

First Reading: 7/14/25
Bill No.: 25-48

Second Reading: 7/14/25
Ordinance No.: 250714F

AN ORDINANCE REVISING SCHEDULE IV OF THE WILLARD, MISSOURI CITY CODE ‘LAND DEVELOPMENT CODE’, SECTION 400.120, IN ORDER TO CLARIFY THE DEFINITION OF AN ACCESORY DWELLING UNIT

WHEREAS, recent and concurrent updates to the Willard City Code refer to Accessory Dwelling Units; and

WHEREAS, a formal definition of ‘Accessory Dwelling Unit’ is therefore needed;

WHEREAS, the Board of Alders seeks to codify that definition as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERS OF THE CITY OF WILLARD, MISSOURI, AS FOLLOWS:

Section 1: It is the intention of the Board of Alders, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the City of Willard Municipal Code, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 2: That Section 400.1520 of Chapter 4 of the Willard Municipal Code be hereby repealed in its entirety and amended to read as set forth herewith.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Section 4: That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

Section 5: That the City Clerk is authorized by this Ordinance to correct any scrivener’s errors identified within this Ordinance.

PASSED BY THE BOARD OF ALDERS AND APPROVED BY THE MAYOR THIS 14th DAY OF JULY, 2025.

Approved By: _____
Troy Smith, Mayor

Attested By: _____

Rebecca Hansen, City Clerk

Approved as to Form: _____

Holly Dodge, City Attorney

Section 400.120. Definitions. [Ord. No. 020227 §1(2.2), 2-27-2002; Ord. No. 060313 §1, 3-13-2006; Ord. No. 070611 §1, 6-25-2007; Ord. No. 081222B §5(Exh. A §1), 12-22-2008; Ord. No. 120409E §1, 4-9-2012]

Unless otherwise expressly stated, the following terms shall, for the purposes of this Chapter, have the meanings herein indicated. Where words have not been defined, the standard dictionary definition shall prevail.

ACCESSORY APARTMENT — A separate complete dwelling unit substantially contained within the structure of a single-family detached dwelling.

ACCESSORY DWELLING UNIT (ADU) A habitable attached or detached secondary structure located on the same lot and subordinate in use to the principle structure. An attached ADU shall be defined as an addition to an existing home with its own exterior entrance not accessible from the primary residence.

ACCESSORY STRUCTURE — A structure which is:

1. Subordinate to and serves a principal structure;
2. Subordinate in area, extent or purpose to the principal structure;
3. Contributes to the comfort, convenience or necessity of occupants of the principal structure;
4. Located on the same lot as the principal structure and shall include all structures whether or not they are permanently affixed to the ground by foundation or otherwise.

ACCESSORY USE — A use which is:

1. Subordinate to and serves a principal use;
2. Subordinate in area, extent or purpose to the principal use;
3. Contributes to the comfort, convenience or necessity of occupants of the principal use;
4. Located on the same lot as the principal use.

ACRE — A measure of land containing forty-three thousand five hundred sixty (43,560) square feet.

ACT — The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 and as may, from time to time, be amended.

ADMINISTRATIVE OFFICIAL — Except as otherwise specifically provided, primary responsibility for administering and enforcing the Willard Land Development Regulations may be assigned by the Board of Aldermen to one (1) or more individuals in the employ of the City. The person or persons to whom these functions are assigned shall be referred to as "Administrative Official".

ADULT CABARET — A building or portion of a building regularly featuring dancing or other live entertainment that constitutes the primary live entertainment and is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by the patrons therein.

ADULT MEDIA STORE — An establishment where twenty-five percent (25%) or more of the gross public floor area and/or twenty-five percent (25%) of the stock in trade is devoted to the rental and/or sale of magazines, books, videotapes, movies, slides, cd-roms or other devices used to record computer images, cable television or any other media distinguished or characterized by

an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas.

AGRICULTURAL USE — The production, keeping or maintenance, sale, lease or personal use of plants and animals, including, but not limited to: forages and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules and goats or any hybrids thereof, including the breeding and grazing of all kinds of such animals; bees and apiary products; fur animals; trees for forest products; fruits; vegetables; nursery, floral, ornamental and greenhouse products; the necessary accessory uses for packing, treating or storing such agricultural produce provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and land devoted to soil conservation or forestry management; but excluding feed lots, confined animal or poultry feeding facilities, stockyards and slaughterhouses.

AIRPORT RUNWAY — A surface used for landing or taking off of aircraft which is shown on a duly adopted airport master plan of the City of Springfield and includes all such runways shown thereon, whether existing or proposed, including extension of such runways.

ALLEY — A dedicated public right-of-way, other than a street, designed to extend only secondary access to the side or rear of properties whose principal frontage and access is on some other street.

ALTERATION — A physical change to one (1) or more exterior features of a structure which includes, but is not limited to, the erection, construction, reconstruction or removal of any feature of the structure.

ANIMAL, FARM — Any livestock or other animal raised for commercial or agricultural purposes as defined under "*AGRICULTURAL USE*".

ANIMAL, HOUSEHOLD PET — Any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, cows, livestock, chinchillas, horses, goats, sheep, monkeys, pigs and other similar animals and fowl.

ANIMAL, NON-DOMESTIC — Any feline other than domestic house cat, non-human primate, bear, wolf, coyote, fox, venomous reptile or any other animals or crossbreed of such animals which have similar characteristics or are dangerous or unsafe for contact with humans.

ANTENNA SUPPORT STRUCTURE — Any building or other structure other than a tower that can be used for location of wireless telecommunications facilities.

APPLICANT — A person submitting an application for an amendment, plat, permit, variance, appeal, license or any other land development approval as required by this Chapter.

BASEMENT — A story partly or wholly below grade. A basement shall be considered a story if the vertical distance between the ceiling and the average level of the adjoining ground is more than three (3) feet or if the basement is used for business or dwelling purposes.

BED AND BREAKFAST — A dwelling or portion thereof that contains guest rooms where short-term lodging, with or without meals, is provided for compensation.

BERM — A mound of earth typically located in a buffer yard to block noise, lights or other nuisances.

BLOCK — A parcel of land intended to be used for urban purposes, which is entirely surrounded

by public streets, highways, railroad rights-of-way, public walks, parks or greenways, rural land or drainage channels or a combination thereof.

BOARD OF ADJUSTMENT — The appellate body appointed by the Willard Board of Aldermen to assist in the administration of this Chapter, pursuant to Sections 89.010 — 89.170, RSMo.

BOARD OF ALDERMEN — The Governing Body of the City of Willard, Missouri. **BOARDING HOUSE (ALSO LODGING OR ROOMING HOUSE)** — A building, other than a hotel or apartment, where, for compensation and by pre-arrangement for definite periods, lodging, meals or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

BUFFER YARD — A land area containing trees, shrubs and other plants, berms, fences or walls used to separate one use from another or to block noise, lights or other nuisances.

BUILDABLE AREA — The portion of a lot remaining after the yard setbacks and open space requirements of the zoning regulations have been met.

BUILDING — Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals or property and which is permanently affixed to the ground.

BUILDING COVERAGE — The horizontal area measured within the exterior walls of the ground floor of all principal and accessory buildings on a lot divided by the gross area of the lot.

BUILDING HEIGHT — The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE — A line or lines indicating the distance from the property line behind which all enclosed portions of the building must be located.

BUILDING, PRINCIPAL — A building in which the primary use of the lot is conducted.

BULK REGULATIONS — Regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling (1) maximum height, (2) maximum lot coverage, (3) maximum floor area ratio and (4) minimum size of yards and setbacks.

BULK STORAGE — The storage of chemicals, petroleum products and other materials in above ground containers for subsequent resale to distributors, retail dealers or outlets.

CAMPGROUND — An area or premises in which space is provided for transient occupancy or use by tourists occupying recreational vehicles, camping trailers or tents.

CEMETERY — Property used for interring the dead, including mausoleums.

CHILD DAY-CARE CENTER — A child day-care center or center, whether known or incorporated under another title or name, is a child-care program conducted in a location other than the provider's permanent residence, or separate from the provider's living quarters, and licensed by the Department of Health and Senior Services of the State of Missouri where care is provided for children not related to the child care provider for any part of the twenty-four-hour day. **[Ord. No. 190923, 9-23-2019]**

CHURCH — At a minimum, a church includes a body of believers or communicants that assembles regularly in order to worship. Unless the organization is reasonably available to the

public in its conduct of worship, its educational instruction, and its promulgation of doctrine, it cannot fulfill the associational role that courts have increasingly adopted as a threshold for determining when an organization qualifies as a church. Other key factors to consider include whether the organization has a distinct legal existence, recognized creed and form of worship, definite and distinct ecclesiastical government, a formal code of doctrine and disciplining, distinct religious history, membership not associated with any other church or denomination, organization of ordained ministers, ordained ministers selected after completing prescribed studies, literature of its own, established places of worship, regular congregations, and regular religious services. No single factor is controlling but having regular meetings with a regular congregation should be weighted more heavily than some of the other factors.[Ord. No. 190923, 9-23-2019]

CITY — The City of Willard, a municipal corporation in the State of Missouri, acting by and through its officers, employees, representatives, agents and assigns.

CLINIC, MEDICAL OR DENTAL — An establishment where human patients are admitted for examination and/or treatment by one (1) or more physicians, dentists, psychologists or social workers, but where patients are not provided with room or board nor lodged overnight.

CLUB, PRIVATE — A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

CLUSTER SUBDIVISION — A development approach intended to preserve environmentally sensitive or unique features by clustering or grouping buildings on a portion of a tract or site and devoting the remaining land to prescribed common or public uses such as open space or recreation.

COMMISSION — The Planning and Zoning Commission of the City of Willard, Missouri.

COMMON OPEN SPACE — Land or water or a combination thereof within or related to a planned residential development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements approved as part of the general development plan. Common open space does not include streets, alleys, off-street parking or loading for public use and stormwater detention areas.

COMMUNICATIONS OR TELECOMMUNICATIONS — The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received, by wire, radio, optical cable, electronic impulses or other similar means. As used in this definition, "*information*" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds or any other symbols.

COMPENSATION — The receiving of goods, services or money in exchange for or as a result of a service performed.

COMPREHENSIVE PLAN — The Willard Comprehensive Plan which is the long-range plan for the desirable use of land in the City of Willard as officially adopted and as amended from time to time by the Planning and Zoning Commission; the purpose of such plan being to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs in the appropriate subdividing and development of land; in the acquisition of rights-of-way or sites for such public facilities as streets, parks, schools and other public buildings; and in the installation of public utilities and other infrastructure to protect the health, safety and welfare of

the public.

CONDITIONAL USE — A use permitted in a particular zoning district only upon showing that such use in a specific location will comply with all the conditions and standards for the location or operation of such use as specified in this Chapter and as authorized by the Board of Aldermen.

CONDOMINIUM — A building, group of buildings or property in which units are owned individually and the common elements are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION — The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

CUL-DE-SAC — A short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

CURB GRADE — The mean level of the curb in front of the lot or, in the case of a corner lot, along that abutting street where the mean curb grade is the highest.

DAY CARE CENTER — A facility, other than the provider's permanent residence, where child day care is provided for any part of a twenty-four (24) hour day.

DAY CARE HOME, FAMILY — A home, occupied by the day care provider, in which care is given to four (4) or less children, not including children related to the provider, for any part of a twenty-four (24) hour day. The maximum number of children under the age of two (2) years shall be two (2).

DAY CARE HOME, GROUP — A home, occupied by the day care provider, in which care is given to five (5) but not more than ten (10) children, not including children related to the provider, for any part of a twenty-four (24) hour day. The maximum number of children under the age of two (2) years shall be two (2), unless there is a full-time adult assistant, in which case the maximum number of children under the age of two (2) years shall be four (4).

DENSITY — The permitted number of dwelling units per gross acre of land to be developed.

DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS — The City of Willard Design Standards for Public Improvements as officially adopted and as may be amended by the Board of Aldermen, which establishes standards, specifications and procedures for design and installation of public infrastructure in the City.

DEVELOPER — The legal or beneficial owner or owners of a lot or any land included in a proposed development or the duly authorized agent thereof, including all persons, corporations or other legal entity, engaged in the construction, development, building or installation of any building or facility within the City of Willard, Missouri.

1. **ORIGINAL DEVELOPER** — The developer who originally installs off-site public improvements.
2. **SUBSEQUENT DEVELOPER** — The developer who utilizes off-site public improvements installed by the original developer.

DEVELOPMENT — A construction project involving substantial property improvement and, usually, a change of land use character within the site; the act of using land for building or extractive purposes.

DISTRICT — A part, zone or area within the City of Willard, within which certain zoning regulations apply and are uniform.

DRIVE-IN ESTABLISHMENT — An establishment which accommodates the patrons' vehicles and from which the occupants of the vehicles may make purchases, transact business or be entertained while remaining in their vehicles.

DWELLING — A building or portion thereof designed exclusively for residential occupancy, excluding hotels, motels, boarding, rooming and lodging houses, travel trailers/recreational vehicles and recreational vehicle parks.

DWELLING, DUPLEX (TWO-FAMILY) — A structure on a single lot containing two (2) dwelling units, each of which share a common wall and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance.

DWELLING, MULTI-FAMILY — A structure on a single lot containing three (3) or more dwelling units, each of which is totally separated from the other.

DWELLING, SINGLE-FAMILY DETACHED — A structure on a single lot designed for or occupied exclusively by one (1) family.

DWELLING, SINGLE-FAMILY SEMI-DETACHED — A dwelling unit attached to one (1) or more dwelling units by common vertical walls, with each dwelling unit located on a separate lot. This may include patio-court house or zero lot line house.

DWELLING, TOWN HOUSE — A dwelling unit in a row of at least three (3) such units in which each unit has its own front and rear access to the outside and each unit is separated from any other unit by at least one (1) common wall.

EASEMENT — A grant by the property owner for the public or private use of a tract of land for specific purposes.

ENGINEER — A registered professional engineer in good standing in the State of Missouri.

ENGINEER OF RECORD — The applicant's or developer's engineer.

FACILITY — All buildings, residences, residential development or subdivisions, commercial buildings and all structures or improvements of all kinds to be located, placed, built, installed or substantially improved within the City limits of Willard.

FAMILY — One (1) or more persons related by blood, marriage, adoption, guardianship or duly authorized custodial relationship or two (2) unrelated people and any children related to or legally cared for by either of them or a group of not more than five (5) unrelated individuals, living together as a single housekeeping unit. A family may include, in addition hereto, not more than two (2) boarders, roomers or domestic servants.

FLEA MARKETS — An indoor establishment, not including shopping centers, individual retail operations or sales conducted by a non-profit or charitable organization, that is open to the general public and composed of five (5) or more stalls, rooms, stands or spaces used for the purpose of display and sale, exchange or barter of merchandise and where a fee may be charged to prospective buyers for admission and a fee may be charged for the privilege of offering or displaying such merchandise.

FLOOR AREA RATIO (FAR) — The gross floor area of all buildings on a lot divided by the lot

area.

FRONTAGE — That part of a lot or premises immediately adjacent to a street or streets without regard to access to or elevation of the street or streets.

FUNERAL HOME — A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies before burial or cremation, but excluding facilities for cremation and places of worship.

GARAGE, PRIVATE — A detached accessory building or portion of a main building housing the passenger vehicles or trailers of the occupants of the premises.

GARAGE, PUBLIC — A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles. The term "*repairing*" shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

GARAGE, STORAGE — A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.

GRADE — The average level of the finished surface of the ground is the sidewalk elevation. If there is more than one (1) street, an average sidewalk elevation is to be used. If there is no sidewalk, the finished grade shall be equal to the street centerline grade.

GREENHOUSE — A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROSS FLOOR AREA — The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

GROUP HOME, CUSTODIAL — A dwelling in which more than ten (10) unrelated physically and mentally impaired persons reside with house parents or guardians.

GROUP HOME, RESIDENTIAL — A single-family dwelling in which no more than ten (10) persons reside, comprised of the following: eight (8) or fewer unrelated mentally or physically handicapped or impaired persons, no more than two (2) persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the dwelling and the children of the house parents or guardians.

HAZARDOUS SUBSTANCE —

1. Any material or waste which poses a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
2. Any material which is hazardous within the meaning of any Federal, State or local law, regulation or ordinance, including, but not limited to:
 - a. The Federal Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901, et seq.;

- b. Substances regulated under the Federal Toxic Substances Control Act, as amended, 15 U.S.C. 2601, et seq.;
- c. Substances described or regulated as hazardous or toxic under Missouri State Statutes or regulations; or
- d. Substances described or regulated as hazardous or toxic under the ordinances or regulations of the City of Willard.

HEIGHT — The vertical distance of a structure measured from the average established grade at the street lot line or from the average natural ground level, if higher; or if no street grade has been established, to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for hip or gable roofs.

HOME OCCUPATION — An activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or accessory building.

HOSPITAL — An institution licensed by the Missouri Department of Health, providing primary health services and medical or surgical care to the sick and injured and including as an integral part of the institution in-patient or overnight accommodations and related facilities such as laboratories and out-patient facilities.

HOTEL — A facility offering transient lodging accommodations on a daily rate to the general public.

IMPERVIOUS SURFACE — Any part of a lot that is covered by buildings, structures, parking areas, driveways and any other surfaces which reduce or prevent absorption of stormwater.

IMPROVEMENTS — Physical construction or changes, such as clearing, grading, street surfacing, curbs and gutters, sidewalks, crosswalks, culverts, bridges, water and sanitary sewer lines, storm sewer facilities, other utilities and other required features.

INSTITUTION — A non-profit establishment for public use.

KENNEL — An establishment licensed to operate a facility housing dogs, cats or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

LOADING SPACE — An off-street space on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA — The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

LOT, CORNER — A lot abutting the intersection of two (2) or more streets.

LOT DEPTH — The horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.

LOT, FRONT OF — The front of a lot shall be considered to be that side of the lot that fronts a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to

be the front of the lot.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINE — A boundary line of a lot.

LOT LINE, FRONT — The lot line separating a lot from the street. On a corner lot, the shortest lot line abutting a street is the front lot line; on a through lot, both lot lines abutting the streets are front lot lines; on an irregular shaped lot, the front lot line is the lot line most parallel to the abutting street.

LOT LINE, REAR — Any lot line not a front or side lot line. The rear lot line for a triangular shaped lot shall be a line ten (10) feet long drawn between the lot's side lot lines and parallel to the front lot line.

LOT LINE, SIDE — The lot lines that intersect with a lot's front lot line.

LOT OF RECORD — A lot that is part of a recorded subdivision or a parcel of land on a plat or deed that has been recorded by the Greene County Recorder of Deeds.

LOT, THROUGH — A lot having frontage on two (2) parallel streets or which fronts upon two (2) streets that do not intersect at the boundaries of the lot.

LOT WIDTH — The horizontal distance between the side lot lines, measured at right angles to the lot depth along a line parallel to the front lot line at the minimum required building setback line.

LOW INTENSITY — Maximum floor area ratio provides more restrictive requirements to minimize the impact to adjacent properties.**[Ord. No. 170911A § 1, 9-25-2017]**

MANUFACTURED HOME — A transportable, factory-built dwelling, composed of one (1) or more components, manufactured under the authority of 42 U.S.C. Section 5401, Federal Manufactured Housing Construction and Safety Standards Act, which bears the seal of the State of Missouri Public Service Commission, U.S. Department of Housing and Urban Development or its agent and which, in the traveling mode, is twelve (12) body feet or more in width and forty (40) body feet or more in length and, when erected on site, contains nine hundred (900) or more square feet of living area, equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit with or without a permanent foundation.

MANUFACTURED HOME PARK — An area with required improvements and utilities for the long- term placement of manufactured homes for dwelling purposes. The site may also include services and facilities for residents of the development.

MANUFACTURED HOME SUBDIVISION — A development containing lots intended for the individual placement of manufactured homes for dwelling purposes.

MARIJUANA OR MARIHUANA — Cannabis Indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seed thereof and resin extracted from the plant and marijuana-infused products. Marijuana does not include industrial hemp containing a crop- wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (3/10 of 1%) on a dry-weight basis, or commodities or products manufactured from industrial hemp.**[Ord. No. 190923, 9-23-2019]**

MARIJUANA-INFUSED PRODUCTS — Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.[**Ord. No. 190923, 9-23-2019**]

MEDICAL MARIJUANA CULTIVATION FACILITY — A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a medical dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.[**Ord. No. 190923, 9-23-2019**]

MEDICAL MARIJUANA DISPENSARY FACILITY — A facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this Section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.[**Ord. No. 190923, 9-23-2019**]

MEDICAL MARIJUANA TESTING FACILITY — A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.[**Ord. No. 190923, 9-23-2019**]

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY — A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.[**Ord. No. 190923, 9-23-2019**]

MOBILE HOME — A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to June 16, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act of 1974. The placement of mobile homes within the City of Willard is prohibited.

MODULAR HOME — A dwelling unit built to a nationally recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO) or its successor consisting of components substantially built and assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. The dwelling unit shall be inspected and certified at the factory that it meets said building construction standard. A modular home shall not have its own running gear and on-site service connections and foundation shall be in accordance with the requirements of the City of Willard's building regulations.

MOTEL — An establishment in which transient accommodations are provided on a daily rate to the general public.

NON-CONFORMING LOT — An existing lot of record that does not comply with the minimum lot size or area requirements for its zoning district, but which complied with applicable regulations at the time the lot was created and recorded.

NON-CONFORMING USE — The use of land or a building or portion thereof that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

NURSERY — A place where trees, shrubs or flowering plants are raised for commercial purposes from seed or otherwise in order to be transplanted or propagated.

OWNER OF RECORD — The person, corporation or other legal entity listed as owner of a lot on records of the Greene County Recorder of Deeds.

PARK/RECREATIONAL AREAS — May include, but are not limited to, playground, picnic areas, trail ways, tennis courts, racquetball courts, roller blade/skateboard parks or other improvements as determined during the review process. These areas will normally include areas of open/green space to accommodate supporting improvements such as landscaping improvements, parking areas and other similar improvements.

PARKING SPACE — A space within a building or a private or public parking area for the parking of one (1) vehicle.

PEDESTRIAN WAY — A specifically paved or marked path for pedestrians.

PERSONAL SERVICE USES — Establishments for the sale of non-medically related personal services or an establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, but not including personal storage.

PLANNED DEVELOPMENT — A tract of land under single ownership, planned and developed as an integral unit and consisting of a combination of residential uses of differing densities or a combination of residential and non-residential uses of land within a planned development district (PD).

PLAT, FINAL — The final plat, plan or drawing and any accompanying required data or information that is submitted to the Planning and Zoning Commission and the Board of Aldermen for final approval of a proposed subdivision.

PLAT, PRELIMINARY — The preliminary or tentative plat or plan, map or drawing on which the layout and design of a proposed subdivision is submitted to the Planning and Zoning Commission and the Board of Aldermen for consideration and tentative approval.

PREMISE — Any tract of land, consisting of one (1) or more lots, under single or multiple ownership, which operates as a functional unit. When developed, a premise shall also possess one (1) or more of the following criteria:

1. Shared parking;
2. Common management;
3. Common identification;
4. Common access; or
5. Shared circulation.

Exception: If the only criteria is "common access" or "shared circulation" as a result of requirements from the City or State of Missouri to control access to a public way, then one (1) or more of the other criteria must be present before the tract of land can be defined as a "premise".

PRINCIPAL STRUCTURE — A structure or group of structures in which the principal use of the lot on which it is located is conducted.

PRINCIPAL USE — The primary or predominant use of any lot.

PUBLIC — Maintained for or used by the people of the City of Willard on a non-commercial basis.

PUBLIC IMPROVEMENT — The installation, construction, addition or betterment of any new or existing physical development dedicated to the public or intended for public use, such as streets, sidewalks, drainage, detention and stormwater facilities, water mains and lines, wastewater mains and facilities, park/recreational areas and may include on-site and/or off-site improvements.

QUALIFYING PATIENT — A Missouri resident diagnosed with at least one (1) qualifying medical condition.[Ord. No. 190923, 9-23-2019]

RETIREMENT HOME — A residential facility designed to meet the needs of senior citizens and which may include convalescent care facilities.

SCHOOL — Any building which is regularly used as a public, private or parochial elementary and/or secondary school or high school.[Ord. No. 190923, 9-23-2019]

SETBACK — The required minimum horizontal distance between the nearest front, side or rear line of every structure and the front line of the lot.

SIGN — Any words, numbers, figures, devices, designs or trademark by which anything is made known, such as are used to designate an individual, a firm, profession, business or a commodity and which are visible from any public street. See Article X for definitions of sign types.

SPECIFIC SEXUAL ACTIVITIES — Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SPECIFIED ANATOMICAL AREAS —

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

STEALTH — Any towers or telecommunications facilities that are designed to blend into the surrounding environment.

STORAGE, PERSONAL — A building or buildings, commonly referred to as mini-storage, comprised of individual, self-contained units available on a rental basis for storage of business and household goods.

STORY — That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF — A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartments or living quarters shall be counted as a full story.

STREET — A public or private way used or intended to be used for passage or travel by motor

vehicles. Streets are classified by the functions they perform as follows:

1. **STREET, ARTERIAL** — A street intended to provide for high-volume, moderate-speed traffic movement through the community and between major activity centers. Access to abutting property is subordinate to the flow of traffic and entrances and exits to the arterial are subject to control.
2. **STREET, COLLECTOR** — A street that collects and distributes traffic to and from local streets and arterial streets and is intended to provide for low to moderate-volume and low-speed, shorter length trips. The function of traffic movement and property access are balanced.
3. **STREET, LOCAL** — A street intended to provide access to abutting property and designed for low-volume, low-speed traffic.

STREET LINE — A dividing line between a lot, parcel or tract and a contiguous street.

STREET WIDTH — The horizontal distance between the outside edges of a street's pavement, including any curbing and guttering, measured at right angles to the street's centerline.

STRUCTURE — Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

SUBDIVIDER — Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land herein defined.

SUBDIVISION — The division of a parcel of land into two (2) or more lots, or other divisions of land; it includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

SUBSTANCE ABUSE TREATMENT FACILITY — A residential or out-patient facility for the treatment of alcohol and other substance abuse pursuant to Section 89.143, RSMo.

SURVEYOR — A registered land surveyor in the State of Missouri.

SWAP MEET — An indoor or outdoor activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and where a fee may be charged to prospective buyers for admission and a fee may be charged for the privilege of offering or displaying such merchandise.

TAVERN — An establishment where fifty percent (50%) or more of gross income is derived from the sale of alcoholic beverages by the drink for consumption on the property and where the serving of food and non-alcoholic beverages for consumption on the property may be accessory uses.

TELECOMMUNICATIONS FACILITIES — Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the wireless transmission or reception of wireless telecommunications as authorized by the FCC which a person seeks to locate or has installed upon a tower or antenna support structure. However, the term "*telecommunications facilities*" shall not include:

1. Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned and used for industrial or commercial purposes.

2. Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category.
3. Any satellite earth station in excess of two (2) meters in diameter which is utilized for the reception of broadcast television, video or radio signals and which is an ancillary use to a structure on the premises of the holder of the broadcast license.

TOWER — A self-supporting lattice, guyed or monopole structure constructed from grade which supports wireless telecommunications facilities. The term "*tower*" shall not include amateur radio operators' equipment as licensed by the FCC or utility poles that are utilized for the support of electrical, telephone, cable television or other similar cables and wires, are located on public rights-of-way or easements for that purpose and are part of a system of such poles throughout the City of Willard, Missouri.

TRACT — A lot. The term "*tract*" is used interchangeably with the term "*lot*", particularly in the context of subdivisions, where one (1) tract is subdivided into several lots.

UNDEVELOPED LAND — Land in its natural state before development.

USE — The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

VARIANCE — A grant of permission that permits the recipient to not comply with a specific provision of this Chapter, granted because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the ordinance.

VEHICLE, COMMERCIAL — Any vehicle designed, maintained, or used primarily for the transportation of property or persons for hire.

WORKING DAYS — The days of the week, excluding Saturdays, Sundays and recognized holidays, during which normal business is conducted by the City of Willard.

YARD — An open space at grade 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 in this Chapter.

YARD, FRONT — An open space extending across the full width of the lot between the principal building and the front lot line and measured perpendicular to the front lot line. On a corner lot the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR — An open space extending across the full width of the lot between the nearest principal building and the rear lot line and measured perpendicular to the rear lot line.

YARD, SIDE — An open space extending from the front yard to the rear yard between the nearest principal building and the side lot line and measured perpendicular from the side lot line

