains in existence. A business that operates on a seasonal basis shall be considered to remain in existence for the purposes of this article if the business continues to operate in consecutive years.
  - 3.3b: Non-conforming signs for businesses that are no longer in existence may remain for a period of twelve (12) months to allow for reasonable marketing of the property, business or sign for another user. After such time, any sign that does not conform to the criteria of this article must be removed, except that a sign that is on a sign structure that includes other signs for businesses that remain in existence may be covered or painted over rather than be removed.
  - 3.3c: The sign(s) are maintained in good condition.

**A9: S2.2e; S3.3c**

**Section 4: Sign Definitions:**

- 4.1: **Building Area:** The percentage of a building or structure façade or roof that may be used for roof and wall signs.
- 4.2: **Indirect Illumination:** A light source for a sign not seen directly.
- 4.3: **Internal Illumination:** A light source for a sign that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.
- 4.4: **Free-Standing Sign:** A sign that is self-supporting and attached to the ground by independent means.
- 4.5: **Monument Sign:** A freestanding sign made of stone, concrete, metal, routed wood, beams or similar materials, including plastic which is consistent with the architectural character of the establishment it serves and is constructed of material consistent with the building. The monument sign copy area must be attached in a continuous fashion and the width of the base must be at least one-half (1/2) the width of the widest part of the sign.
- 4.6: **Off-Premises Sign:** A sign that is not located on the property of the business that it represents.
- 4.7: **On-Premises Sign:** A sign that is located on the property of the business that it represents.
- 4.8: **Pole Sign:** A freestanding sign whose means of support for the sign copy area comprise more than one-fourth (1/4) of the total height of the sign and such supports are less than one-half (1/2) the width of the sign copy area.
- 4.9: **Portable Sign:** A sign that is pre-manufactured into one independent freestanding main component that is not designed to be permanently attached to the ground or a building and typically has temporary or changeable copy.
- 4.10: **Roof Sign:** A sign that is displayed above the eaves of a building's roof.
- 4.11: **Sign Area:** The total area of the sign face which is used to display a sign, including the supporting structure of a monument sign. If a sign has two (2) faces that are parallel and supported by the same structures, the area of the sign is one-half (1/2) the area of the two (2) faces. If a sign has two (2) or more faces that are supported by the same structures that are not parallel, the area of the sign is the largest area of all faces visible at one time.
- 4.12: **Sign Height:** The vertical distance measured from grade at the edge of the adjacent roadway to the highest point of the sign.

- 4.13: **Temporary Window Sign:** A window sign displayed for a limited period of time.
- 4.14: **Wall Sign:** A sign painted on or attached to a wall of a building and in the same plane as the wall.
- 4.15: **Window Sign:** A sign applied, painted or affixed to or in the window of a building. A window sign may be temporary or permanent.

**Section 5: Permitted Signs:**

Following is a listing of signs and specific criteria that will be considered consistent with the stated purpose and intent of this Article and for which Sign Permits may be requested:

- 5.1: **Off-Premises Signs:** It is recognized that due to the unique nature of the nightly visitor tourist economy of the Village and its terrain, vegetation and circulation system, that businesses may need to have the opportunity to install and maintain promotional, directional and identification signs to help patrons find their business. It is also recognized that there may also be the need to install a limited amount of commercial signage or billboards on property that is not currently developed to allow for some commercial return prior to development of that property for a business use. The specific criteria and standards outline below shall apply to such signs:
  - 5.1a: **Location.** Off-premises signs shall be placed only on land zoned C-1 or C-2, except where specifically provided for herein or except when part of a Uniform Directional Signage Program installed by the governing body or duly authorized public entity.
  - 5.1b: **Construction.** Off-premises signs shall be pole or monument signs as defined in this Article. Monument signs shall be constructed so as to have depth and thickness. If such a sign is constructed of a flat material and/or mounted over poles, any unfinished sides shall not be visible from the public right-of-way.
  - 5.1c: **Maximum Height.** No off-premises sign shall exceed twelve (12) feet in height as measured according the definition of "Sign Height" presented in this Article and as further restricted as follows:
    - 5.1c(1): Maximum allowable height shall be determined according to the horizontal distance from the location of the base of the sign to the adjacent roadway.
    - 5.1c(2): When the property on which the sign is placed in contiguous with a property not zoned for commercial purposes, the maximum height for any given sign location up to twelve (12) feet from the property line shall not intrude the diagonal plane that represents one (1) foot of height for each foot of distance from the property line.

**A9, S4.13, S5.1c(2)**

- 5.1c(3): When the property on which the sign is placed is contiguous with a property that is zoned for commercial purposes, the maximum height for any given sign location up to six (6) feet from the property line shall not intrude the diagonal plane that represents one (1) foot of height for each one-half (1/2) foot of distance from the property line.
- 5.1c(4): When the property on which the sign is placed is contiguous with a public right-of-way, the maximum height shall be allowed at the property line abutting a public right-of-way so long as the required minimum sight triangle as defined in Article II, Section 2 is not violated.
- 5.1d: **Maximum Area.** The maximum “Sign Area” permitted for an off-premises sign is determined by the type of road on which the sign is located as follows:
  - 5.1d(1): Off-premises signs located adjacent to the primary arterial Indian Point Road shall not exceed one-hundred-twenty-eight (128) square feet in “Sign Area” as defined in this Article.
  - 5.1d(2): Off-premises signs located adjacent to or for viewing from all other public roads shall not exceed twelve (12) square feet in “Sign Area” per business or a maximum of thirty-two (32) square feet in total “Sign Area” for a sign that represents multiple businesses.
- 5.1e: **Maximum Quantity.** For the purposes of this Article, a sign that has two (2) or more faces that area supported by the same structure shall be considered one (1) sign. The maximum quantity of off-premises signs permitted on any given road is determined by the total length of that road as follows:
  - 5.1e(1): The maximum quantity of off-premises signs located adjacent to a primary arterial such as Indian Point Road shall be determined by multiplying the total number of miles along the road within the Village in one direction by seven (7) and rounding to the nearest whole number. (For example, if the length of Indian Point Road from the northern Village limit to its southern most point is 2.3 miles multiplied by seven (7) equals 16.1 for a maximum quantity of sixteen (16) off-premises signs located adjacent to this primary arterial.)
  - 5.1e(2): The maximum quantity of off-premises signs located adjacent to any other type of road shall be determined by multiplying the total number of miles along the road within the Village in one direction by four (4) and rounding to the nearest whole number.

**A9: S5.1c(2), S5.1e(2)**

- 5.1f: **Minimum Distances.** The minimum distance between an off-premises sign and another type of sign on the same side of a road is determined by the type of road on which the signs are located as follows:
  - 5.1f(1): Off-premises signs located on a primary arterial such as Indian Point Road shall not be less than two-hundred-fifty (250) feet from another off-premises sign located on the same side of the road and not less than one-hundred-fifty (150) feet from an on-premises sign located on the same side of the road.
  - 5.1f(2): Off-premises signs located on any other type of road shall not be less than one-hundred (100) feet from another off-premises sign located on the same side of the road and not less than fifty (50) feet from an on-premises sign located on the same side of the road.
  
- 5.2: **On-Premises Signs.** It is recognized that individual businesses need flexibility in the manner in which they choose to notify persons of the existence of their establishment. It is also recognized, however, that there are reasonable limits on the number of signs needed to inform someone of the existence of the establishment. The specific criteria and standard outlined below shall apply to on-premises signs:
  - 5.2a: **Location.** On-premises signs shall be placed only on land zoned C-1 or C-2 and shall be placed on the property of the business being identified.
  
  - 5.2b: **Construction.** On-premises signs may be either freestanding, monument, pole, wall, window or roof signs as defined in this Article. Monument signs shall be constructed so as to have depth and thickness. If such a sign is constructed of a flat material and/or mounted over poles, any unfinished sides shall not be visible from the public right-of-way.
  
  - 5.2c: **Maximum Height.** No roof sign shall extend more than three (3) feet in height above the ridge line of the roof on which it is affixed. No freestanding on-premises sign shall exceed twelve (12) feet in height as measured according the definition of "Sign Height" presented in this Article and as further restricted as follows:
    - 5.2c(1): Maximum allowable height shall be determined according to the horizontal distance from the location of the base of the sign to the adjacent roadway.
  
    - 5.2c(2): When the property on which the sign is placed is contiguous with a property not zoned for commercial purposes, the maximum height for any given sign location up to twelve (12) feet from the property line shall not intrude the diagonal plane that represents one foot of height for each foot of distance from the property line.

**A9, S5.1f; S5.2(3)**

- 5.2c(3): When the property on which the sign is placed is contiguous with a property that is zoned for commercial purposes, the maximum height for any given sign location up to six (6) feet from the property line shall not intrude the diagonal plane that represents one foot of height for each one-half (1/2) foot of distance from the property line.
- 5.2c(4): When the property on which the sign is placed is contiguous with a public right-of-way, the maximum height shall be allowed at the property line abutting a public right-of-way so long as the required minimum sight triangle as defined in Article II, Section 2 is not violated.
- 5.2d: **Maximum Area.** The maximum "Sign Area" permitted for an on-premises sign is established by the type of sign as follows, except as otherwise specified in 5.2e:
  - 5.2d(1): No individual freestanding pole or monument sign shall exceed ninety-six (96) square feet in "Sign Area" as defined in this Article.
  - 5.2d(2): No individual freestanding sign other than a pole or monument sign shall exceed forty (40) square feet in "Sign Area" as defined in this Article.
  - 5.2d(3): No wall sign shall exceed 25% of the surface area of the building facade on which it is attached.
  - 5.2d(4): No window sign shall exceed 25% of the surface area of the window on which it is attached.
  - 5.2d(5): No roof sign shall exceed forty-eight (48) square feet in "Sign Area" as defined in this Article.
- 5.2e: **Maximum Quantity for Public Viewing.** For the purposes of this Article, a sign that has two (2) or more faces that are supported by the same structure shall be considered one sign. The maximum quantity of on-premises signs permitted within fifteen (15) feet of a property line or located for viewing from a public road, public right-of-way or other off-premises property not associated with the property represented shall be determined as follows:
  - 5.2e(1): A maximum quantity for public viewing of two (2) on-premises signs for each street of frontage by a contiguous property, and
  - 5.2e(2): A maximum quantity for public viewing of one (1) on-premises sign per driveway connecting a contiguous property to a street, with each said sign not to exceed twelve (12) square feet in "Sign Area" as defined in this Article.

**A9: S5.2c(3); S5.2e(2)**

- 5.3: **Temporary and Other Signs Permitted.** The following additional temporary and other signs may be permitted subject to approval of the Zoning Administrator, except as otherwise specifically provided herein, regarding reasonableness in size, materials, appearance and duration:
- 5.3a: One sign for each street of frontage by a contiguous property advertising the sale or lease of the property is permitted without individual approval. This type of sign shall be permitted in all zoning districts. Said sign(s) shall not exceed six (6) square feet in "Sign Area" when located in R-1, R-2, R-3, and R-4 districts, and shall not exceed twelve (12) square feet in "Sign Area" when located in C-1, C-2, and A-1 districts.
  - 5.3b: One sign indicating professional consultants, contractors, project name and financing institution when displayed during the construction period on an active construction site.
  - 5.3c: Flags of resident country, state or local government. These types of signs shall be permitted in all zoning districts.
  - 5.3d: Signs for elections by federal, state, county or local government are permitted without individual approval. Such signs are allowed only on a temporary basis beginning no earlier than fourteen (14) days prior to the election and ending no later than three (3) days after the election at which time they must be removed. These types of signs shall be permitted in all zoning districts.
  - 5.3e: Signs, banners, flags, ornaments, decorations and display lighting for seasonal holidays, festivals or special community events.

**Section 6. Prohibited Signs.:**

The following signs are prohibited in the Village:

- 6.1: Any sign in the public right-of-way not installed by the governing body or duly authorized public entity.
- 6.2: Signs which by color, location or design resemble or conflict with traffic control signs or signals.
- 6.3: Signs attached to public light poles or standards not installed by the governing body or duly authorized public entity or as permitted in 5.3e.
- 6.4: "Portable Signs" as defined in this Article.
- 6.5: Signs for home occupations in residential districts.
- 6.6: Signs in residential zoning districts, except as specifically permitted in 5.3.

**A9; S5.3; S6.6**

**Section 7. Construction and Maintenance:**

All signs shall be designed, constructed and maintained in accordance with the following standards:

- 7.1: Signs with internal illumination shall be constructed with fireproof and fire-resistant materials in accordance with the National Electrical Code. No internal or external illumination shall be constructed that shines light onto vehicular traffic, public roads, public right-of-ways or other non-associated property so as to be a safety hazard or nuisance.
- 7.2: All signs shall be constructed to withstand a wind load pressure of at least twenty-five (25) p.s.f of surface and shall also be fastened, supported and maintained so as to withstand a wind load pressure of at least twenty-five (25) p.s.f. per American Society of Engineering Standards.
- 7.3: Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or support structure.
- 7.4: All signs shall be maintained in a clean, presentable manner, free from loose paint, paper or other materials. Any sign in disarray or broken condition shall be repaired within a reasonable amount of time after such damage has occurred and within thirty (30) days after being notified by the Zoning Administrator or said sign shall be removed in its entirety, including supporting structure and appurtenances. Failure to repair or remove the sign by the owner shall result in the Village taking appropriate legal action and seeking reimbursement from the owner for any expenses incurred.

**Section 8. Variances:**

The Planning and Zoning Commission or Board of Adjustments may grant variances from the sign regulations contained within this Article for the following reasons:

- 8.1: To permit a setback for a sign that is less than the required setback, and
- 8.2: To permit the area or height of a sign to be increased by up to ten (10) percent of the maximum height or area allowed if there are topographic or vegetation considerations that affect visibility that are to be preserved on the site.
- 8.3: To permit the use of a temporary sign for a period of up to thirty (30) days until such time as a permanent sign complying with the provisions of this Article can be erected, such temporary sign not exceeding the maximum number and allowable height and area provisions established by this Article.

**A9: S7, S8.3**

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- 8.4: To permit a temporary “Grand Opening”, “Going Out of Business” or other similar promotional sign or banner not to exceed a period of thirty (30) days and not to occur more than one time per year per business.
- 8.5: Such variances may only be authorized if the Planning and Zoning Commission or Board of Adjustments finds there are special physical conditions that preclude an applicant for a Sign Permit from meeting the provisions as established in this Article that:
  - 8.5a: Such variance requests are due to exceptional narrowness, shallowness, shape, or topography of the premises on which an activity is located, or
  - 8.5b: Such variance requests, if not granted, would prevent the activity from earning a reasonable return as compared with other activities in the area, or
  - 8.5c: Such variance requests would result in the opportunity to preserve significant existing vegetation that would otherwise not be the case.
- 8.6: The Planning and Zoning Commission or Board of Adjustments may grant a variance from the regulations in this Article if it finds that:
  - 8.6a: The sign is substantially consistent with the design criteria contained in this Article, and
  - 8.6b: The proposed exterior design features of the sign are compatible with the character of adjacent buildings and with the character of the adjacent development, and
  - 8.6c: The variance will not convey a special benefit to a particular applicant not normally entitled to others in similar circumstances.

### **Section 9. Sign Permits, Fees and Enforcement:**

- 9.1: No person shall erect or display a sign in the Village unless the Zoning Administrator has approved the issuance of a permit pursuant to the requirements of this Article for the sign or unless this Article exempts the sign from the permit requirement.
- 9.2: A person proposing to erect or display a sign shall file for approval with the Zoning Administrator. Such filing shall contain:
  - 9.2a: Information concerning the location, height, and size of the sign and the date on which it is to be erected or displayed.
  - 9.2b: A drawing or photograph of the building façade and a site plan indicating the location of the proposed sign and all existing signs displayed by the activity or development.

**A9: S8.4, S9.2b**

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- 9.2c: If the applicant is for a wall mounted sign, a drawing to scale showing the location of the proposed sign within the signable area of the building and the percentage of the signable area covered by the wall sign.
- 9.2d: Specifications for the construction of the sign and for its illumination is to be provided.
- 9.3: The Zoning Administrator shall approve the construction of the sign if:
  - 9.3a: It complies with the regulations for signs contained in this Article, or
  - 9.3b: It has been authorized as a variance.
- 9.4: The fee, if any, for processing this approval review and the sign inspection shall be set forth by the Governing Body.

**A9: S9.2c; S9.4**

**ARTICLE X  
SITE PLAN REVIEW**

**Section 1. Intent:**

The Village of Indian Point recognizes that the very nature of intensive land development creates potential for traffic congestion, overcrowding, adverse environmental impacts, and health related problems. The Village is also sensitive to the fact that Indian Point Road (76-60) is a two (2) lane road and is the only access road on the peninsula. It seeks therefore, to insure that any location within the Village that has a potential for such traffic problems shall be subject to Site plan Review by the Planning and Zoning Administrator, who may receive advise and consultation from time to time as deemed necessary; and subject to approval by the Planning and Zoning Commission. Site Plan Reviews shall help ensure that the meaning and intent of the zoning regulations, and all portions thereof, are fully complied with. The Site plan Review regulates the development of structures and sites in a manner which considers the following concerns:

- 1.1: The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, storm water runoff, etc);
- 1.2: The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
- 1.3: The protection of and continuation of low-intensity use of publicly owned forested lands in order to retain the rural character of the Ozark Region;
- 1.4: The adequacy of waste disposal methods and protection from pollution of surface or groundwater; and
- 1.5: The protection of historic and natural environmental features on the site under review, and in adjacent areas.

**Section 2: Applicability:**

- 2.1: Site Plan submittals and review shall be required in each of the following circumstances regardless of the size or magnitude of the intended action:
  - 2.1a: When applying for a Site Clearance Permit.
  - 2.1b: When applying for a Planned Development District.
  - 2.1c: When applying for a Special Use Permit.

**A10: S1, S2.1c**

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- 2.2: Site Plans shall be submitted to the Planning and Zoning Administrator and presented to the Planning and Zoning Commission for approval at the first regular commission meeting for which the application may be scheduled.
- 2.3: Site Plans shall not be required for the granting of Zoning Compliance Permits unless required under Section 2.1 above. It shall be sufficient for an applicant to state for the record that the intentions of the proposed construction or alteration will meet the requirements of the zoning ordinance and the specific requirements of the district where the property is located, as the applicant must in any regard.
- 2.4: Site Plan submittals are also required as part of the platting and subdivision process and the requirements for such are (or should) be outlined in the Subdivision Ordinance.

### **Section 3: Authority:**

Site Clearance permits or Planned Development Districts shall not be issued for any use of land or proposed construction on a lot in the zoning districts in which site plan review is applicable, unless Site Plan Review approval has been granted by the Planning and Zoning Commission.

### **Section 4: Submission Requirements:**

- 4.1: The site plan or preliminary plat shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions.
- 4.2: Site plans shall be prepared by a registered professional engineer, architect, or landscape architect at a scale of one (1) inch equals twenty (20) feet, on standard 24" x 36" sheets, with continuation on 8-1/2" x 11" sheets as necessary for written information.
- 4.3: The site plan requirements for development in the R-1 Zoning District shall include the following data and details:
  - 4.3a: Drawing of building site or lot showing all existing structures, utility lines, roads, streams, irrigation or drainage structures and easements according to criteria set forth in Section IV of this Article.
  - 4.3b: All distances from property lines and existing structures for the proposed structure. The drawing shall be drawn to scale and shall show all dimensions.
  - 4.3c: Approval from the designated health official allowing hook-up to proper wastewater treatment system.

**A10: S2.2, S4.3c**

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4.3d: The filing fee for a permit for residential and accessory structure shall be according to the schedule of filing fees maintained in the Village of Indian Point administration office.

4.4: Items which shall be required for submission for all non-residential development and all development in C-1 and C-2 Districts include:

4.4a: Name of the project, boundaries, and locus maps showing site's location in the Village, date, north arrow and scale of the plan.

4.4b: Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.

4.4c: Name and address of all owners of record of abutting parcels and those within one thousand (1,000) feet of the property line with postcard notices for mailing to property owners. Notices shall conform substantially to the following format: The Village of Indian Point Planning and Zoning Commission will consider an application from (insert developer name) for Site Plan Review of (project). The Site Plan Review is located (insert legal description). Public comment will be accepted at a meeting held on (Month and day) at (time) at (location).

4.4d: All existing lot lines, easements, and right-of-way. Include area in square feet, abutting land uses, and the location and use of structures within one thousand (1,000) feet of the site.

4.4e: The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.

4.4f: The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences. Location, type, and screening details for all waste disposal containers shall also be shown.

4.4g: The direction of illumination and methods to eliminate glare onto adjoining properties must be shown.

4.4h: The location, height, size, materials, and design of all proposed signage.

4.4i: A landscape plan showing all existing open space, natural features, trees, forest cover and water sources.

4.4j: The location of all present and proposed utility systems including:

4.4j(1): Sewage or septic system;

4.4j(2): Water Supply system;

**A10: S4.3d, S4.4j(2)**

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- 4.4j(3): Telephone, cable and electrical systems, and
- 4.4j(4): Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.
- 4.4k: Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
- 4.4l: Existing and proposed topography at a two (2) foot contour interval for sites less than 2.5 acres, and at five (5) foot contour intervals for larger sites with slopes up to 16% grades. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark.
- 4.4m: Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred (100) feet of the site.
- 4.5: The Planning and Zoning Commission may require a detailed traffic study for large developments or for those in heavy traffic areas to include:
  - 4.5a: The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
  - 4.5b: The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
  - 4.5c: The impact of the projected traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.
- 4.6: For new construction or alterations to any existing building in any C-1 and C-2 District, a table containing the following information must be included:
  - 4.6a: Area of building to be used for a particular use such as retail operation, office, storage, etc:
  - 4.6b: Maximum number of employees;
  - 4.6c: Maximum seating capacity, where applicable; and
  - 4.6d: Number of parking spaces existing and required for the intended use.
- 4.7: For new construction, elevation plans at a scale of 1/4"=1' for all exterior facades of the proposed structure(s) or existing facades, plus addition(s) showing design features and indicating the type of materials to be used.

**A10: S4.4j(3), S4.7**

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- 4.8: Provision for solid waste refuse collection on-site, and pick-up service assured to the Village by letter from an approved solid waste hauler.
- 4.9: The following certificates, which may be combined where appropriate:
  - 4.9a: A certificate signed and acknowledged by all parties having any record, title, or interest in the land in the site plan and consented to the preparation and recording of said site plan.
  - 4.9b: A certificate signed and acknowledged as above, dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use, including open space, and those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, tenants, and servants.

### **Section 5: Standards of Review:**

- 5.1: The review of the Planning and Zoning Administrator and the decision of the Planning and Zoning Commission shall be based on the following standards:
  - 5.1a: The extent to which the proposal conforms to the provisions of these regulations.
  - 5.1b: The extent to which the proposal if implemented would be compatible with the surrounding area.
  - 5.1c: The extent to which the proposal conforms to the provisions of the Village's subdivision regulations, any ordinances or regulations pertaining to Water and Wastewater Treatment Systems and other regulations of the Village of Indian Point Board of Public Works, Stone County Health Department, Missouri Department of Natural Resources or other entities with applicable jurisdiction. *(Amended December 2004)*
  - 5.1d: The extent to which the proposal conforms to customary engineering standards used in the Village.
  - 5.1e: The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety, and minimize any adverse traffic impact on the surrounding area.

**A10: S4.8, S5.1e**

- 5.1f: The extent to which the buildings, structures, walkways, roads, driveways, open space, and parking lots, have been located to achieve the following objectives: (a) minimize any adverse flood impact; (b) ensure that proposed structures are located on suitable soils, including compliance with separation distances from known or suspected sinkholes and from well heads; (c) minimize any adverse social or environmental impact, and (d) minimize any present or future cost to the Village and private providers of utilities in order to adequately provide utility services to the site.

**Section 6: Buffers and Screens:**

- 6.1: Proper use of buffers and screens shall be incorporated into site plans in order to lessen the differences between land use and diminish the visual impact of undesirable elements. The key issues include:
  - 6.1a: Unified character;
  - 6.1b: High quality construction;
  - 6.1c: Longevity of system;
  - 6.1d: Disparity between land uses; and
  - 6.1e: Visibility of undesirable elements.

**Section 7: Development Standards and Compatibility Guidelines:**

- 7.1: For developments subject to site plan review, and in excess of 2.5 acres, a minimum of fifteen (15) percent of the land area shall be green space.
- 7.2: Architectural screens should be an extension of the development's architectural treatment and consistent in color and design.
- 7.3: Screening walls should be constructed of low maintenance, high quality materials which are consistent with the building façade material.
- 7.4: Painted or coated screening walls should be avoided.
- 7.5: Landscape screens shall be provided between all parking areas and streets so as to shield the view of automobiles parked in stalls facing the street from a point 4.5 feet high at the nearest edge of the street.
- 7.6: Landscape screens may include a combination of plant massing, earth berming and walls.

**A10: S5.1f, S7.6**

- 7.7: A ten (10) foot to fifteen (15) foot wide landscape buffer should be provided to separate a high-density residential use, commercial or industrial use from single-family residential land uses. A masonry wall or combination wall and landscaping may be substituted for this buffer.

**Section 8: Landscaping:**

- 8.1: General stipulations are outlined in this section.
- 8.2: For a development in all zoning districts except R-1 and R-2, a landscaped planting plan of the entire project should be submitted with site plan review.
- 8.2a: Approximately fifteen (15) percent of the area between the main building face and the front property lines should be of a permeable landscaped surface and/or green space. (Secondary buildings located between the main building and the front property line should not be included in the area calculation.)
- 8.2b: Landscape areas should generally consist of a combination of trees, shrubs and ground cover.
- 8.2c: Use landscape areas for transition and integration between pad sites and surrounding land uses.
- 8.2d: Minimum 1.5" caliper required for ornamental trees and 3" caliper required for shade trees.
- 8.2e: Special landscape treatment should be employed to highlight and identify entrances.
- 8.2f: Landscape areas should be regularly spaced in parking lots to break up massiveness of pavement.
- 8.2g: Mechanical irrigation systems are typically recommended to ensure maintenance of plant materials.
- 8.2h: Landscaping should be used in conjunction with screening walls when multi-story buildings abut an adjacent property where topography lessens the effect of a wall alone.
- 8.2i: The location and design of landscaped areas, entrances and edges shall be identified on site plans and planned effectively to reinforce a development's character and quality, identify its entry points.
- 8.3: Artificial plants are prohibited.
- 8.4: Any tree existing on a site that is four (4) inches or greater in caliper should be preserved if possible.

**A10: S7.6; S8.4**

**ARTICLE XI  
ZONING AMENDMENT**

**Section 1: General Provisions:**

- 1.1: **Zoning Amendment:** The Village of Indian Point Board of Trustee from time to time, may supplement, change or generally revise the zoning regulations by amendment. A proposal for such amendment may be initiated by the Board of Trustees or the Planning and Zoning Commission. Applications for special use permits shall be considered by the procedures for special use permits in these regulations and considered for approval by the Planning and Zoning Commission.
  
- 1.2: **Disposition of Amendment Proposals:** Upon receipt of a proposed amendment the Planning and Zoning Commission shall hold a public hearing on the proposed amendment, and forward to the Board of Trustees its findings and recommendations with respect to the proposed amendment.

**Section 2: Public Hearings:**

The Planning and Zoning Commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by it. The Planning and Zoning Commission shall select a reasonable hour and place for such public hearing, and it shall hold such hearing within sixty (60) days from the date on which the proposed amendments is referred to, filed with, or initiated by it. An applicant for an amendment may waive the requirement that such hearing be held within sixty (60) days.

- 2.1: **Notice Hearing.** Public notice of a hearing on a proposed amendment shall be published one (1) time in a newspaper of general circulation and posted in the Village administration office and at the usual meeting location at least fifteen (15) days prior to the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions.
  - 2.1b: **Mailed Notice.** Mailed notice of the proposed change in the official zoning map shall be sent to all property owners within 1000 feet of the parcel being considered for rezoning. The notice shall contain a description of the amendment requested, information about the time and place of the public hearing. *(Inserted October 10, 2006)*
  
- 2.2: **Conduct of Hearing.** The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning and zoning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by

**A11: S1, S2.2**

agent or by attorney. The Planning and Zoning Commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested persons and shall be available for review in the office of the Planning Zoning Commission at least three (3) days before the date set for the public hearing. The Planning and Zoning Commission may also require such report after such public hearing if additional information is deemed necessary. Such reports shall again be made available to the applicant and any other interested persons.

**Section 3: Action by the Planning and Zoning Commissions:**

- 3.1: Upon the conclusion of the public hearing, the Planning and Zoning Commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the Board of Trustees. Said recommendations may be for approval or disapproval, or approval of an alternative text amendment. The recommendation of the Planning and Zoning Commission shall contain a statement as to the nature and effect of such proposed amendment and determination as to the following items:
  - 3.1a: How such change is consistent with the intent and purpose of these regulations;
  - 3.1b: The areas that most likely to be directly affected by such change and in what way they will be affected; and
  - 3.1c: Whether the proposed amendment is made necessary because of changed or changing conditions in the areas.

**Section 4: Action by the Board of Trustees:**

- 4.1: **Adoption of Amendments.** The Board of Trustees shall consider the request. Upon the receipt of the recommendation of the Planning and Zoning Commission and any protest petitions that have been submitted, the Board of Trustees shall consider the application for a text amendment and may adopt the order with or without change or may refer it back to the Planning and Zoning Commission for further consideration and report.
- 4.2: **Public Hearing and Notice.** Whenever a proposed amendment is defeated, either by vote of the Board of Trustees or by reason of the operation of this Section, such amendment shall not thereafter be passed without a further public hearing and notice thereof as provided by this Article.

**A11: S2.2, S4.2**

- 4.3: **Official Master Plan.** Upon the adoption or amendment of any such plan or part thereof by adoption of the appropriate resolution by the Planning and Zoning Commission, a certified copy of the plan or part thereof, together with a written summary of the hearing thereon, shall be submitted to the Board of Trustees. No Official Master Plan shall be effective unless approved by the Board of Trustees. An attested copy of the Official Master Plan and any amendments thereto shall be certified to the county recorder of deeds and to the clerk of the Village of Indian Point.

**A11: S4.3**

**ARTICLE XII  
BOARD OF ZONING ADJUSTMENT**

**Section 1: Formation:**

1.1: A Board of Zoning Adjustment is hereby created in accordance with State Statutes governing such creation. The word "Board" when used in this Article shall mean Board of Zoning Adjustment. The Board shall consist of five (5) members, who shall be residents of the Village and who shall be appointed by the Board of Trustees of the Village of Indian Point, Missouri. The membership of the first Board appointed shall serve respectively, one for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. Thereafter members shall be appointed for terms of five (5) years each. The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with other laws, ordinances or resolutions. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine, including at least one meeting annually to review procedures and any changes to the zoning ordinance or subdivision regulations. The Board shall keep minutes of its proceedings, showing the description of evidence presented, the findings of fact by the Board, the decision of the Board and the vote of each member upon each questions, or if absent or failing to vote, indicating such fact, and will keep records of its examinations and other official actions, all of which shall be filed in the office of the Board immediately and shall be a public record. *(Amended October 10, 2006)*

**Section 2: Powers and Jurisdictions:**

The Board shall have the following powers and jurisdictions:

- 2.1: **Appeals.** To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these Regulations.
- 2.1a: Appeals to the Board may be taken by the person aggrieved, or by any officer, department, or bureau of the government affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Zoning Administrator and with the Secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Secretary of the Board all papers constituting the record upon which the action appealed is taken.

**A12: S1, S2.1a**

## Zoning Regulations

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- 2.1b: An appeal stays all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application or notice to the Zoning Administrator of good cause shown.
- 2.2: **Variances.** To authorize in specific cases a variance from the specific terms of these Regulations which will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of these Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Regulations shall be observed, public safety and welfare secured, and substantial justice done.
- 2.2a: The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of this specific piece of property at the time of the effective date of the Village Zoning Regulations, or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the Zoning Regulations actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
- 2.2b: Variances may be granted for any modifications of the specific terms of the Zoning Regulations, except that a variance may not be granted to allow the establishment of a use not permitted in the district regulations.
- 2.2c: A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination of each condition and the finding shall be entered in the record.
- 2.2c(1): A variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
- 2.2c(2): The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
- 2.2c(3): The strict application of the provisions of the Zoning Regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

**A12: S2.1b, S2.2c(3)**

## Zoning Regulations

Amended 2006

- 2.2c(4): The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
- 2.2c(5): The granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Regulations.
- 2.3: **Conditions of Determination.** In exercising the foregoing powers, the Board, in conformity with the provisions of this act, any reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from where the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.
- 2.4: **Quorum.** A majority of the Board shall constitute a quorum for the transaction of business, and a concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter which it is required to pass under any such regulation, or to affect any variation in such regulation. Upon the hearing, any party may appear in person or by agent or by attorney.

### Section 3: Applications:

The procedure for requesting a hearing before the Board of Zoning Adjustment shall be as follows:

- 3.1: All applications to the Board of Zoning Adjustment shall be in writing on forms provided by the Planning and Zoning Administrator.
- 3.2: The Board of Zoning Adjustment shall fix a reasonable time for the hearing of an application and notice of the time, place, and subject of each hearing shall be published in the local newspaper at least fifteen (15) days prior to the date fixed for the public hearing. A copy of the Notice of Public Hearing shall be sent to each party of interest, all adjacent property owners, and to the Planning and Zoning Commission. *(Amended October 10, 2006)*
- 3.3: An application shall be accompanied by a filing fee in accordance with the schedule of fees maintained in the Village office.

A12: S2.2c(4), S3.3

**Section 4: Appeals:**

- 4.1: An application for an appeal shall be filed within sixty (60) days after a ruling has been made by the Planning and Zoning Administrator.
  - 4.1a: A copy of the order, requirement, decision, or determination of the Planning and Zoning Administrator which the appellant believes to be in error.
  - 4.1b: A clear and accurate written description of the proposed use, work, or action in which the appeal is involved and a statement justifying the appellant's position.
  - 4.1c: Where necessary, a plot plan, drawn to scale, shall be submitted in duplicate showing existing and proposed plans for the area in question.

**Section 5: Variances:**

- 5.1: The applicant shall submit a statement, in writing, justifying the variance requested, indicating specifically the enforcement provisions of the Zoning Regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five (5) conditions as set out in Section 2.B(3) of this Article.
- 5.2: The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in the application, the structures existing thereon, and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information which would be helpful to the Board of Zoning Adjustment in consideration of the application.
- 5.3 Mailed Notice of Variance Requests. Mailed notice of the proposed variance shall be sent to all adjacent property owners to the parcel being considered for a variance and the Planning and Zoning Commission. *(Inserted October 10, 2006)*

**Section 6: Performance:**

- 6.1: In making any decisions varying or modifying any provisions of the Zoning Regulations or in granting an exception to the district regulations, the Board of Zoning Adjustment shall impose such restrictions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.
- 6.2: The Board of Zoning Adjustment may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board of Zoning Adjustment, and shall be enforceable by or payable to the Board of Trustees in the sum equal to the cost of constructing the required improvements.

**A12: S4, S6.2**

- 6.3: In lieu of the performance bond requirement, the Board of Zoning Adjustment may specify a time limit for the completion of such required improvements and, in the event the improvements are not completed within the specified time, the Board of Zoning Adjustment may declare the granting of the application null and void after reconsideration.

**Section 7: Who May Appeal from the Board of Zoning Adjustment Decision:**

- 7.1: Any person, persons, department, or departments of the government jointly or separately aggrieved by any decision of the Board of Zoning Adjustment may present to the Associate Circuit Court of Stone County, Missouri, a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality, and asking for relief therefrom. Such petition shall be presented to the Court within thirty (30) days after the date of filing the decision in the office of the Board of Zoning Adjustment.

**A12; S6.3, S7.1**

**ARTICLE XIII  
ADMINISTRATION**

**Section 1: Legislative and Quasi-Judicial Regulation of Land Use:**

- 1.1: The Village of Indian Point shall regulate land use as provided by Statute and the Planning and Zoning Commission shall prepare and adopt bylaws for the conduct of their business.

**Section 2: Office of the Planning and Zoning Administrator:**

- 2.1: **Authorization.** A Planning and Zoning Administrator shall be appointed by the Board of Trustees and shall be responsible for the enforcement of these regulations.
- 2.2: **Duties of the Planning and Zoning Administrator.** The Planning and Zoning Administrator shall enforce these regulations and in addition thereto and in furtherance of said authority, he shall:
- 2.2a: Approve and issue all zoning and occupancy certificates and make and maintain records thereof.
  - 2.2b: Conduct inspections of structures and uses of land to determine compliance with the provisions of the zoning regulations.
  - 2.2c: Receive, file, and forward to the Board of Zoning Adjustment the records in all appeals and all applications for variances.
  - 2.2d: Maintain permanent and current records of the zoning regulations including, but not limited to, all zoning maps, amendments, variances, appeals and applications therefore and records of hearing thereon.
  - 2.2e: Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning regulations, and the rules of the Board of Zoning Adjustment.
  - 2.2f: Distribute to the Board of Zoning Adjustment copies of the minutes from Planning and Zoning Commission meetings. *(Inserted October 10, 2006)*

**Section 3: Violation and Penalty:**

- 3.1: The owner or agent of a structure or premises in or upon which a violation of any provision of this regulation has been committed or shall exist; or the lessee or tenant of an entire structure or entire premises in or upon which violation has been committed or shall exist; or the agent, architect, structure or premises in or upon which violation has been committed or shall exist, shall be guilty of a misdemeanor as authorized under state law.
  
- 3.2: In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this regulation, the appropriate authorities, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance of use, or to correct or abate such violation or to prevent the occupancy of said structure or land.

-----**END OF DOCUMENT**-----