

Chapter 25

ZONING

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ARTICLE 1. LEGAL PROVISIONS

Sec. 25-1.1. Title.

This chapter shall be known and may be cited hereinafter as the "Zoning Code of the City of Maryland Heights."

Sec. 25-1.2. Purpose.

The purpose of the Zoning Code is to regulate and control the zoning of land and use of said land and buildings within the City of Maryland Heights in order to promote public safety, health, and general welfare of the citizens. These regulations are specifically designed to:

- A. Protect the character and stability of residential, commercial, industrial, institutional, recreational, and open space areas within the City of Maryland Heights and promote their orderly and beneficial development;
- B. Provide privacy and convenience of access to property;
- C. Regulate the intensity of land use and establish open areas surrounding buildings and structures necessary to provide adequate light and ventilation and to protect public safety and health;
- D. Regulate and limit the height of buildings and structures;
- E. Lessen and avoid congestion on public streets by providing sufficient parking and loading;
- F. Regulate the density of population;
- G. Divide the City into zoning districts and establish, by reference, a map showing the boundaries of said districts;
- H. Fix reasonable standards to which land, buildings, structures, and their uses must conform;
- I. Prohibit uses, buildings, or structures which are incompatible with the character or development of uses, buildings, or structures permitted within specified zoning districts;
- J. Prevent illegal additions or alterations of existing buildings or structures;
- K. Protect against fire, explosion, noxious fumes and odor, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of public health, safety, and general welfare;
- L. Prevent overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- M. Preserve and enhance the taxable value of land, buildings, and structures throughout the city;
- N. Provide for the completion, restoration, reconstruction, or extension of nonconforming uses;
- O. Designate and define the powers and duties of the official(s) administering and enforcing the Zoning Code; and
- P. Provide penalties for the violation of the Zoning Code.

Sec. 25-1.3. Validity and Severability Clause.

- A. If any court of competent jurisdiction shall declare any part of the Zoning Code to be invalid, such ruling shall not affect any other provisions of the Code not specifically included in said ruling.
- B. If any court of competent jurisdiction shall declare invalid the application of any provisions of the Zoning Code

to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

Sec. 25-1.4. Compliance with Regulations.

The regulations set by the Zoning Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building shall be erected, converted, placed, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose and in the manner permitted in the district in which the building or land is located.
- B. No land required for yards, open spaces, or off-street parking or loading spaces about an existing building or any building hereafter erected or structurally altered shall be considered as required yard or lot area for more than one (1) building.
- C. Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot except as otherwise provided in the Zoning Code.

Sec. 25-1.5. Establishment of Zoning Districts.

There are hereby created the following zoning districts:

"NU"	Non-Urban (3 acre minimum lot size)
"R-1"	Single-Family Residential (1 acre min. lot size)
"R-2"	Single-Family Residential (21,780 sq. ft. min. lot size)
"R-3"	Single-Family Residential (14,520 sq. ft. min. lot size)
"R-4"	Single-Family Residential (10,000 sq. ft. min. lot size)
"R-5"	Single-Family Residential (7,500 sq. ft. min. lot size)
"R-6"	Multi-Family Residential
"C-1"	Neighborhood Commercial
"C-2"	General Commercial
"M-1"	Office, Service, and Light Manufacturing
"M-2"	Office, Service, and Intensive Manufacturing
"RD-MXD"	Redevelopment - Mixed Use
"RD-C"	Redevelopment - Commercial
"RD-M"	Redevelopment - Manufacturing
"OD-C"	Overlay District - Corridor
"PD"	Planned District

Sec. 25-1.6. [Reserved]

Sec. 25-1.7. Official Zoning Map.

- A. *Adoption.* Said zoning districts are bounded and defined as shown on a map entitled "Official Zoning Map for the City of Maryland Heights, Missouri," as adopted by the City Council and certified by the City Clerk and hereby incorporated into and made a part of this Code.
- B. *Maintenance of Map Updates.* The "original copy" shall be kept on file in the office of the City Clerk. The City

Clerk shall maintain a record of all subsequent amendments and changes to the Zoning Map.

- C. *Availability for Public Review.* The Zoning Map shall be regularly updated and shall be kept available for public inspection by the City Clerk.

Sec. 25-1.8. Amendments to Official Zoning Map.

If a zoning district boundary is amended, such change shall be recorded on the Zoning Map promptly after the ordinance authorizing such change shall have been adopted by the City Council.

Sec. 25-1.9. Rules for Interpretation of District Boundaries.

The following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- C. A boundary indicated as approximately following a corporate boundary line of a city or village shall be construed as following such line.
- D. A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.
- F. A distance not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- G. Where a physical or cultural feature existing on the ground is at variance with that shown on the Zoning Map, or in any other circumstance not covered by paragraphs A through F above, the Board of Adjustment shall interpret the zoning district boundary.

Sec. 25-1.10. Rules for Interpretation of Regulations.

- A. *Minimum Requirements.* The provisions of the Zoning Code shall be construed to achieve the purposes for which they are adopted. In interpreting and applying the provisions of the Zoning Code, these provisions shall be held to be the minimum requirements for the protection and the promotion of the public health, safety, morals, comfort, convenience, and general welfare.
- B. *Conflicts or Inconsistency.*
 - 1. *Internal.* Unless otherwise specifically stated within the Zoning Code, and unless the context clearly indicates the contrary, if two or more provisions of the Zoning Code are in conflict or are inconsistent with each other, then the most restrictive provision shall apply.
 - 2. *Federal, State, and Local.*
 - a. Whenever a provision of the Zoning Code imposes a greater restriction or a higher standard than is required by any State of Missouri or federal law or regulation, or other St. Louis County or City of Maryland Heights ordinance or regulation, the provision of the Zoning Code shall apply.
 - b. Whenever a provision of any State of Missouri or federal law or regulation, or other St. Louis County or City of Maryland Heights ordinance or regulation imposes a greater restriction or a higher standard than is required by the Zoning Code, the provision of the State of Missouri or federal law or regulation, or

other St. Louis County or City of Maryland Heights ordinance or regulation shall apply.

3. *Other.* Whenever a private covenant, contract, commitment, agreement, or other similar private land use restriction imposes a greater restriction or a higher standard than is required by a provision of the Zoning Code, the more restrictive provision shall apply. This section shall not be interpreted to mean that the City is obligated to enforce the provisions of private covenants, contracts, commitments, agreements, or other similar restrictions; rather, the city shall make an effort to respect such agreements, and the Zoning Code shall not have the effect of abrogating or annulling any such private restriction. Where the Zoning Code imposes a greater restriction or a higher standard than is required by a private covenant, contract, commitment, agreement, or other similar private land use restriction, the provisions of the Zoning Code shall govern.
- C. *Text to Govern.* In case of any difference of meaning or implication between the text of the Zoning Code and any caption, illustration, figure, summary table, or illustrative table, the text shall control.
- D. *Illustrations.* All illustrations in the Zoning Code are intended to help the reader understand terminology and concepts utilized in this ordinance, unless otherwise indicated. Illustrations are not to be interpreted as examples of character or design that must be matched.
- E. *Time Frames.* Any time frames stated within the Zoning Code shall be calculated to include weekdays, weekends, and holidays, unless stated otherwise. If a time frame ends on a Saturday, Sunday, or holiday on which the city offices are closed, the time frame will be extended to the end of the next business day unless specifically stated otherwise within the Zoning Code.
- F. *Delegation of Authority.* If a provision in the Zoning Code requires the City Planner or other City official to perform an act or duty, that provision shall also include designated subordinates unless specified otherwise.

Sec. 25-1.11. Transition Rules.

In determining the applicability of the current Zoning Code with respect to land, uses, buildings, structures, permits, approvals, and applications for permits or approvals, existing immediately before the effective date hereof, the following rules shall apply:

- A. *Uses Rendered Conditional Uses.* When a use lawfully existing on the effective date of the current Zoning Code was classified as a permitted use prior to the effective date of the current Zoning Code, and such use is classified as a “Conditional Use” by the current Zoning Code, such use shall be deemed a lawful nonconforming use. Such use may be granted a Conditional Use Permit pursuant to Section 25-5, Conditional Use Permits, if applicable criteria are met.
- B. *Uses Rendered Nonconforming.* When a use was lawfully existing as a permitted use on the effective date of the current Zoning Code and the current Zoning Code, or any amendment thereto, no longer classifies such use as a permitted use in the zoning district in which it is located, such use shall be deemed a lawful nonconforming use and shall be subject to the provisions of Section 25-7, Nonconforming Lots, Structures, and Uses.
- C. *Buildings, Structures, and Lots Rendered Nonconforming.* Where any building, structure or lot lawfully existing on the effective date of the current Zoning Code does not meet all development standards set forth in the current Zoning Code, or any amendment thereto, such building, structure, or lot shall be deemed lawfully nonconforming and shall be subject to the provisions of Section 25-7, Nonconforming Lots, Structures, and Uses.
- D. *Conditional Use Permits.*
 1. *Previously Granted Conditional Use Permits.* All Conditional Use Permits granted prior to the effective date of the current Zoning Code shall remain in full force and effect subject to the provisions of the Conditional Use Permit ordinance (including any expiration provisions) and the Zoning Code in effect at the time of the Conditional Use Permit ordinance’s adoption. Expansion or change in use shall require compliance with the current Zoning Code.

2. *Amendments.*

- a. *Amendments to the Final Site Plan.* An amendment to the Final Site Plan shall be subject to the provisions of the current Zoning Code.
 - b. *Amendments to the Conditional Use Permit Ordinance.* All amendments under Section 25-5.15.B, To Amend a Conditional Use Permit, shall be subject to the provisions of the current Zoning Code.
3. *Conditional Use Permit Applications.* An application for a Conditional Use Permit which has been declared complete for purposes of public hearing shall be subject to the provisions of the Zoning Code in effect at the time of said declaration. An application submitted but not yet declared complete for the purposes of public hearing shall be subject to the provisions of the current Zoning Code.

E. *Planned Districts.*

1. *Previously Approved Planned Districts.* A Planned District approved under a previous ordinance and retained as a Planned District on the Zoning Map shall constitute an approved Planned District, subject to the provisions of the Planned District ordinance and the Zoning Code in effect at the time of the Planned District ordinance's adoption
2. *Amendments.*
 - a. *Amendments to the Final Development Plan.* An amendment approved by the City Planner under Section 25-6.10.E, Amendments, shall be subject to the provisions in effect at the time of the Planned District ordinance's adoption. All other amendments may be subject to the provisions of the current Zoning Code at the discretion of the Planning Commission.
 - b. *Amendments to Planned District Standards and Regulations.* All modifications and amendments under Section 25-6.12, Procedure to Modify Planned District Standards and Regulations, shall be subject to the provisions of the current Zoning Code.
3. *Planned District Applications.* An application for a Conceptual Development Plan which has been declared complete for purposes of review shall be subject to the provisions in effect at the time of said declaration. An application submitted but not yet declared complete for the purposes of review shall be subject to the provisions of the current Zoning Code.

F. *Subdivisions.*

1. *Previously Approved Subdivisions.* A Preliminary Plat and/or Record Plat approved prior to the effective date of the current Zoning Code, whether or not yet recorded, shall remain in full force and effect, subject to applicable expiration provisions. Final Plats may be recorded as approved; Preliminary Plats shall be entitled to approval of a Record Plat consistent with the Preliminary Plat approval; lots in such subdivisions shall be established in their platted size and configuration as lots of record. Such lots shall be subject to use and development standards of the current Zoning Code, other than minimum yard requirements.
2. *Preliminary Plats Under Review.* A Preliminary Plat which has been declared complete for purposes of review by the City Planner shall be subject to the provisions in effect at the time of said declaration. The determination of completeness shall be made within seven (7) days of submittal. A Preliminary Plat submitted but not yet declared complete for the purposes of review shall be subject to the provisions of the current Zoning Code.

G. *Site Plans and Building Permits.*

1. *Previously Approved Site Plans and Building Permits.*

- a. A Site Plan or Building Permit approved prior to the effective date of the current Zoning Code shall remain in full force and effect, such that building and occupancy permits may be issued in accordance with the approved Site Plan or Building Permit, subject to any conditions placed upon such approval and subject to the expiration provisions in effect at the time of approval.
 - b. The foregoing shall apply only to fully detailed Site Plans and shall not apply to any portion of a parcel or development not fully detailed and expressly approved, even if shown on such plans.
2. *Site Plans and Building Permits Under Review.* A Site Plan or Building Permit application which has been declared complete for purposes of review by the City Planner shall be subject to the provisions in effect at the time of said declaration. The determination of completeness shall be made within seven (7) days of submittal. A Site Plan or Building Permit application submitted but not yet declared complete for the purposes of review shall be subject to the provisions of the current Zoning Code.

H. *Variances.*

1. *Previously Granted Variances.* All variances granted prior to the effective date of the current Zoning Code shall remain in full force and effect. However, such variance shall apply only to the specific use variance or non-use variance granted.
2. *Applications to the Board of Adjustment.* An application to the Board of Adjustment which has been declared complete for purposes of public hearing by the City Planner shall be subject to the provisions in effect at the time of said declaration. The determination of completeness shall be made within seven (7) days of submittal. An application submitted but not yet declared complete for the purposes of public hearing shall be subject to the provisions of the current Zoning Code.

Sec. 25-1.12. Purpose, Intent, Specific Intent, and Design Goals.

- A. The Zoning Code is developed under a hierarchy of guiding principles according to the Comprehensive Plan. The hierarchy is generally organized as follows, ranging from the most general to the most specific:
 1. *Purpose* – refers to the overall purpose of a section of the Zoning Code;
 2. *Intent* – refers to the general intent of a section of the Zoning Code;
 3. *Specific Intent* – refers to the specific intent of a subsection of the Zoning Code; and
 4. *Design Goals* – refers to the desired end result of standards in a section of the Zoning Code.
- B. This hierarchy should be used to guide consistent interpretation of the Zoning Code, and to guide all discretionary approvals or relief authorized under the Zoning Code.

Sec. 25-1.13. Resources, Guides, and Industry Standards.

- A. Resources, guides, and industry standards, recognized as authority in the planning and design of communities may be used as a supplement to interpreting the Zoning Code. Any use of such resource, guides, and industry standards shall be subject to the approval of the City Planner, upon a determination that the content is consistent with the Comprehensive Plan, the purpose of these regulations, and the Intent and Design Goals of any section to which they may apply.
- B. These materials may only be used to aid in the interpretation and application of these regulations, and shall not be used to modify, contradict, or in any way change the standards and requirements of these regulations.
- C. Any resource, guide, or industry standard approved by the City Planner shall be listed in Appendix C, Resources, Guides, and Industry Standards, and at least one (1) copy shall be kept on file in the Department of Community Development.

ARTICLE 2. AMENDMENTS.

Sec. 25-2.1. Authority to Amend.

The City Council shall have the authority to amend, supplement, change, modify or repeal, by ordinance, the text or map of the Zoning Code in accordance with the provisions of this article.

- A. The City Council may decide that an application for change of zoning district classification or text amendment be approved or denied for all or part of the property described in the application. The City Council may enact by ordinance such a partial granting of any application.
- B. All text and Zoning Map amendments, as described herein, shall require a simple vote by the City Council, except as otherwise noted herein.

Sec. 25-2.2. Eligible Applicants.

- A. A Zoning Code text amendment may only be initiated by:
 - 1. The City Planner or City Administrator;
 - 2. The Planning Commission on its own initiative by a motion of the Commission;
 - 3. The City Council on its own initiative;
 - 4. The Mayor on his/her own initiative;
 - 5. Any two (2) members of the City Council on their own initiative; or
 - 6. Any company, organization, governmental body or individual with a financial, contractual, or proprietary interest in property which would be affected by the proposed amendment under the procedure outlined in Section 25-2.3.B, Applications by a Company, Organization, Governmental Body, or Individual.
- B. An amendment to the Zoning Map may only be initiated by:
 - 1. The City Planner;
 - 2. The City Administrator;
 - 3. The Planning Commission on its own initiative by a motion of the Commission;
 - 4. The City Council on its own initiative;
 - 5. The Mayor on his/her initiative;
 - 6. Any two (2) members of the City Council on their own initiative; or
 - 7. The owner or owners of the subject property or their authorized representative. In the case of a site under multiple ownership, all owners must consent to the application on forms provided by the City Planner.

Sec. 25-2.3. Application for Zoning Code Text Amendment.

- A. A Zoning Code text amendment shall be submitted by an eligible applicant under Section 25-2.2, Eligible Applicants, to, or prepared by, the City Planner in accordance with all City requirements regarding the form and substance of general amendments to the Municipal Code.
- B. *Applications by a Company, Organization, Governmental Body, or Individual.* Any company, organization,

governmental body or individual with a financial, contractual, or proprietary interest in property which would be affected by the proposed amendment may propose a Zoning Code text amendment under the following procedures:

1. *Pre-Application Conference.* In order to consider a Zoning Code text amendment by a company, organization, governmental body, or individual, the City Planner shall schedule and hold a pre-application conference.
2. *Pre-Application Conference Content.* At the conference, the applicant, the City Planner or designee, and any other persons the City Planner deems appropriate to attend shall discuss the proposed text amendment. It is the applicant's responsibility to provide sufficient justification for the proposed text amendment.
3. *Finding.* The City Planner shall make a finding during the pre-application conference as to the merit of the proposed text amendment. Said finding shall be transmitted in writing to the eligible applicants of Section 25-2.2, Eligible Applicants.
 - a. *Positive Finding.* If the City Planner finds that the proposed text amendment meets the burden of proof criteria outlined in Section 25-2.7, Burden of Proof, the procedure shall proceed as per Section 25-2.5, Determination of Completeness for Hearing, once the applicant submits the following items:
 - i. *Application Form.* Completion of an authorized application form supplied by the City Planner, including any supplemental information required by that form;
 - ii. *Narrative Statement.* A written statement explaining the proposed amendment and indicating why it meets the burden of proof criteria;
 - iii. *Fees.* In all cases where an application is initiated by a private party, the application shall be accompanied by the filing and review fees as established by the City Council.
 - b. *Negative Finding.* If the City Planner finds that the proposed text amendment fails to meet the burden of proof criteria outlined in Section 25-2.7, Burden of Proof, the applicant may submit a letter to any of the other eligible applicants of Section 25-2.2, Eligible Applicants, requesting that they advance the proposed text amendment on the applicant's behalf. Should one or more of the eligible applicants agree to advance the proposed text amendment, the applicant shall be responsible for submitting the items required in Section 25-2.3.B.3.a. prior to the scheduling of a public hearing to consider the proposed amendment

Sec. 25-2.4. Application for Zoning Map Amendment.

Procedures for application of a Zoning Map amendment shall be as follows:

- A. *Pre-Application Conference.* Prior to submittal of an application for a Zoning Map amendment, the City Planner shall schedule and hold a pre-application conference.
 1. *Purpose.* The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant with the applicable provisions of the Zoning Code, the Comprehensive Plan, infrastructure requirements, and any other issues that may affect the applicant's proposal.
 2. *Pre-Application Conference Content.* At the conference, the applicant, the City Planner or designee, and any other persons the City Planner deems appropriate to attend shall discuss the proposed development. The applicant shall provide a description of the character, location, and magnitude of the proposed development and any other supporting documents, such as maps, drawings, models, and the type of application. It is the applicant's responsibility to provide sufficiently detailed plans and descriptions of the proposal. Based upon the information provided by the applicant and the provisions of this Code, the parties should discuss in general the proposed development and the applicable requirements and standards of the Zoning Code and

Comprehensive Plan.

3. *Informal Evaluation Not Binding.* The informal evaluation of the City Planner and staff provided at the conference are not binding upon the applicant or the City, but are intended to serve as a guide to the applicant in making the application and advising the applicant in advance of the formal application of issues which may be presented to the appropriate decision-making body.
 4. *Application Required within Six (6) Months.* After a pre-application conference has been held, an application must be completed within six (6) months or sooner if required by the City Planner due to changing conditions. If an application is not filed within such timeframe, a new pre-application conference shall be required prior to filing an application, unless waived by the City Planner.
- B. *Submittal Requirements.* An application for a Zoning Map amendment shall be submitted to, or prepared by, the City Planner and shall include the following:
1. *Application Form.* Completion of an authorized application form supplied by the City Planner, including any supplemental information required by that form;
 2. *Narrative Statement.* A written statement on how and why the proposed Zoning Map amendment conforms with the Comprehensive plan, and any other specific plan or program officially approved under the guidance of the Comprehensive Plan;
 3. *Legal Description.* A legal description of the property sealed by a land surveyor;
 4. *Boundary Map.* A scaled map of the property showing:
 - i. Boundaries correlated with the legal description; and
 - ii. A location map clearly showing the property's relative location.
 5. *Zoning Map.* A map depicting the proposed zone district in relation to all adjacent property within a minimum of three hundred (300') feet of the property to be rezoned;
 6. *Existing Land Use Analysis.* A narrative analysis of the existing land uses adjoining the property to be rezoned, accompanied by a map of the existing land uses;
 7. Any other information as may be required by the City Planner;
 8. *Fees.* In all cases where an application is initiated by a private party, the application shall be accompanied by the filing and review fees as established by the City Council.

Sec. 25-2.5. Determination of Completeness for Hearing.

- A. Within seven (7) days of receipt of an application and supporting documents for a Zoning Code text amendment or Zoning Map amendment, the City Planner shall determine whether it is complete for purposes of public hearing. The application is complete for hearing if it includes all of the materials required in either Section 25-2.3, Application for Zoning Code Text Amendment, or Section 25-2.4, Application for Zoning Map Amendment, as applicable.
- B. If the application is incomplete, it shall be returned to the applicant. The applicant shall have a period of thirty (30) days to either re-submit or notify the City Planner of a pending re-submittal. If the re-submittal or notification of a pending re-submittal are not received within this period, the application shall be deemed withdrawn.

Sec. 25-2.6. Public Hearing.

Upon determination by the City Planner that the application is complete for hearing, a public hearing shall be

scheduled in accordance with Section 25-3, Public Notice.

Sec. 25-2.7. Burden of Proof.

In assessing the relevance or acceptability of a Zoning Code text or map amendment application, the burden of proof in justifying the request shall rest with the applicant to clearly establish that the proposed amendment meets the following criteria:

- A. Zoning Code text amendments shall meet the following criteria:
 - 1. The proposed amendment is either consistent with, or advances the implementation of the Comprehensive Plan;
 - 2. The proposed amendment is consistent with the purposes of the Zoning Code;
 - 3. The proposed text amendment will maintain the internal consistency of the Zoning Code and will not compromise the intent of the section being amended; and
 - 4. The proposed text amendment will not compromise or circumvent the intent or design goals of any other section of the Zoning Code.

- B. Zoning Map amendments shall meet the following criteria:
 - 1. The proposed map amendment is in accordance with the general development characteristics and policies of the Comprehensive Plan, and any other plan or program of the City adopted under the general guidance of the Comprehensive Plan;
 - 2. The proposed map amendment is in accordance with the general development patterns and character of the neighborhood or Planning District in which the land is located;
 - 3. The proposed map amendment is in the interest of the public health, safety, and welfare;
 - 4. The proposed map amendment is consistent with the purpose of the proposed new zoning district and is consistent with the purpose of all adjacent existing zoning districts; and
 - 5. The plans submitted in association with the map amendment meet all standards established within the Zoning Code for the proposed zoning district.

Sec. 25-2.8. Actions Subsequent to Public Hearing.

- A. Subsequent to and within thirty (30) days of the closure of the public hearing, the City Planner shall submit a report to the Planning Commission for consideration.
- B. Within sixty (60) days of receipt of the City Planner's report, the Planning Commission shall take action on the request.
- C. These timeframes may be extended or waived upon mutual consent of the City Planner, Planning Commission, and applicant.

Sec. 25-2.9. Approval or Denial.

- A. *Recommendations of Approval or Denial.*
 - 1. If the Planning Commission recommends approval, the City Planner shall prepare the appropriate legislation for consideration by the City Council.

2. If the Planning Commission recommends denial, the City Planner shall so notify the applicant and the City Clerk. If no appeal is filed with the City Clerk, the application shall be deemed denied.

B. *Appeal of Recommendation of Denial.*

1. Upon the recommendation of denial by the Planning Commission of an application, the applicant may file an appeal with the City Clerk.
2. A notice of appeal shall be filed within ten (10) days after the Planning Commission's recommendation is received by the City Council.
3. An appeal shall be in writing and shall be filed in duplicate.
4. The applicant shall have an additional thirty (30) days to file the actual appeal.
5. The applicant shall state how the application, as initially filed or subsequently modified, meets the criteria set forth in these regulations.

C. *City Council Decision.*

1. In any case, subsequent to the proper notification as described above, the council may affirm, reverse, or modify, in whole or in part, any determination of the Planning Commission. An affirmative vote of two-thirds (2/3) of the City Council shall be required to reverse a recommendation to deny an amendment or modify any recommendation of the Planning Commission.
2. The City Council may decide that an application for a Zoning Map amendment be approved or denied for all or part of the property described in the application.
3. All text and Zoning Map amendments, as described herein, shall require a simple vote by the City Council except as otherwise noted.

Sec. 25-2.10. Protest of the Planning Commission's Decision.

- A. A protest against a proposed text or Zoning Map amendment may be presented, duly signed and acknowledged by the owners of thirty (30%) percent or more of the land area (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eight-five (185) feet distant from the boundaries of the property upon which the action is requested. A notice of protest must be filed within ten (10) days following the Planning Commission's decision, be in writing, filed in duplicate with the City Clerk, and accompanied by the signatures (duly acknowledged) and addresses of the property-owners involved. The notice of protest shall further include a notarized verification from the person(s) collecting the protestant's signatures that all signatures are correct and real. The protest shall specifically state how the application, as initially filed, or subsequently modified, fails to meet the criteria set forth in this Code.
- B. *City Council Decision Upon Protest.* In any case, subsequent to proper notification, the Council may affirm or modify, in whole or in part, any protested proposed text or map amendment. An affirmative vote of two-thirds (2/3) of the City Council shall be required to approve a protested amendment.

Sec. 25-2.11. Withdrawal.

Any amendment request, regardless of its source of initiation, may be withdrawn upon receipt by the City Planner of written notice by the applicant at any point in the approval process, prior to final action by the City Council.

Sec. 25-2.12. Reapplication.

In the event that an application to amend the Zoning Code or Zoning Map is denied by the City Council, a reapplication for the purposes of further review of the same application shall not be accepted by the Planning Commission until six

(6) months following the date of final action on the original application has elapsed, unless it can be shown to the satisfaction of the City Planner that substantial new evidence not available during review of the original application will be presented.

ARTICLE 3. PUBLIC NOTICE.

Sec. 25-3.1. Purpose.

It is the purpose of this section to establish procedures for informing and notifying the residents of the City regarding proposed Zoning Map and Zoning Code text amendments, Conditional Use Permit requests, proposed Comprehensive Plan amendments, appeals to the Board of Adjustment, and proposed vacations of public easements or rights-of-way in accordance with Section 23-3, Procedure to Vacate Public Easements or Rights-of-Way, of the Municipal Code.

Sec. 25-3.2. Determination of Hearing Date.

A schedule shall be established by and maintained in the Department of Community Development indicating meeting dates and tentative hearing schedule.

Sec. 25-3.3. Notice of Public Hearing.

- A. For proposed Zoning Map and Zoning Code text amendments, Conditional Use Permit requests, proposed Comprehensive Plan amendments, and appeals to the Board of Adjustment, a notice of public hearing must be published at least once in a newspaper of general circulation, commencing not more than thirty (30) days nor less than fifteen (15) days prior to the hearing date.
- B. For proposed vacations of public easements or rights-of-way in accordance with Section 23-3, Procedure to Vacate Public Easements or Rights-of-Way, of the Municipal Code, a notice of public hearing shall be published at least once in a newspaper of general circulation, commencing not less than thirty (30) days prior to the hearing date.
- C. Notice shall contain the name of the applicant making the application, the specific action being requested, the time, date, and place of the hearing, and a general description of the location of the property.
- D. It shall be the responsibility of the City Planner to prepare and submit for publication said notice.

Sec. 25-3.4. Public Posting of Notice.

- A. For proposed Zoning Map amendments, Conditional Use Permit requests, appeals to the Board of Adjustment, the City Planner shall cause the posting of the subject property by erecting a sign.
- B. For proposed Comprehensive Plan amendments which are limited to a planning district or specific neighborhood, the City Planner shall cause the posting of the area by erecting a sign.
- C. For proposed vacations of public easements or rights-of-way in accordance with Section 23-3, Procedure to Vacate Public Easements or Rights of Way, of the Municipal Code, the City Planner shall cause the posting of a sign on the subject property and/or abutting property as necessary.
- D. Said sign shall be placed upon said land at least fifteen (15) days prior to the public hearing for proposed Zoning Map amendments, Conditional Use Permit requests, appeals to the Board of Adjustment, and Comprehensive Plan Amendments and at least thirty (30) days prior to the public hearing for proposed vacations of public easements or rights-of-way.
- E. Said sign shall be posted upon said land at a point nearest to the right-of-way of any street or roadway abutting such land, so as to be clearly visible to the traveling public.

Sec. 25-3.5. Notification of Abutting Property Owners.

- A. For proposed Comprehensive Plan amendments which are limited to a planning district or specific neighborhood, the City Planner shall notify all owners of record by mail within three hundred (300) feet from each boundary of the subject property, not less than fifteen (15) days prior to the established hearing date.

- B. Not less than fifteen (15) days prior to the established hearing date for proposed Zoning Map amendments, Conditional Use Permit requests, or appeals to the Board of Adjustment, and not less than thirty (30) days prior to the established hearing date for proposed vacations of public easements of rights-of-way in accordance with Section 23-3, Procedure to Vacate Public Easements or Rights of Way, of the Municipal Code, the City Planner shall notify all owners of record by mail within three hundred (300) feet from each legal boundary of the subject property.

Sec. 25-3.6. Fees/Advertising Costs.

In addition to the filing fees established by the City Council, and deposits on the cost of advertising, the applicant shall reimburse the City for any additional advertising and mailing costs related to public hearings.

Sec. 25-3.7. Re-opening of Public Hearing.

The Planning Commission, subsequent to the closure of the public hearing, may re-open the public hearing, including requiring the notice and advertisement of the hearing, if it is found that:

- A. The application process has been suspended, delayed or discontinued due to the lack of response by the applicant;
or
- B. The application has been substantially amended or revised; or
- C. The application has been substantially impacted by the action or lack of action by a public or quasi-public agency.

ARTICLE 4. SITE PLAN REVIEW.

Sec. 25-4.1. Scope.

No person shall commence any use or erect, convert, place, enlarge, reconstruct, or structurally alter any structure without first obtaining the approval of a site plan by the City Planner, excepting the following:

- A. Interior alterations to buildings and structures where no exterior site modifications are proposed and/or required to comply with the provisions of the Zoning Code.
- B. Improvements within a public right-of-way for or by any governmental agency, excepting any bus shelter and those improvements required in conjunction with a site development plan as stated elsewhere in this section.
- C. Development activities that are regulated by the Subdivision Code.

Sec. 25-4.2. Site Plan Review.

Site plans shall be reviewed and approved by the City Planner. The City Planner, the City Engineer, the Director of Community Development, or the Floodplain Administrator shall review the plans in accordance with the following:

- A. Site plan compliance with Zoning Code requirements shall be determined by the City Planner. The City Planner or his/her designee shall review:
 - 1. The internal traffic and pedestrian circulation system, including the location, nature, extent, construction and design of internal driveway lanes (including multiple-family access streets), parking lots, driveways to or through parking lots, and any other facilities that provide vehicular access to the buildings, structures, and improvements upon a given lot or tract;
 - 2. Landscaping, including recontouring, building of earth berms, vegetative covering, screening or other material alterations of the site as deemed appropriate to enhance areas outside the public right-of-way or to preserve the integrity of adjacent properties; and
 - 3. Additional characteristics of site design, as deemed appropriate.
- B. The City Engineer or his/her designee shall review the right-of-way, pavement required, curb cuts, storm sewers, and other design features of abutting public streets or private or new streets, other than multiple-family access drives within the development connecting the development with a major street or streets.
- C. Additional streets may be required for the public health, safety and welfare, when determined necessary by the City Engineer. On such streets, the City Engineer shall determine the requirements for rights-of-way, street width, width of curb cuts, street trees, sidewalks, and any other improvements in adjacent rights-of-way where not covered by the Subdivision Code of the City of Maryland Heights.
- D. At such times as a development is proposed adjacent to a street that has been accepted and maintained by the City, or proposed for acceptance and maintenance by the City, that street shall be improved in accordance with the City of Maryland Heights standards. The cost of improvement of and the dedication of half of the right-of-way adjacent to the proposed development shall be included in the overall development improvements. Single-family dwellings and accessory buildings or structures on previously subdivided parcels shall be exempt from this requirement.
- E. The Director of Community Development or his/her designee shall review the plans for compliance with the various codes and ordinances related to grading, drainage, silt control, and other applicable requirements.
- F. The Floodplain Administrator shall review the plans for compliance with the various codes and ordinances related to floodplain (as it affects the development).

- G. Bus shelters shall be reviewed by the City Planner and City Engineer for compliance with the standards set forth in Section 25-20, Bus Shelters.
- H. All requirements of the Metropolitan St. Louis Sewer District (MSD) and/or other governing agency shall be satisfied.
- I. Verification of necessary approvals from MSD, the applicable fire district, St. Louis County Department of Transportation, the Missouri Department of Transportation (MoDOT), and/or the Missouri Department of Natural Resources (MoDNR), and any other governing agency shall be required prior to approval of the site plan.

Sec. 25-4.3. Site Plan Requirements.

For a site plan to be accepted for review, the following information shall be either placed on the site plan or on a separate sheet accompanying the plan:

A. *Accessory Buildings or Structures:*

1. Location map, north arrow, and graphic plan scale.
2. Zoning district, subdivision name, lot number, and zoning of adjacent parcels where different than site.
3. Name, address, and telephone number of the person or firm submitting the plan and the person or firm who desires the review comments forwarded to them.
4. Actual shape, location, and dimensions (distances and bearings) of the lot drawn in accordance with an accurate boundary line survey.
5. Location and identification of all existing and proposed easements.
6. Proposed building line and setback requirements.
7. Shape, size and location of all buildings or other structures to be erected, altered or moved, and of any existing building or structure. The distance to adjacent property lines shall be indicated.
8. Direction of the slope or drainage indicated by arrows as applicable.

B. *Single-Family Dwellings.*

1. All information required in Section 25-4.3.A, Accessory Buildings or Structures.
2. Existing and proposed contour lines or elevations based on mean sea level datum at vertical intervals of not more than two (2) feet, including established street grades and proposed finish grades at the foundation walls of all new structures. Floodplain and wetland areas shall be delineated.
3. Elevation of top of foundation of primary structure and finish floor of garage and basement where applicable.
4. Sanitary sewage treatment and stormwater drainage facilities, including the location of septic fields.
5. Dimensions of existing and proposed roadway pavement and right-of-way width for streets abutting the site.
6. Approximate location of existing and proposed sidewalks.
7. Professional seals affixed to every sheet in a set of documents in accordance with the standards of the Missouri Board for Architects, Professional Engineers and Land Surveyors. The City Planner and the City Engineer shall determine when and what type of seals are appropriate.

8. Review fees as established by the City Council.

C. *Multi-Family Dwellings, Non-Residential Buildings, and Other Development.*

1. All information required in Section 25-4.3.A, Accessory Buildings or Structures, and Section 25-4.3.B, Single-Family Dwellings.
2. Off-street parking spaces, required and proposed, including the number, size and location of those designated for the handicapped.
3. Existing and proposed landscaping, including name and size of plant material. In addition, projects meeting the applicable criteria of Section 25-16.3, Scope, shall be required to submit a Landscaping Plan prepared in accordance with Section 25-16.5, Landscape Plan Requirements.
4. Location and size of existing and proposed freestanding signs.
5. A lighting plan prepared in accordance with Section 25-18.4, Lighting Plan, as applicable.
6. Approximate location of any stormwater detention facilities, sink holes and springs, silt berms, ponds and other silt control facilities.
7. If a new building is proposed, exhibits sufficient for the City Planner to determine compliance with Section 25-13, Building Design Standards. Such exhibits may include architectural elevations, renderings, photographs, or sketches.
8. *Additional Information.* The City Planner and City Engineer may request additional information to be placed on the site plan beyond the requirements listed above or preparation of a complete improvement plan set. Improvement plans shall conform to the City of Maryland Heights standards regarding the preparation of improvement plans found in the City Subdivision Code.

Sec. 25-4.4. Waiver of Site Plan Requirements.

If the City Planner finds that any of the site plan requirements contained in Section 25-4.3, Site Plan Requirements, are unnecessary for the purposes of review and approval, the City Planner may waive or amend the specific requirements for each the following:

- A. A site plan or Final Site Plan for projects which involve little or no exterior site improvements.
- B. A site plan submitted in conjunction with permit applications for signs, accessory structures, landscaping-related structures, fences, decks, pools, or retaining walls.
- C. Contour information may be waived for sites with less than three (3) feet of elevation change over the entire site.

ARTICLE 5. CONDITIONAL USE PERMITS.

Sec. 25-5.1. Purpose.

The purpose of the Conditional Use Permit is to:

- A. Provide for uses that require specific consideration in each case because of the nature of the use and its impact on adjoining tenants or residences, the adjacent property and neighborhood, or City in general.
- B. Establish specific design standards and restrictions on the operation of the use to mitigate potential adverse effects on surrounding properties.
- C. Provide a regulatory mechanism to ensure compliance with the established design standards and conditions.

Sec. 25-5.2. Scope.

- A. Conditional uses are land uses which are considered by the City to be desirable or convenient to the community, but which by their nature or operation have:
 - 1. A tendency to generate excessive traffic;
 - 2. A potential for attracting a large number of persons, thus creating noise or other pollutants;
 - 3. A detrimental effect upon the value or potential development of other properties in the neighborhood; and/or
 - 4. An extraordinary potential for accidents or danger to public health or safety.
- B. Conditional uses shall be established within their respective districts. (See Appendix B, Land Use and Required Parking Matrix, for a listing of uses that are conditional [C] in each district)

Sec. 25-5.3. Eligible Applicants.

- A. A Conditional Use Permit may be initiated by:
 - 1. The owner or owners of record;
 - 2. The owner or owners under contract;
 - 3. A lessee or tenant. Said lessee or tenant shall submit written verification to the City Planner from the owner or owners of the subject tract grants permission to apply for the Conditional Use Permit; or
 - 4. The authorized representative of the owners or lessee.
- B. In the case of a site under multiple ownership, all owners must consent to the application on forms provided by the City Planner.

Sec. 25-5.4. Application.

Procedures for application of a Conditional Use Permit shall be as follows:

- A. *Pre-Application Conference.* Prior to submission of an application for a Conditional Use Permit, the City Planner shall schedule and hold a pre-application conference.
- B. *Submittal Requirements.* An application for a Conditional Use Permit for a specific tract of land shall be submitted to the City Planner and shall include the following:

1. Application Form. Completion of an authorized application form supplied by the City Planner, including all supplemental information required by that form.
2. Fees. Filing and review fees, as established by the City Council.
3. Metes and Bounds Legal Description of the Property.
4. Narrative. A written narrative of the overall development proposal that:
 - a. Explains the proposed project and/or operation in detail;
 - b. Demonstrates consistency with the Comprehensive Plan; and
 - c. Indicates how and why the proposed conditional use conforms to the applicable standards set forth in the Zoning Code.
5. Traffic Impact Analysis.
 - a. The City Planner shall determine that a traffic study is necessary based on information presented at the pre-application conference.
 - b. Traffic studies are required for all applications for Motor Vehicle Oriented Businesses in the City.
 - c. The specific requirements of a traffic study shall be determined by the City Planner with technical review by the City Engineer, if needed.
 - d. The traffic study is subject to the review of the City's traffic consultant.
 - e. The developer is responsible for the cost of the review by the City's traffic consultant.
6. Site Plan. A site plan which shall contain not less than the information required for site plan review as established in section 25-4.3, Site Plan Requirements.
7. Stormwater Analysis.
 - a. A stormwater analysis shall be required for all applications in the Maryland Park Lake District.
 - b. The analysis shall determine the following:
 - i. The project's compliance with:
 - The City's overall stormwater plan for the Maryland Park Lake District;
 - The Howard Bend Levee District's adopted stormwater conveyance plan; and
 - The Metropolitan St. Louis Sewer District's stormwater management guidelines and regulations.
 - ii. The project's impact on the stormwater plans.
 - iii. Assessment of benefits to the project provided by the stormwater plans.
 - iv. Assessment of benefits provided to the stormwater plans by the project.
 - c. The developer may elect to have the City's stormwater consultant prepare the analysis or the developer may choose to have another qualified stormwater engineer prepare the study, which the City will have reviewed by their stormwater consultant.

- d. The developer is responsible for the cost of the analysis prepared by the City's consultant or the review by the City's stormwater consultant.

Sec. 25-5.5. Waiver of Site Plan Requirements.

At the pre-application conference, the City Planner may find that one or more of the informational requirements are unnecessary for the purposes of review and approval and may waive or amend those requirements.

Sec. 25-5.6. Determination of Completeness for Hearing.

- A. Within seven (7) days after receipt of an application and supporting documents, the City Planner shall determine whether it is complete for purposes of conducting a public hearing. The application is complete for hearing if it includes all of the materials required in Section 25-5.4.B, Submittal Requirements.
- B. Upon determination by the City Planner that the application is incomplete for hearing, the City Planner shall notify the applicant. The applicant shall either re-submit or notify the City Planner of a pending re-submittal within a period of thirty (30) days. If the re-submittal or notification of a pending re-submittal are not received within this period, the application shall be deemed withdrawn without prejudice.

Sec. 25-5.7. Public Hearing.

Upon determination by the City Planner that the application is complete for hearing, a public hearing on the application for a Conditional Use Permit shall be scheduled in accordance with Section 25-3, Public Notice.

Sec. 25-5.8. Burden of Proof.

In presenting any application for a Conditional Use Permit, the burden of proof shall rest with the applicant to clearly establish that the proposed conditional use shall meet the following criteria:

- A. *Consistency*. The conditional use is deemed consistent with good planning practice in that it:
 1. Advances the goals, objectives, and policies of the Comprehensive Plan;
 2. Advances the purpose and intent of the underlying zoning district; and
 3. Meets the requirements contained in the Zoning Code for the specific use.
- B. *Operational Impacts*. The conditional use can be operated in a manner that is not detrimental to the permitted developments and uses in the district. In determining the impacts of the proposed use on surrounding properties, the following factors shall be considered:
 1. Noise;
 2. Odor;
 3. Traffic;
 4. Operational schedule; and/or
 5. Other similar factors related to the nature of the operation.
- C. *Visual Impacts*. The conditional use can be developed and operated in a manner that is both visually compatible with the permitted uses in the surrounding area and protects or enhances the public viewshed. In determining the visual impact of the proposed use on surrounding properties, the following factors shall be considered:
 1. *Density*. Either the number of units and/or site coverage in respect to the immediate neighborhood;
 2. *Massing and Scale*. The location, floor area, and/or height of the structures associated with the proposed conditional use; and

3. *Screening and Buffers.* The use of landscaping, fencing, setbacks, or other design features to mitigate the visual impact of the proposed conditional use.
- D. *General Welfare.* The conditional use is deemed essential, convenient, or desirable to preserve and promote the public health, safety, and general welfare of the City of Maryland Heights.
- E. *Infrastructure.* Adequate facilities either exist or will be provided, including but not limited to:
 1. Access;
 2. Parking and loading;
 3. Emergency services;
 4. Utilities; and
 5. Drainage.

Sec. 25-5.9. Actions Subsequent to Public Hearing.

- A. Subsequent to and within thirty (30) days of the closure of the public hearing, the City Planner shall submit a report to the Planning Commission for consideration. The report shall include any or all of the following:
 1. Background information and findings on the burden of proof criteria.
 2. Comments of all agencies and city departments to whom the plan was forwarded for review.
 3. Appropriate legislation for consideration, including all conditions.
- B. Within sixty (60) days of receipt of the City Planner's report, the Planning Commission shall take action on the Conditional Use Permit request.
- C. Upon written request by the applicant, the City Planner and Planning Commission may consider a waiver or extension of these timeframes. Timeframes may be adjusted upon mutual consent of the City Planner, Planning Commission, and applicant.

Sec. 25-5.10. Approval or Denial.

Planning Commission action shall consist of one (1) of the following:

- A. *Recommendation of Approval.* The Planning Commission may recommend approval of the Conditional Use Permit as submitted or with amendments. To recommend approval, the Planning Commission must find that the applicant has established that the use meets the burden of proof criteria. The Commission shall adopt a resolution containing their findings, which shall be transmitted to the City Council with their recommendation. In recommending approval, the Planning Commission shall impose such conditions it determines necessary. Said conditions shall include but not be limited to the following:
 1. Conditioned uses.
 2. Minimum requirements for final site plan.
 3. Maximum floor area.
 4. Height limitations.
 5. Minimum yard requirements.
 6. Access and roadway improvements adjacent to the site.
 7. Off-street parking and loading requirements.
 8. Lighting regulations.
 9. Sign regulations.
 10. Stormwater and sanitary sewer requirements.
 11. Landscaping requirements.
 12. Architectural treatments.
 13. Operational schedule.

14. Performance standards.
15. Time limitations for commencement of construction or expiration of permit.

B. *Denial.* The Planning Commission may deny the Conditional Use Permit for reasonable cause and reserves full authority to deny any request for a conditional use.

1. A denial for a Conditional Use Permit for the installation, construction, or modification of antennae or antenna-support structures shall be supported by substantial evidence contained in a written record to the extent required by federal law.
2. The City Planner shall prepare a report indicating the Planning Commission's decision and the Commission shall adopt a resolution containing their findings and conclusions, both of which shall be transmitted to the City Council. The applicant may appeal the Planning Commission's denial in accordance with the provisions of this section. If no appeal is filed within the time period established, the application shall be deemed denied.

C. *Notification.* In any case, the applicant shall be notified in writing of the Commission's action.

Sec. 25-5.11. Council Review.

Within sixty (60) days of receipt of the Planning Commission's recommendation, the City Council may, by majority vote, approve the Conditional Use Permit as recommended by the Planning Commission or approve the plan with amendments by two-thirds (2/3) majority vote. If the recommendation fails to receive the necessary vote, it shall be deemed denied. When approving the request, the City Council's findings shall be included in the adopted ordinance. When denying the request, the City Council shall adopt a resolution containing their findings and conclusions. The City Council reserves full authority to deny any request for a conditional use.

Sec. 25-5.12. Permit Effective; When.

The Conditional Use Permit shall become effective upon approval by the City Council in accordance with the procedures of this Code. In the event that an application for a Conditional Use Permit is filed in conjunction with a change of zoning, the Permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change. In the event that some additional approval is required by some other governmental authority or agency, the permit shall not become effective until that approval is received.

Sec. 25-5.13. Appeal, Protest, or Council Review of Planning Commission Decision.

A. *Protest of the Planning Commission's Recommendation.* A protest against a proposed conditional use may be presented, duly signed and acknowledged by the owners of thirty (30) percent or more of the areas of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the property upon which the conditional use will be located. A notice of protest must be filed within ten (10) days following the Planning Commission's decision, be in writing, filed in duplicate with the City Clerk, and accompanied by the signatures (duly acknowledged) and addresses of the property owners involved. The notice of protest shall further include a notarized verification from the person(s) collecting the protestant's signatures that all signatures are correct and real. The protest shall specifically state how the application, as initially filed, or subsequently modified, fails to meet the criteria set forth in this Code.

B. *Appeal of Denial.* Upon denial by the Planning Commission of an application, the applicant may file an appeal with the City Council requesting a determination by that body. A notice of appeal shall be filed within ten (10) days after the Planning Commission's report is received by the City Council at a regular meeting. An appeal shall be in writing and shall be filed in duplicate with the City Clerk. The applicant shall have an additional thirty (30) days to file the actual appeal. The appeal shall specifically state how the application, as initially filed or subsequently modified, meets the criteria set forth in these regulations.

C. *City Council Decision upon Appeal or Protest.* In any case, subsequent to proper notification as described above, the City Council may affirm, reverse, modify, in whole or in part, any determination of the Planning Commission.

An affirmative vote of two-thirds (2/3) of the City Council shall be required to reverse or modify any decision by the Planning Commission. When approving the request, the City Council's findings shall be included in the adopted ordinance. When denying the request, the City Council shall adopt a resolution containing their findings and conclusions. The City Council reserves full authority to deny any request for a conditional use.

Sec. 25-5.14. Final Site Plan.

- A. *Applicability.* No building permits or authorization for improvement or development for any use requested under provisions of the Conditional Use Permit shall be issued prior to approval of the required Final Site Plan.
- B. *Specific Application Procedures.* Subsequent to the effective date of the Conditional Use Permit, the Final Site Plan shall be submitted for review and approval to the City Planner in accordance with Section 25-4, Site Plan Review. The plans shall contain the minimum requirements established in the conditions governing the permit.
- C. The approved Final Site Plan shall be retained on file in the office of the City Planner.

Sec. 25-5.15. Amendments.

- A. To amend the Final Site Plan of an existing Conditional Use Permit:
 - 1. An eligible applicant under Section 25-5.3, Eligible Applicants, shall submit an amended Final Site Plan to the Department of Community Development for review. The City Planner shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
 - 2. If the City Planner determines that the proposed amendment to the Final Site Plan is not in conflict with the original proposal as advertised and the Final Site Plan meets all conditions of the Conditional Use Permit, the City Planner may approve said amended Final Site Plan. The approved plan shall be retained on file in the office of the City Planner.
 - 3. If the City Planner determines that the proposed amendment to the Final Site Plan is not consistent in purpose and content with the original proposal as advertised and with the conditions of the Conditional Use Permit, the City Planner shall so report to the applicant and the Planning Commission. The Planning Commission shall review the proposed Final Site Plan amendment and make a final determination. The Planning Commission may, if it deems necessary, require a new public hearing on the matter in accordance with procedures specified in Section 25-3, Public Notice.
- B. *To Amend a Conditional Use Permit.* In order to amend the specific requirements contained within an existing Conditional Use Permit, the procedure shall be as follows:
 - 1. An eligible applicant under Section 25-5.3, Eligible Applicants, shall submit a written request to amend conditions to the City Planner for review. The City Planner shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
 - 2. The City Planner shall then forward the request and a report to the Planning Commission. The Planning Commission shall review the proposed amendments and file a report with the City Council in which the Commission shall recommend to grant, deny or modify the requested conditions amendment. If the Planning Commission determines that the requested amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require a new public hearing on the matter in accordance with the procedures specified in Section 25-3, Public Notice.

Sec. 25-5.16. Guarantee of Improvements.

After the approval of the site/improvement plans but prior to the issuance of any building permit or permit authorizing the use of the property in question, the developer shall enter into an agreement with the City guaranteeing the completion of all public improvements in accordance with Section 24-4.3, Improvements Installed or Guaranteed, of the Subdivision Code.

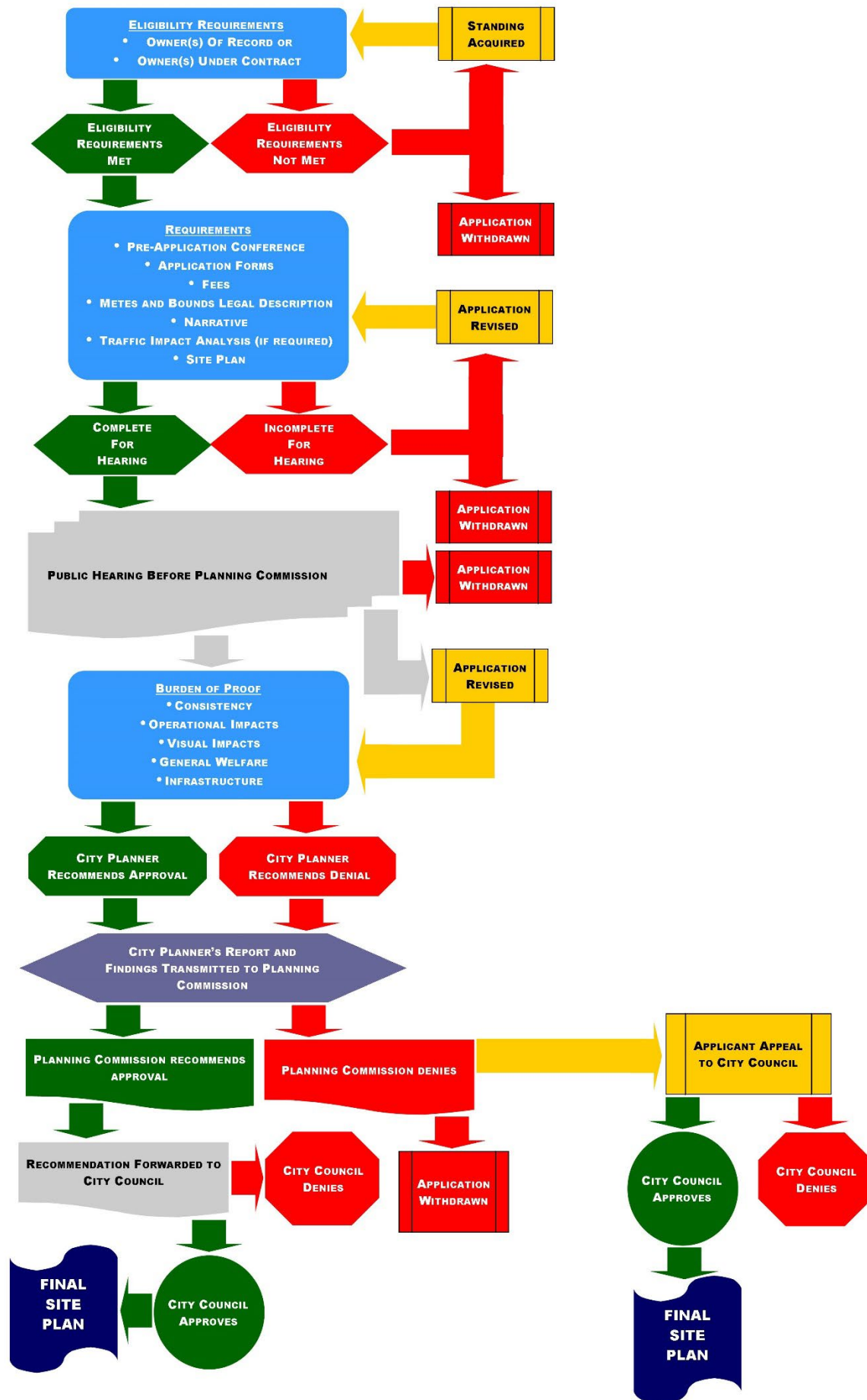
Sec. 25-5.17. Time Limit of Conditional Use Permit.

Conditional Use Permits shall be valid for an unlimited period unless any of the following applies:

- A. *A Lesser Period is Provided in a Particular Permit.* Upon the expiration of the time limit specified in a particular permit, the property owner may request that the Conditional Use Permit be reviewed by the City Council, which may extend it for an unlimited period or for a specified additional period of years. If no extension of time is received or granted within six (6) months subsequent to the expiration of the time limit specified in a particular Conditional Use Permit, the permit shall terminate.
- B. *Final Site Plan is not Submitted.* In the event the Final Site Plan is not submitted within the time limits specified in the ordinance enacting the Conditional Use Permit, the Permit shall lapse and the use of the land thereafter shall conform to the use permitted in the zoning district in which it is located.
- C. *Failure to Commence Construction.* Unless otherwise stated in the Conditional Use Permit, substantial work or construction shall commence within two (2) years of the effective date of the Permit, unless such time period is extended through appeal to and approval by the Planning Commission. If no extension of time is received or granted within six (6) months subsequent to the two (2) year period following the effective date of the Conditional Use Permit, the Permit shall terminate. As applied to new structures, substantial work or construction shall include initial site grading and commencement of sanitary and storm sewer installation, as applicable. For existing structures that are to be modified, substantial work or construction shall include any changes that initiate a building inspection as required by the City's Building Code.
- D. *Noncompliance.*
 - 1. The City Council shall have the authority to revoke a Conditional Use Permit for violation of the conditions upon written notice of said violations to the owner and occupant. The aforesaid owner and occupant may within thirty (30) days of said notice request a hearing before the City Council. The burden of proof of said violation shall be upon the City.
 - 2. In addition to the City Council's authority above, the Building Commissioner may cause a summons to be issued to the owner and occupant of the premises for violations of the Conditional Use Permit to appear in the Municipal Court of Maryland Heights to answer as in any other violations of this Zoning Code as specified in Section 25-10.2, Violation(s) of Zoning Code.
- E. *Abandonment.* If a use authorized by a Conditional Use Permit is abandoned, vacated and/or not utilized for a period of one (1) year, the permit shall lapse and the use of the land thereafter shall conform to the use permitted in the zoning district in which it is located. The property owner shall be required to remove or treat in a safe manner approved by the building commissioner all flammable materials, storage tanks and/or storage areas, if any are located on the site.

Sec. 25-5.18. Development of Permitted and Conditional Uses on the Same Tract of Land.

- A. Nothing shall prevent the establishment of land uses authorized by Conditional Use Permit on the same tract of land as one (1) or more permitted land uses. However, the use authorized by Conditional Use Permit shall abide by the conditions of the permit and the permitted land use shall adhere to the regulations of the governing zoning district.
- B. A permitted land use existing at the time of submittal of a site plan for a use authorized by Conditional Use Permit shall be shown on the plan.
- C. No permitted use shall at any time cause the violation of any condition imposed by a Conditional Use Permit.



ARTICLE 6. PLANNED DISTRICTS.

Sec. 25-6.1. Purpose.

The purpose of Planned Districts is to encourage the unified and harmonious improvement of land and buildings under a single plan of development.

Sec. 25-6.2. Intent.

- A. A Planned District is intended to provide the developer greater flexibility in the planning and development of projects than the current zoning district while retaining City control over the development process.
- B. The intent of Planned Districts is to facilitate the following development objectives:
 - 1. Encourage sustainable development.
 - 2. Provide flexibility in the development of property.
 - 3. Insure consistency with the Comprehensive Plan.
 - 4. Encourage efficient use of land.
 - 5. Provide for effective development of public facilities and services for the site.
 - 6. Encourage the use of design features to achieve development that is compatible with the current and future character of the area.
 - 7. Allow for creative design approaches.
- C. To accomplish these intentions, Planned Districts will facilitate the following:
 - 1. Encourage a mixture of land uses compatible with the surrounding neighborhoods.
 - 2. Create a variety of housing compatible with surrounding neighborhoods in terms of density and types of living environment.
 - 3. Promote flexibility by allowing the placement of more than one (1) main or primary building on a single lot or parcel.
 - 4. Encourage large scale and well planned development.

Sec. 25-6.3. Relationship of Planned Districts to Zoning Map.

- A. *A Mapped District.* The "PD" designation shall not be attached to existing use districts as an overlay. The "PD" designation as detailed in this section is a separate zoning district and applied to a specific parcel or parcels of land.
- B. *Plan Approval Required.* No development or redevelopment of the property designated as Planned District shall take place until a Final Development Plan has been reviewed and approved in conformance with the requirements of this section.
- C. *Types of Planned Districts.* All areas of the City designated "PD" shall be assigned one of the following district classifications which shall be considered a separate use district and subject to the specific restrictions and limitations outlined in this section.
 - 1. Planned District - Residential (PDR)--Planned developments involving residential use only.

1. Identify, at the conceptual development phase, the consistency of the proposed Planned District with the Comprehensive Plan and the Zoning Code.
 2. Facilitate the review process.
 3. Provide guidance to the applicant to avoid undue expense or time delay.
- B. *Applicability.* The Conceptual Development Plan provides the graphic representation that will be used by the City Planner in conjunction with other reports, materials, and documents, as set forth herein, to determine the consistency of the proposed Planned District with the Comprehensive Plan and Zoning Code.
- C. *Pre-Application Conference.* Prior to the submission of the Conceptual Development Plan, the City Planner shall schedule and hold a pre-application conference.
- D. *Submittal Requirements.* An application for a Conceptual Development Plan shall be submitted to the City Planner and shall include the following:
1. *Application Form.* Completion of an authorized application form supplied by the City Planner, including any supplemental information required by that form.
 2. *Conceptual Development Plan.* A Conceptual Development Plan depicting the proposed land use categories in geographic relation to one another with the proposed Planned District.
 3. *Narrative.* A written narrative of the overall development proposal that demonstrates consistency with the Comprehensive Plan.
 4. *Development Schedule.* A development schedule identifying the following, including, but not limited to:
 - a. Each land use category.
 - b. Total land area for each use.
 - c. Percentage of each land use category.
 - d. Gross floor area.
 - e. Percentage of open space (landscaping, stormwater basins).
 5. *Transportation Report.* A report, prepared by a competent entity as determined by the City Planner under standards of admissibility established in Section 536.070 of the Missouri Revised Statutes that examines why the plan is consistent with the Transportation element of the Comprehensive Plan.
 6. *Stormwater Management Report.* A report prepared by a competent entity as determined by the City Planner under standards of admissibility established in Section 536.070 of the Missouri Revised Statutes that explains why the plan is consistent with either the Stormwater Management Plan for the Maryland Park Lake District or standards established by the Metropolitan St. Louis Sewer District.
 7. *Fees.* Filing and review fees as established by the City Council.
- E. *Determination of Completeness.*
1. Within seven (7) days after receipt of a Conceptual Development Plan and supporting documents, the City Planner shall determine whether it is complete for purposes of review. The application is complete for purposes of review if it includes all of the materials required in Section 25-6.6.D, Submittal Requirements, and provides sufficient information for the City Planner to make a determination of consistency.
 2. If the plan is incomplete, it shall be returned to the applicant. The applicant shall either re-submit or notify the City Planner of a pending re-submittal within a period of thirty (30) days. If the re-submittal or notification of a pending re-submittal are not received within this period, the application shall be deemed

withdrawn without prejudice.

- F. *Review Criteria.* There are no specific review criteria for a Conceptual Development Plan, however, the following sources shall serve as guidance for the development concepts:
1. The Comprehensive Plan, including the goals and policies of the planning area and/or district where the property is located, and any other plan or program of the City adopted under the general guidance of the Comprehensive Plan;
 2. The purpose, intent and design goals of any of the zoning and/or planning districts serving as the basis for the plan; and
 3. The design standards contained within the Zoning Code that are applicable to the site. Where alternative site standards are proposed, they shall require clear evidence that they do an equal or better job of meeting the design standards contained in the Zoning Code.
- G. *Determination of Consistency.*
1. The City Planner shall prepare a finding, including background analysis and rationale, as to why the proposed Conceptual Development Plan is either consistent, not inconsistent, or inconsistent with Section 25-6.6.F, Review Criteria. This finding shall be transmitted to the applicant within thirty (30) days after the application has been declared complete for purposes of review.
 2. Within fifteen (15) days of transmission of the City Planner's finding, the applicant may:
 - a. Accept the finding and request that the Planning Commission conduct a public hearing according to procedures established in Section 25-3, Public Notice;
 - b. Request a thirty (30) day extension to modify the request and/or submit additional information prior to the scheduling of a public hearing; or
 - c. Withdraw the request.
 3. Within thirty (30) days after the public hearing, The Planning Commission shall take action on the Conceptual Development Plan. Planning Commission action shall consist of one of the following:
 - a. *Approve the Conceptual Development Plan.* If the Commission approves the Conceptual Development Plan, the applicant may then file a Preliminary Development Plan in accordance with Section 25-6.7, Preliminary Development Plan;
 - b. *Approve the Conceptual Development Plan with Conditions.* If the Commission approves the Conceptual Development Plan with conditions, the applicant may then file a Preliminary Development Plan in accordance with Section 25-6.7, Preliminary Development Plan that addresses the Commission's conditions of approval; or
 - c. *Deny the Conceptual Development Plan.*
 4. *Appeal of Denial.* Upon denial by the Planning Commission of a Conceptual Development Plan, the applicant may file an appeal with the City Council requesting a determination by that body. A notice of appeal shall be filed within ten (10) days after the Planning Commission renders their decision. An appeal shall be in writing and shall be filed in duplicate with the City Clerk accompanied by a filing fee as established by the City Council. The applicant shall have an additional thirty (30) days to file the actual appeal. The appeal shall specifically state how the Conceptual Development Plan, as initially filed or subsequently modified, meets the requirements of Section 25-6.6.F, Review Criteria.

Sec. 25-6.7. Preliminary Development Plan.

- A. *Applicability.* Any rezoning to a Planned District shall require approval of a Preliminary Development Plan as provided herein. A Preliminary Development Plan shall be used to set the development standards for the Planned District.
- B. *Submittal Requirements.* Upon approval of a Conceptual Development Plan, an application may be submitted to the City Planner for a Preliminary Development Plan. This application shall include the following:
1. *Application Form.* Completion of an authorized application form supplied by the City Planner, including any supplemental information required by that form.
 2. *Narrative Statement.* A narrative statement which:
 - a. Explains how the Preliminary Development Plan addresses the issues identified in the City Planner's Consistency Review and/or the conditions included in the Planning Commission's resolution approving the Conceptual Development Plan.
 - b. Explains and justifies any specific modifications from the approved Conceptual Development Plan.
 - c. Explains and justifies any modifications requested from the standards of the Zoning Code.
 3. *Preliminary Development Plan.* A Preliminary Development Plan, indicating compliance with the regulations, or indicating the applicability of alternative design standards associated with specific parcels or districts on the development site. The Preliminary Development Plan shall include or illustrate the following:
 - a. Legal description of property.
 - b. The location of all existing or proposed structures relative to existing or proposed lot lines.
 - c. The location of the tract in relation to the surrounding area.
 - d. All existing and proposed streets, roads, and approximate location of wet and dry weather watercourses, floodplain areas, sinkholes, wetlands, and other significant physical features within the tract and within one hundred fifty (150) feet thereof.
 - e. A north arrow and graphic scale.
 - f. Direction of and approximate distance to nearest existing major street intersection.
 - g. An outboundary plat of the tract with a land surveyor's seal.
 - h. Existing and proposed contours at vertical intervals of not more than two (2) feet referred to sea level datum. Floodplain and wetland areas shall be delineated.
 - i. A minimum of two (2) cross section profiles through the site showing preliminary building form, existing natural grade, and proposed final grade.
 - j. Proposed ingress and egress to the site, including adjacent streets.
 - k. The location and number of all parking and loading spaces.
 - l. Preliminary plan for provision of public utilities, including sanitary sewer, water, electric, natural gas and telephone.
 - m. A preliminary grading and drainage plan, demonstrating conformance with stormwater management

design standards

n. Other detailed information and data as deemed necessary by the City Planner.

4. *Traffic Impact Analysis.*

- a. The City Planner shall determine that a traffic study is necessary based on information presented at the pre-application conference.
- b. Traffic studies are required for all applications for Motor Vehicle Oriented Businesses in the City and for all applications for Planned Districts in the Maryland Park Lake District
- c. The specific requirements of a traffic study shall be determined by the City Planner with technical review by the City Engineer, if needed.
- d. The traffic study is subject to the review of the City's traffic consultant.
- e. The developer is responsible for the cost of the review by the City's traffic consultant.

5. *Development Schedule.* A specific development schedule indicating the following, including, but not limited to:

- a. The mix of uses.
- b. Types of buildings.
- c. Amounts of open space and parking expressed in both gross floor area and percentage of total development.

6. *Open Space Plan.* A plan including, but not limited to, the following:

- a. A conceptual plan for landscaping.
- b. Location and details, illustrations, or renderings of any open, public, and civic spaces proposed.
- c. Details, illustrations, or renderings of streetscape designs.

7. *Building Rendering.* At least one artistic concept rendering or illustration of each typical building type and how it will relate to streetscapes and open spaces.

8. *Communications with Agencies.* A report detailing all communications and/or meetings held with any agencies, including City departments, which have jurisdiction over, or provide services to, the site including the status of any applications filed with said agencies.

9. *Stormwater Analysis.*

- a. A stormwater analysis shall be required for all applications in the Maryland Park Lake District.
- b. The analysis shall determine the following:
 - i. The project's compliance with:
 - The City's overall stormwater plan for the Maryland Park Lake District;
 - The Howard Bend Levee District's adopted stormwater conveyance plan; and
 - The Metropolitan St. Louis Sewer District's stormwater management guidelines and regulations.
 - ii. The project's impact on the overall stormwater plans.
 - iii. Assessment of benefits to the project provided by the overall stormwater plans.

- iv. Assessment of benefits provided to the overall stormwater plans by the project.
 - c. The developer may elect to have the City's stormwater consultant prepare the analysis or the developer may choose to have another qualified stormwater engineer prepare the study, which the City will have reviewed by their stormwater consultant.
 - d. The developer is responsible for the cost of the analysis prepared by the City's consultant or the review by the City's stormwater consultant.
10. *Fees.* Filing and review fees as established by the City Council.
- C. *Waiver of Submittal Requirements.* If the City Planner finds that any of the Preliminary Development Plan submittal requirements are unnecessary for the purposes of review and approval, the City Planner may waive or amend the specific requirements.
- D. *Determination of Completeness for Hearing.*
 1. Within seven (7) days after receipt of a Preliminary Development Plan and supporting documents, the City Planner shall determine whether it is complete for purposes of conducting a public hearing. The application is complete for hearing if it includes all of the materials required in Subsection 25-6.7.B, Submittal Requirements.
 2. If the plan is incomplete, it shall be returned to the applicant. The applicant shall have a period of thirty (30) days to either re-submit or notify the City Planner of a pending re-submittal. If the re-submittal or notification of a pending re-submittal are not received within this period, the application shall be deemed withdrawn.
 3. Upon determination by the City Planner that said plan is complete, developer shall prepare and submit the required number of copies of the Preliminary Development Plan deemed necessary by the City Planner.
- E. *Public Hearing Required.* Upon determination that the Preliminary Development Plan is complete for hearing, a public hearing shall be scheduled, in accordance with Section 25-3, Public Notice.
- F. *Review Criteria.* Preliminary Development Plans shall be reviewed according to the following criteria:
 1. The plan shall meet the following criteria:
 - a. The proposed plan is in substantial conformance with the approved Conceptual Development Plan;
 - b. The proposed plan is in substantial compliance with the policies of the Comprehensive Plan, including those of the planning district where the property is located, and any other plan or program of the City adopted under the general guidance of the Comprehensive Plan;
 - c. The proposed plan is in the interest of the public health, safety, and welfare;
 - d. The plan meets the standards and intent of all regulations regarding public facilities and public spaces;
 - e. The proposed plan meets the criteria of all land use categories proposed under the plan; and
 - f. The plans, elevations, regulations, codes, and development guidelines submitted in association with the Preliminary Development Plan meet all regulatory standards and design goals for all applicable elements, unless modifications are made as outlined by Section 25-6.8.B, Modifications.
- G. *Specific Application Procedures.* Approval of a Preliminary Development Plan application shall result in the rezoning of the property to a Planned District and shall authorize the preparation of a Final Development Plan.

H. *Actions Subsequent to Public Hearing.*

1. Subsequent to and within thirty (30) days of the closure of the public hearing, the City Planner shall submit a report to the Planning Commission for consideration. The report shall include any or all of the following:
 - a. Background information and findings.
 - b. Comments of all agencies and city departments to whom the plan was referred for review.
 - c. Appropriate legislation for consideration, including all conditions of the Planned District.
2. Within sixty (60) days of receipt of the City Planner's report, the Planning Commission shall take action on the Planned District.
3. These timeframes may be extended or waived upon mutual consent of the City Planner, Planning Commission, and applicant.

Sec. 25-6.8. Approval or Denial.

Planning Commission action shall consist of one of the following:

- A. *Recommendation of Approval.* The Planning Commission may recommend approval of the Planned District as submitted or with amendments. The Commission, at their discretion, may also request additional information at this step, depending on the scale of the development. In recommending approval of development conditions, the Planning Commission shall impose such conditions it determines necessary. Said conditions shall include, but not be limited to, the following:
 1. Permitted uses, including number of units and/or maximum square footage of proposed buildings.
 2. Height limitations.
 3. Minimum yard requirements.
 4. Off-street parking and loading requirements.
 5. Road improvements adjacent to and within the site.
 6. Performance standards.
 7. Sign regulations.
 8. Minimum requirements for site plan.
 9. Time limitations for commencement of construction.
- B. *Modifications.* The Planning Commission may recommend, and the City Council may approve, modifications to the regulations and guidelines applicable to the plan, through the Preliminary Development Plan approval process, if it is found that the modifications:
 1. Incorporate sound planning principles and design elements compatible with surrounding properties and consistent throughout the proposed project and Planned District;
 2. Effectively utilize the land upon which the development is proposed;
 3. Further the intent and design goals of the Planned District proposed under the plan better than a plan that does not contain modifications;

4. Meet the intent or design goals of the standards or guidelines which are modified, as well or better than a plan that does not contain modifications; and
 5. Include modifications which are the minimum necessary to implement the proposed development plan.
- C. *Permitted and Conditional Uses.* The Planning Commission may specify the permitted and conditional uses for the Planned District that are not contained in Appendix “B” Land Use and Required Parking Matrix of the Zoning Code, if the Commission finds those uses are consistent with the Comprehensive Plan of the City of Maryland Heights.
- D. *Denial.* The Planning Commission may deny the Planned District for reasonable cause. The City Planner shall prepare a report to the City Council indicating the Planning Commission's decision. The developer may appeal the Planning Commission's denial in accordance with the provisions of this section. If no appeal is filed as permitted within the time period established, the application shall be deemed denied.
- E. *Notification.* In any case, the developer shall be notified in writing of the Commission's action.
- F. *Council Review.* Within sixty (60) days of receipt of the Planning Commission's recommendation, the City Council shall take action on the Planned District. Council action shall consist of one of the following:
- a. *Approval.* The City Council may, by majority vote, approve the Planned District as recommended by the Planning Commission or approve the plan with amendments by two-thirds (2/3) majority vote.
 - b. *Denial Procedure.* The City Council may consider an appeal filed by the applicant in accordance with procedures described in this section. If the denial of the Planned District is upheld by the Council, the developer may resubmit a new plan to the Planning Commission as described in this section.
- G. *Planned District; Effective When.* The Planned District shall become effective upon approval by the City Council.

Sec. 25-6.9. Appeal, Protest, or Council Review of Planning Commission Recommendation or Decision.

- A. *Protest of the Planning Commission Recommendation.* A protest against a proposed Planned District may be presented, duly signed and acknowledged by the owners of thirty (30%) percent or more of the area of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the property upon which the Planned District will be located. A notice of protest must be filed within ten (10) days following the Planning Commission's decision, be in writing, filed in duplicate with the City Clerk and accompanied by the signatures (duly acknowledged) and addresses of the property-owners involved. The notice of protest shall further include a notarized verification from the person(s) collecting the protestants signatures that all signatures are correct and real. The protest shall specifically state how the application, as initially filed, or subsequently modified, fails to meet the criteria set forth in this chapter.
- B. *Appeal of Denial:* Upon denial by the Planning Commission of an application, the applicant may file an appeal with the City Council requesting a determination by that body. A notice of appeal shall be filed within ten (10) days after the Planning Commission's report is received by the City Council at a regular meeting. An appeal shall be in writing and shall be filed in duplicate with the City Clerk accompanied by a filing fee as established by the Council. The applicant shall have an additional thirty (30) days to file the actual appeal. The appeal shall specifically state how the application, as initially filed or subsequently modified, meets the criteria set forth in these regulations.
- C. *City Council Decision upon Appeal or Protest.* In any case, subsequent to proper notification as described above, the City Council may affirm, reverse, modify, in whole or in part, any determination of the Planning Commission. Such action shall be taken within thirty (30) days from receipt of said appeal or protest. An affirmative vote of two-thirds of the City Council shall be required to reverse or modify any recommendation by the Planning

Commission.

Sec. 25-6.10. Final Development Plan.

- A. *Applicability.* No person shall develop any land or construct any structures within a Planned District without first obtaining approval of a Final Development Plan.
- B. *Submittal Requirements.* An application for a Final Development Plan shall be submitted to the City Planner and shall include the following:
1. *Application.* A completed application form supplied by the City, including any supplemental information required by that form.
 2. *Narrative.* A narrative statement on how and why the plan conforms with the Preliminary Development Plan, including all associated development guidelines approved with the Preliminary Development Plan.
 3. *Final Development Plan.* A Final Development Plan including:
 - a. All information required in Section 25-6.7.B.3, Preliminary Development Plan;
 - b. Any additional information required by the Planned District ordinance; and
 - c. Other detailed information and data as deemed necessary by the City Planner.
 4. *Fees.* Filing and review fees as established by the City Council.
- C. *Review Criteria.* A Final Development Plan shall be reviewed according to the following criteria:
1. Compliance with the conditions of the ordinance under which approval of the Planned District was granted;
 2. Substantial conformance with the approved Preliminary Development Plan; and
 3. Whether any deviations proposed from the Preliminary Development Plan are:
 - a. The minimum deviation to fulfill the development concept approved in the Preliminary Development Plan;
 - b. Necessary because of site conditions that could not have reasonably been discovered at the preliminary stage; and
 - c. In conformance with all other criteria for approval of the Preliminary Development Plan.
- D. *Specific Application Procedures.* The procedures for review of a Final Development Plan application shall be the same as those for a Site Plan application.
- E. *Amendments.* In order to amend the Final Development Plan of an existing Planned District, the procedure shall be as follows:
1. An eligible applicant under Section 25-6.5, Eligible Applicants, shall submit an amended Final Development Plan to the Department of Community Development for review. The City Planner shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
 2. If the City Planner determines that the proposed amendment to the Final Development Plan is not in conflict with the original proposal as advertised and the plan meets all the conditions of the Planned District, the City

Planner may approve said amended plan. The approved plan shall be retained on file in the office of the City Planner.

3. If the City Planner determines that the proposed amendment to the Final Development Plan is not consistent in purpose and content with the original proposal as advertised and with the conditions of the Planned District, he shall so report to the applicant and the Planning Commission. The Planning Commission shall review the proposed plan amendment and make a final determination. The Planning Commission may, if it deems necessary, require a new public hearing on the matter in accordance with procedures specified in Section 25-3, Public Notice.

Sec. 25-6.11. Recording.

Prior to the issuance of any building permit or permit authorizing the use of the property in question, the property owner shall record a copy of the Final Development Plan with the St. Louis County Recorder of Deeds. Said plan shall include a legal description of the tract and a script which indicates its correlation with the Planned District. Following the recording of the Final Development Plan, two original copies of the plan bearing the St. Louis County Recorder's signature, seal, and notation as to plat book and page shall be returned to the City Planner before any permits for any manner of construction shall be issued. Failure to record the Final Development Plan within the time specified in the conditions of the ordinance enacting the Planned District shall cause approval of the plan to terminate.

Sec. 25-6.12. Procedure to Modify Planned District Standards and Regulations.

In order to amend the standards and regulations of an existing Planned District, the procedure shall be as follows:

- A. An eligible applicant under Section 25-6.5, Eligible Applicants, shall submit a written request to amend or modify the Planned District to the City Planner. The City Planner shall evaluate the request and determine the appropriate course of action based upon the nature and scope of the proposed modification or amendment.
- B. *Minor Modifications.*
 1. Minor modifications are those which involve:
 - a. An update or clarification to the ordinance requirements; or
 - b. Minor corrections or adjustments to land use;
 2. *Submittal Requirements.* The applicant shall submit the following to the City Planner:
 - a. A narrative, site plan, and/or other exhibits necessary to explain, illustrate, and justify the requested modifications.
 - b. *Fees.* Filing and review fees as established by the City Council.
 3. *City Planner Action.* The City Planner shall forward the request and his/her report to the Planning Commission for review and recommendation. No public hearing is required.
 4. *Planning Commission Action.* The Planning Commission may:
 - a. Recommend to the City Council that the requested modifications be granted, denied, or modified; or
 - b. Find that the request is a major amendment as per Section 25-6.12.C, Major Amendments.
 5. *City Council Action.* City Council action shall be as per Section 25-6.8.F, Council Review.
- C. *Major Amendments.*

1. Major amendments are those which represent a significant deviation from the nature of the development as presented at public hearing and authorized by the Planned District ordinance, as determined by the City Planner or Planning Commission. Such amendments include, but are not limited to, those which would result in:
 - a. The addition of a more intense use or uses within the Planned District;
 - b. Significant modifications to the operation of a use or uses;
 - c. Significant changes in the visual character of the Planned District; or
 - d. A significant increase in traffic generation or parking.
 2. *Submittal Requirements.*
 - a. The applicant shall submit a Conceptual Development Plan as per Section 25-6.6.D, Submittal Requirements, to the City Planner.
 - b. Subsequent to approval of, or in conjunction with the Conceptual Development Plan, the applicant shall submit a Preliminary Development Plan as per Section 25-6.7.B, Submittal Requirements, to the City Planner.
 3. *Review and Approval Process.*
 - a. Review and approval of the Conceptual Development Plan shall be as per Section 25-6.6, Conceptual Development Plan.
 - b. Review of the Preliminary Development Plan shall be as per Section 25-6.7, Preliminary Development Plan. However, at the request of the City Planner, the Planning Commission may hold public hearings for the Conceptual Development Plan and Preliminary Development Plan simultaneously.
 - c. Approval or denial of the request shall be as per Section 25-6.8, Approval or Denial, of the Zoning Code.
- D. Requested amendments which involve a complete departure from the uses or development presented at public hearing and authorized by the Planned District ordinance, as determined by the City Planner or Planning Commission, shall require the same submittal, review, and approval procedures as a new Planned District.

Sec. 25-6.13. Guarantee of Improvements.

After the approval of the Final Development Plan but prior to the issuance of any building permit or permit authorizing the use of the property in question, the developer shall enter into an agreement with the City guaranteeing the completion of all public improvements in accordance with Section 24-4.3, Improvements Installed or Guaranteed, of the Subdivision Code.

Sec. 25-6.14. Limitations.

- A. *Failure to Commence Construction.* Unless otherwise stated in the development conditions, substantial work or construction shall commence within two (2) years of the effective date of the Planned District, unless such time period is extended through appeal to and approval by the Planning Commission. If no extension of time is received or granted within six (6) months subsequent to the two (2) year period following the effective date of the Planned District, the Planning Commission shall review any changes in the Zoning Map brought by the proposed development. If the commission finds said changes to be inappropriate, the commission shall recommend to the City Council that the map be revised in accordance with the procedures for changes and amendments. As used in this section, substantial work or construction shall include final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary and storm sewers as applicable.

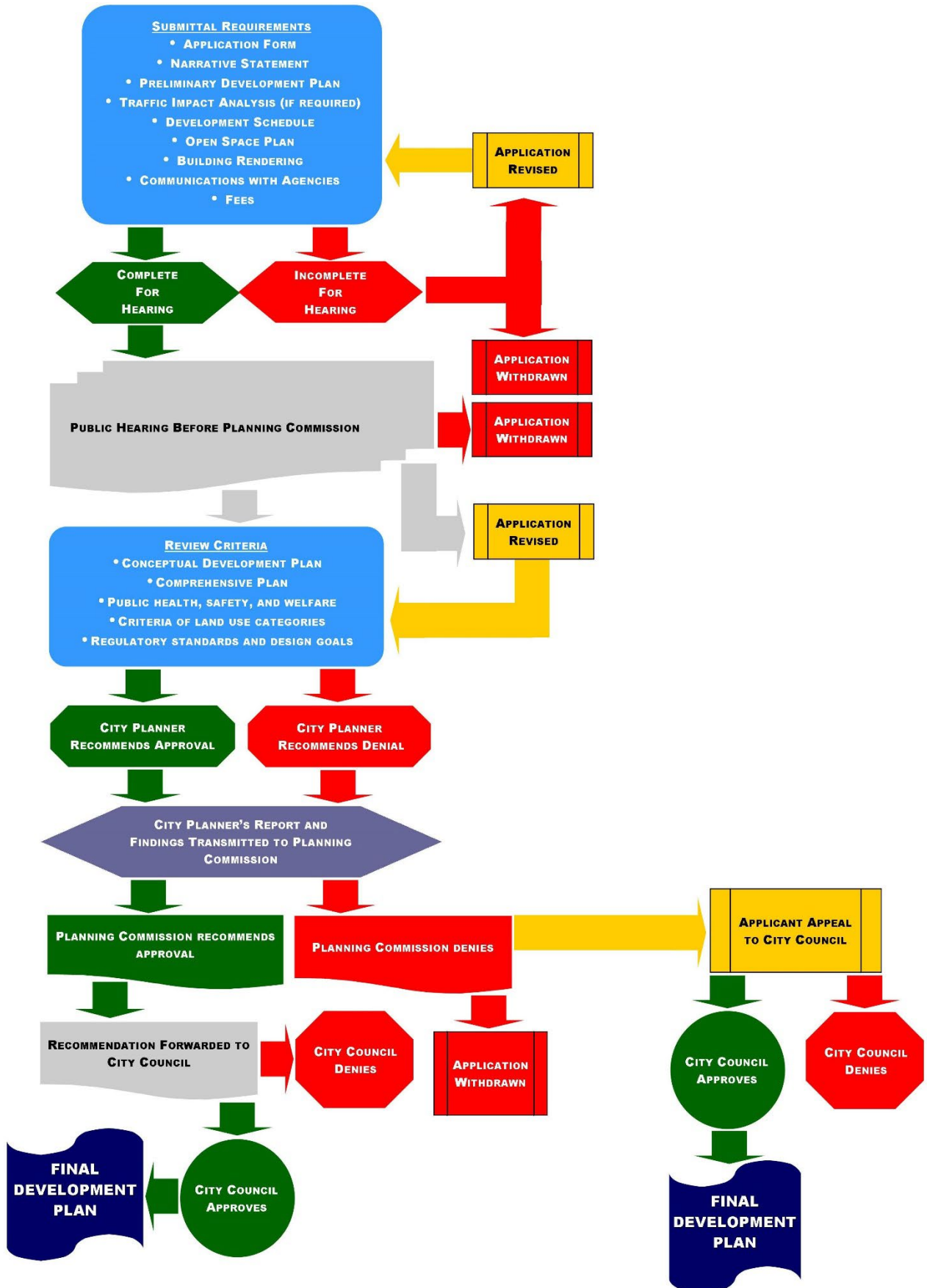
- B. *Abandonment.* In the event the Final Development Plan is not submitted within the time limits specified in the ordinance enacting the Planned District or a use authorized by a Planned District is abandoned, vacated and/or not utilized for a period of two (2) years, the zoning amendment may be terminated. If no extension of time is received or granted within six (6) months subsequent to the expiration of the two (2) year period, the Planning Commission shall review any changes in the Zoning Map brought by the proposed development. If the Commission finds said changes to be inappropriate, the Commission shall recommend to the City Council that the map be revised in accordance with the procedures for changes and amendments.

- C. *Extension of Development Schedule.* The owner or owners may, at any time, apply to the Planning Commission for an extension of the development schedule. Such extension shall be acted upon by the Planning Commission, however, said extension shall not exceed twelve (12) months in duration.

Conceptual Development Plan Process Flowchart



Preliminary Development Plan Process Flowchart



ARTICLE 7. NONCONFORMING LOTS, STRUCTURES, AND USES.

Sec. 25-7.1. Purpose.

The purpose of this section is to provide regulations for nonconforming lots, structures, and uses. These regulations are necessary in that such nonconformities may:

- A. Be incompatible with and detrimental to permitted land uses and structures in the zoning districts in which they are situated.
- B. Inhibit present and future development of nearby properties.
- C. Confer upon their owners and users a position of unfair advantage.

Sec. 25-7.2. Intent.

It is the intent of this section to:

- A. Ensure, to the greatest extent practical, that nonconformities are not expanded; and
- B. Encourage nonconformities to be abolished or reduced to conformity as quickly as the fair interest to the parties will permit.

Sec. 25-7.3. Scope.

- A. The provisions of this section shall apply to all nonconforming lots, structures, and uses as defined in Appendix A, Rules and Definitions.
- B. Regulations for nonconforming motor vehicle oriented businesses (MVOB) shall be as per Section 25-23.2, Nonconforming Motor Vehicle Oriented Businesses.
- C. Specific regulations for nonconforming signs shall be as per Section 25-15.7, Nonconforming Signs, of the Zoning Code.
- D. In the event right-of-way acquisition by a governmental agency causes a property or its improvements to be in violation of provisions of the Zoning Code, said property shall be exempt from said provisions to the extent said violation is caused by the right-of-way acquisition, subject to the following:
 1. Property which undergoes a change in zoning district initiated by the property owner subsequent to right-of-way acquisition shall no longer be subject to this exemption and shall be treated as nonconforming pursuant to the provisions of this Section rather than exempt as provided above. However, a zoning change initiated by the City shall not cause a property to lose the exemption provided by this section for properties affected by right-of-way acquisitions.
 2. Nothing provided in this provision shall be construed to permit any obstruction which may create a traffic safety hazard as determined by the City Engineer or any other safety hazard as determined by the Building Commissioner. However, said obstructions may be relocated as close as possible inside the new property line.

Sec. 25-7.4. General Regulations.

- A. *Construction.* Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun in good faith prior to the date this Zoning Code, or any amendment thereto, became effective, if such construction is diligently prosecuted to completion within two (2) years following such date. Actual construction is hereby defined to include the placing of the construction materials so that they are in a permanent position and fastened to the earth in a permanent

manner.

- B. An existing nonconformity shall not cause further departures from the Zoning Code.
- C. An existing nonconformity may be continued except as hereinafter limited in this section.
- D. The number of dwelling units in a nonconforming residential structure shall not be increased over the number of dwelling units in the structure at the time of the structure becoming a nonconforming structure.
- E. The existence of any present nonconformity anywhere in the City shall not itself be considered grounds for the issuance of a variance for other property.

Sec. 25-7.5. Change to Another Use.

A nonconforming use may be changed to another use only in accordance with the following:

- A. The new use may be one that is permitted in the district in which the nonconformity is situated, provided that the new use complies with the regulations of that district; or
- B. The new use may be one that is permitted in the most restrictive district in which the nonconforming use is a permitted use, provided that the new use complies with the regulations of that district. For the purpose of this paragraph, a permitted use is a use listed as a permitted land use under one of the districts of this chapter, excluding the Planned Districts, and does not include a use which may be authorized by a Conditional Use Permit.
- C. Where any change is proposed to be made to a use that is permitted in the district only by a Conditional Use Permit, such change may be made only through a Conditional Use Permit granted pursuant to the procedure delineated by this Code.

Sec. 25-7.6. Relocation.

- A. A nonconforming use shall not be moved to another part of a lot or outside the lot.
- B. A nonconforming use of a structure shall not be moved to any part of the structure not manifestly arranged and designed for such use at the time the use became nonconforming.
- C. *Exception.* In the case of extraction of raw materials from the earth, extraction operations and moving of related structures may occur on any part of the tract owned or leased by the operator at the time of becoming a nonconforming use.

Sec. 25-7.7. Enlargement, Alteration, or Reconstruction.

A nonconforming use, structure, or any part of a structure thereof devoted to a nonconforming use, shall not be enlarged, extended, reconstructed, or structurally altered, except:

- A. As may be required by law.
- B. In changing the use to one which is permitted in the zoning district in which such use is situated.
- C. To the extent hereinafter permitted.
- D. To provide off-street parking or loading spaces.

Sec. 25-7.8. Damaged or Substandard Structures.

- A. Nothing in this Code shall be deemed to prohibit the restoration of any structure and its use where such structure has been destroyed by any means out of the control of the owner to an extent less than sixty (60%) percent of its

replacement value (excluding the value of the land, the cost of preparation of land, and the value of any foundation adaptable to a conforming use) at the time of destruction, provided the restoration of such structure and its use:

1. In no way increases any former nonconformity; and
 2. Is begun within six (6) months of such destruction and diligently prosecuted to completion within two (2) years following such destruction.
- B. Whenever such structure has been destroyed by any means out of the control of the owner to an extent of more than sixty (60%) percent of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any foundation adaptable to a conforming use) at the time of destruction, as determined by the Building Commissioner, or by any means within the control of the owner to any extent whatsoever, the structure shall not be restored except in full conformity with all regulations of the district in which such structure is situated.
- C. When a structure is determined to be substandard by the Building Commissioner under any applicable ordinance of the City and the cost of placing the structure in condition to satisfy the standards under such ordinance shall exceed sixty (60%) percent of the reconstruction cost of the entire structure, such nonconforming structure shall not be restored for the purpose of continuing a nonconforming use.
- D. None of the restrictions contained in this section shall limit the authority of the Board of Adjustment to grant relief for reconstruction of a nonconforming structure.
- E. *Parking*. Whenever a single-family dwelling has been destroyed to an extent of more than sixty (60%) percent of its replacement value (excluding the value of the land and the cost of preparation of land) at the time of destruction, as determined by the Building Commissioner, the number of required enclosed garage spaces shall be those on site at the time of the destruction. If the dwelling has an attached carport, it may be replaced or restored as per Section 25-12.11.E, Replacement or Restoration.

Sec. 25-7.9. New Construction or Replacement of Existing Structures on Nonconforming Lots.

Construction of new structures or replacement of existing structures on nonconforming lots shall not be deemed an expansion, enlargement, or alteration as used in this section subject to the following conditions:

- A. Said structures do not reduce the minimum required front or side yard, or exceed the maximum lot coverage. However, for any included corner lot, the required setbacks and maximum lot coverage shall be those in effect as of September 6, 2001.
- B. The non-conforming lot has a minimum of seventy (70%) percent of the required lot width.
- C. The nonconforming lot has a minimum of eighty (80%) percent of the required lot depth.
- D. The nonconforming lot has a minimum of eighty (80%) percent of the required lot area.

Sec. 25-7.10. Additions to Residential Structures on Nonconforming Lots.

Additions to or replacement of existing residential structures on nonconforming lots located in a Single-Family Residential District ("R-1" through "R-5"), shall not be deemed an expansion, enlargement, or alteration as used in this section subject to the following conditions:

- A. Said additions or replacement do not reduce the minimum required front or side yard.
- B. Unless further decreased by provision "D" below, the required rear setback for corner lots shall be:
 1. "R-1" Single-Family Residential Zoning District.
 - a. Rear Yard.

- i. Principal Structure—Not less than twenty-five (25) feet.
 - ii. Unroofed and Unenclosed Deck, Pool, or Accessory Structure—Not less than fifteen (15) feet.
- 2. “R-2” Single-Family Residential Zoning District.
 - a. Rear Yard.
 - i. Principal Structure—Not less than twenty (20) feet.
 - ii. Unroofed and Unenclosed Deck, Pool, or Accessory Structure—Not less than twelve (12) feet.
- 3. “R-3” Single-Family Residential Zoning District.
 - a. Rear Yard.
 - i. Principal Structure—Not less than fifteen (15) feet.
 - ii. Unroofed and Unenclosed Deck, Pool, or Accessory Structure—Not less than eight (8) feet.
- 4. “R-4” Single-Family Residential Zoning District.
 - a. Rear Yard.
 - i. Principal Structure—Not less than fifteen (15) feet.
 - ii. Unroofed and Unenclosed Deck, Pool, or Accessory Structure—Not less than six (6) feet.
- 5. “R-5” Single-Family Residential Zoning District.
 - a. Rear Yard.
 - i. Principal Structure—Not less than fifteen (15) feet.
 - ii. Unroofed and Unenclosed Deck, Pool, or Accessory Structure—Not less than six (6) feet.

C. Said additions may reduce the rear setback to a distance no less than the average rear setback of the other residential properties:

- 1. On the same block face in the same subdivision; or
- 2. Within three hundred (300) feet of the subject property, whichever is less.

D. Said additions or improvements are limited to:

- 1. An enclosed or open deck;
- 2. An attached garage or garage addition;
- 3. A detached accessory structure not exceeding five hundred (500) square feet in area;
- 4. Room additions;
- 5. Inground or above ground pools.

Sec. 25-7.11. Abandonment of Nonconforming Uses.

A. Any nonconforming use which has been abandoned shall not thereafter be re-established. Any structure or land, or structure and land in combination, which was formerly devoted to a nonconforming use which has been

abandoned, shall not again be devoted to any use other than those uses which are permitted in the district in which the structure or land, or structure and land in combination, is situated.

- B. The term "abandonment," as used herein, shall mean the voluntary discontinuance of a use:
1. For a period of twelve (12) consecutive months, in the case of a structure, or of a structure and land in combination; or
 2. For a period of ninety (90) consecutive days, or for a total of six (6) months during any one (1) year period, in the case of land only.

ARTICLE 8. CITY PLANNER.

Sec. 25-8.1. Powers and Duties.

With regard to procedures established in the Zoning Code, the City Planner shall have the following authority:

- A. *Pre-Application Conferences.* The City Planner, or his or her designee, may conduct pre-application conferences with potential applicants. Pre-application conferences may be optional or mandatory as indicated in the Zoning Code. Pre-application conferences shall be used to informally discuss development concepts and the standards for development under the Comprehensive Plan, any other plan or program of the City adopted under the Comprehensive Plan, and the intent, planning criteria and standards of the Zoning Code. Pre-application conferences may also be used to formally outline the submittal requirements for a given application.
- B. *Application Requirements.* The City Planner may specify formal application requirements for all applications contained in these regulations on forms provided by the Department of Community Development. The forms may be amended by the City Planner to assist the applicant in understanding the requirements of a complete application and to insure all required information is provided.
- C. *Determination of Complete Application.* The City Planner shall have the authority to make determinations regarding completeness of applications as set forth in the Zoning Code.
- D. *Review Procedures.* The City Planner may establish internal procedures for review and consideration of development applications.
- E. *Review and Recommendation.* The City Planner, or his or her designee, shall prepare formal reports and specific recommendations on applications as specified in the Zoning Code. The review and recommendation may take into account input of the planning staff, the Comprehensive Plan, any other plan or program of the City adopted under the Comprehensive Plan, the intent, planning criteria, and standards of the Zoning Code, and any other relevant input or evidence.
- F. *Decision.* The City Planner shall exercise the final decision in instances where such authority is specifically delegated to the City Planner under the Zoning Code or by a Conditional Use Permit or Planned District ordinance.
- G. *Interpretation.* The City Planner shall make all interpretations under these regulations necessary to administer and implement the regulations.
 1. The City Planner shall issue a Letter of Interpretation in instances where it is determined that the plain language of the regulations, when applied to a specific circumstance, could lead to more than one (1) reasonable interpretation resulting in substantively different outcomes.
 2. A Letter of Interpretation shall:
 - a. Be made in writing to the applicant; and
 - b. Be effective until:
 - i. It is overruled by an appeal according to these regulations;
 - ii. It is amended, altered, or repealed by a text amendment to the section of the regulations that the interpretation addressed; or
 - iii. It is withdrawn for good cause.
 3. In making a Letter of Interpretation, the City Planner shall use the following criteria:
 - a. Sound professional planning practice standards and principles;

- b. The Comprehensive Plan and any other official plans or programs developed under the guidance of the Comprehensive Plan;
- c. The purposes and intent of these regulations with priority given to any specific intent statements associated with the section or provision in which the interpretation issue arose;
- d. Findings from previous staff reports; and
- e. Any resources, guides, or industry standards cited in the Zoning Code.

Sec. 25-8.2. Appeal of City Planner Decision.

Final decisions of the City Planner may be appealed:

- A. To the Board of Adjustment, as set forth in Section 25-9, Variances; or
- B. Under a specific alternative appeal procedure, where such procedure is provided by a Conditional Use Permit ordinance, Planned District ordinance, or a specific provision of the Zoning Code.

ARTICLE 9. VARIANCES.

Sec. 25-9.1. Eligible Applicants.

Appeals to the Board of Adjustment may be taken by any person or company aggrieved or by any officer, department, or board of the City affected by any decision of the City Planner;

Sec. 25-9.2. Application for Board of Adjustment Review.

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

- A. *Pre-Application Conference.* Prior to submission of an application, the City Planner shall schedule and hold a pre-application conference.
- B. *Submittal Requirements.* The applicant shall submit the following to the City Planner:
 1. *Application Form.* Completion of an authorized application form supplied by the City Planner, including all supplemental information required by that form.
 2. *Fees.* Filing and review fees, as established by the City Council.
 3. A site plan, written narrative, and/or other information required by the City Planner.
- C. *Determination of Completeness for Hearing.*
 1. Subsequent to receipt of an application and supporting documents, the City Planner shall determine whether it is complete for purposes of conducting a public hearing. The application is complete for hearing if it includes all of the materials required in Section 25-9.6.B, Submittal Requirements.
 2. Upon determination by the City Planner that the application is incomplete for hearing, the City Planner shall notify the applicant. The applicant shall either re-submit or notify the City Planner of a pending re-submittal within a period of thirty (30) days. If the re-submittal or notification of a pending re-submittal are not received within this period, the application shall be deemed withdrawn without prejudice.
- D. *Public Hearing.* Upon determination by the City Planner that the application is complete for hearing, a public hearing shall be scheduled in accordance with Section 25-3, Public Notice.
- E. *Withdrawal.* An application for review may be withdrawn prior to the public hearing upon written notice to the City Planner.

Sec. 25-9.3. Burden of Proof.

- A. *Non-Use Variances.* In presenting any application for a non-use variance, the burden of proof shall rest with the applicant to clearly establish that, as a practical matter, the property cannot be used for a permitted use without coming into conflict with restrictions of the Zoning Code. The following specific criteria shall be considered:
 1. How substantial the variance is in relation to the requirement;
 2. The potential effect of the increased population density produced on the available government facilities;
 3. The potential to produce a substantial change in the character of the neighborhood or a substantial detriment to adjoining property owners;
 4. The ability to obviate the difficulty by some method, feasible for the applicants to pursue, other than the

variance; and

5. In view of the manner in which the difficulty arose, and considering all of the above factors, whether the interests of justice would be served by granting the variance.
- B. *Use Variances.* In presenting any application for a variance to authorize a use that the Zoning Code does not allow, the burden of proof shall rest with the applicant to:
1. Demonstrate an unnecessary hardship which is defined by the following criteria:
 - a. The land in question cannot yield a reasonable return if used only for a use permitted in the zone in which it is located;
 - b. The owner's plight is due to unique and not to general neighborhood considerations; and
 - c. The granting of the variance would not alter the essential character of the locality.
 2. Prove that relief is necessary because of the unique character of the property;
 3. Prove that the variance will not destroy the preservation of the Comprehensive Plan; and
 4. Prove that granting the variance will result in substantial justice.
- C. In presenting any application for a variance, the burden of proof shall rest with the applicant to prove that the harm complained of is not self-inflicted.

Sec. 25-9.4. Procedure and Decision.

- A. An appeal stays all proceedings in furtherance of the action appealed from, unless the City Planner certifies to the Board of Adjustment 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 or her 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 of Adjustment or by a court of record on application or notice to the office from whom the appeal is taken and on due cause shown.
- B. The Board of Adjustment may, in conformity with the provisions of Sections 89.010 to 89.140 of the Missouri Revised Statutes, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the City Planner. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the City Planner, or to decide in favor of the applicant or any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

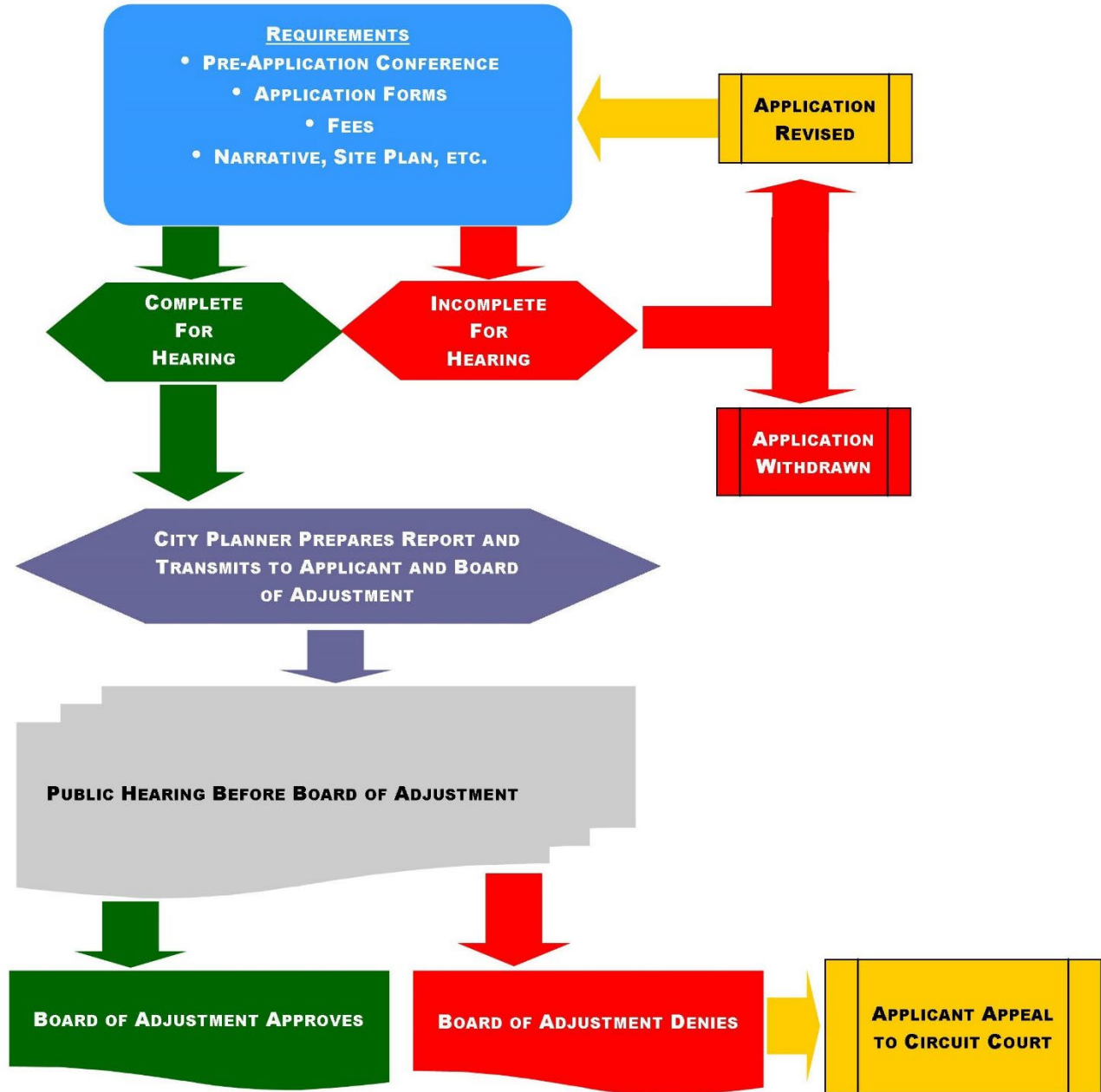
Sec. 25-9.5. Reapplication.

In the event that any application is denied by the Board of Adjustment, a reapplication concerning the same property or site shall not be accepted until six (6) months following the date of final action on the original application has elapsed, unless it can be shown to the satisfaction of the City Planner that:

- A. A significantly different plan is proposed; or
- B. That new facts or other pertinent information have been discovered that were not previously presented and were not reasonably capable of discovery by the applicant prior to the previous application.

Sec. 25-9.6. Appeal of Board of Adjustment Decision.

Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, may, within thirty (30) days of the issuance of the decision of the Board, present to the Circuit Court of Saint Louis County a petition, duly verified setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality in accordance with appropriate State statute.



ARTICLE 10. ADMINISTRATION AND ENFORCEMENT.

Sec. 25-10.1. Scope.

This section contains the regulations pertaining to enforcement of the provisions of the Zoning Code, or any ordinance adopted pursuant thereto.

Sec. 25-10.2. Violation(s) of Zoning Code.

The Building Commissioner, as the designated code(s) enforcement officer of the City, may inspect properties where violations of the Zoning Code, or any ordinance adopted pursuant thereto, exist and issue notices of violation, stop work orders, and/or tickets where necessary to protect the public health, safety and welfare.

Sec. 25-10.3. Fees, Charges, and Expenses.

- A. The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates, appeals, and other matters pertaining to the Zoning Code.
- B. The schedule of fees shall be posted in the office of the City Planner and may be altered or amended only by the City Council.
- C. No permit, certificate, Conditional Use Permit, approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this ordinance have been paid in full, nor shall any action be taken on proceedings before the City Council, unless or until fees have been paid in full.

Sec. 25-10.4. Penalties.

- A. Violations of the Zoning Code, or any ordinance adopted pursuant thereto, shall be punishable as per Section 1-13, General Penalty; Continuing Violations, of the Municipal Code.
- B. Each day any violation of the Zoning Code, or any ordinance adopted pursuant thereto, continues shall constitute a separate offense.

ARTICLE 11. SCHEDULE OF DISTRICT REGULATIONS.

Sec. 25-11.1. "NU" Non-Urban District Regulations.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be agricultural and single-family dwellings on large sized lots. The regulations of this district are designed to ensure harmony with the principal uses of this district.
- B. *Permitted uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply in all "NU" Non-Urban Districts.
 1. *Lot Area.*
 - a. Single-family dwellings shall be located on lots containing an area of not less than three (3) acres.
 - b. Where a use is not connected to a public sewer, an engineer's report, by a registered engineer, for on-site disposal, shall be sufficient to meet current health standards, and shall require the review and approval of the Metropolitan Saint Louis Sewer District (MSD) and the City Engineer upon application for a building permit.
 2. *Lot Width.* The minimum lot width shall be two hundred twenty-five (225) feet at the building line.
 3. *Lot Coverage.* No maximum lot coverage shall be required.
 4. *Yard and Setback Requirements.*
 - a. *Front Yard*—Not less than fifty (50) feet from the right-of-way.
 - b. *Side Yard*—Not less than thirty (30) feet except in the case of a corner lot where the side yard on the street side shall not be less than fifty (50) feet.
 - c. *Rear Yard*—Not less than fifty (50) feet.
 - d. Where livestock is raised or kept, no structure or storage of hay, feed, or manure shall be located less than one hundred (100) feet from a property line.
 - e. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 5. *Height Requirements.* Except as otherwise provided in Section 25-13, Building Design Standards, the following height requirements shall apply in this district:
 - a. No dwelling or non-farm building or structure shall exceed a height of thirty-five (35) feet.
 - b. No general or specialized farm building or structures shall exceed a height of fifty (50) feet.
 6. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
 7. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.

8. *Signs*. As required in Section 25-15, Sign Regulations.
9. *Landscaping*. As required in Section 25-16, Landscaping Design Standards.
10. *Environmental Standards*. As required in Section 25-17, Environmental Standards.
11. *Lighting*. As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.2. “R-1” Single-Family Residential District.

- A. *Purpose*. This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on large sized lots. The regulations of this district are designed to create and preserve a predominantly suburban character as evidenced by lot sizes, street right-of-way, and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- B. *Permitted Uses*. The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses*. The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards*. The following regulations shall apply:
 1. *Lot Area*.
 - a. The minimum lot area for this district shall be not less than one (1) acre (43,560 square feet).
 - b. Subject to the provisions of (c) below, for uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than one (1) acre.
 - c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer.
 2. *Minimum Lot Width and Depth*.
 - a. The minimum lot width at the building line shall be one hundred twenty-five (125) feet.
 - b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way is required.
 - c. The minimum lot depth for this district shall be two hundred (200) feet.
 3. *Lot Coverage*. No maximum lot coverage shall be required.
 4. *Yard Requirements*.
 - a. *Front Yard*—Not less than forty (40) feet.
 - b. *Side Yard*—Not less than fifteen (15) feet on each side of the dwelling.
 - c. *Rear Yard*.
 - i. *Principal Structure*—Not less than forty (40) feet.
 - ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than twenty-five (25) feet.

- d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 - e. Exceptions to the minimum yard requirements for certain structures or improvements shall be permitted in accordance with Section 25-12.10, Yard Exceptions.
5. *Height Requirements.*
- a. No building or structure shall exceed a height of thirty-five (35) feet.
 - b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).
6. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
7. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
8. *Signs.* As required in Section 25-15, Sign Regulations.
9. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.
10. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
11. *Lighting.* As required in Section 25-18, Lighting Design Standards.
12. *Amenity Incentives.* The purpose of providing amenity incentives is to encourage the provision of specified amenities in connection with developments in exchange for higher permitted densities. The amenities can include provision of recreational facilities or preservation of natural features such as lakes, woods and common open space. An applicant who proposes an amenity shall be entitled to an amenity incentive in accordance with the following:
- a. An application for amenity incentive shall consist of the following information, which shall accompany the preliminary plan for the development:
 - i. A written statement describing the amenity, and location of the development for which the incentive is requested.
 - ii. Information including distances, dimensions, floor area, and any other information deemed appropriate in order to determine whether an amenity qualifies for an amenity incentive and the amount of such amenity incentive.
 - iii. The type and amount of the amenity incentive the applicant is requesting along with the applicant's computation of such amount.
 - iv. A site plan drawn to scale incorporating the amenity incentive requested and illustrating the location and type of amenity to be provided,
 - b. The Planning Commission in connection with its review of the Preliminary Plan shall determine whether an amenity to be provided complies with the provisions of this section, and if so, shall approve the amenity incentive provided for in this section. If the amenity to be provided for which the amenity incentive is requested does not comply with the provisions of this section, the amenity incentive shall be disapproved,
 - c. In determining the eligibility of a proposed amenity the Planning Commission shall consider the

following:

- i. The type of amenity to be provided and its relevance to the overall concept and design of the development under consideration.
 - ii. The size and/or extent of the proposed amenity.
 - iii. The design and/or location of the proposed amenity from the standpoint of usability as it relates to the basic purpose of the amenity.
 - iv. The location of the proposed amenity as it relates to the overall development from the standpoint of availability to the future residents of the development.
 - v. The design and/or location of the proposed amenity as it relates to adjoining properties both within and outside of the development from the standpoint of potential adverse impacts, or other interference.
- d. The provision of the amenities shown in Table 11.1, Amenity Incentives, in the proposed development will qualify the development for the following increases in density, provided that the total cumulative density increase does not exceed fifty (50) percent of the maximum density permitted in the district where the property is located.

TABLE 11.1 Amenity Incentives	
AMENITY	DENSITY INCREASE
Additional permanent open space through public dedication of conveyance to a homeowners association. This open space should be of a usable nature	1% per 10,000 sq. ft. of open space provided, up to a maximum of 10%
Swimming pool	1% for each 500 sq. ft. of pool surface area up to a maximum increase of 5%
Tennis, volleyball, handball, basketball courts or similar recreational uses	1% increase for each court provided up to a maximum increase of 5%
Equipped playgrounds	1% for each 1,000 sq. ft. up to a maximum increase of 5%
Clubhouse	1% for each 1,000 sq. ft. of clubhouse up to a maximum increase of 5%
Preservation of the site's natural features such as lakes, woods and provision of permanent access to and use of such natural features and to amenities such as bike and pedestrian paths, jogging trails and nature trails	1% for each 10,000 sq. ft. of amenity preserved or provided, up to a maximum increase of 10%
Enlarging the livable area of a dwelling unit above 2,000 square feet	10% for each 500 sq. ft. increase in liveable floor area above 2,000 sq. ft. up to a maximum increase of 50%

Sec. 25-11.3. “R-2” Single-Family Residential District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on large sized lots. The regulations of this district are designed to create and preserve a predominantly suburban character as evidenced by lot sizes, street right-of-way, and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
1. *Lot Area.*
 - a. The minimum lot area for this district shall be no less than one-half (1/2) acre (21,780 square feet).
 - b. Subject to the provisions of (c) below, uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than one-half (1/2) acre.
 - c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer.
 2. *Minimum Lot Width and Depth.*
 - a. The minimum lot width at the building line shall be no less than one hundred (100) feet.
 - b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way line is required.
 - c. The minimum lot depth for this district shall be one hundred seventy (170) feet.
 3. *Lot Coverage.* No maximum lot coverage shall be required.
 4. *Yard Requirements.*
 - a. *Front Yard*—Not less than forty (40) feet.
 - b. *Side Yards*—Not less than twelve (12) feet on each side of the dwelling.
 - c. *Rear Yard.*
 - i. *Principal Structure*—Not less than forty (40) feet.
 - ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than twenty (20) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 - e. Exceptions to the minimum yard requirements for certain structures or improvements shall be permitted in accordance with Section 25-12.10, Yard Exceptions.

5. *Height Requirements.*
 - a. No building or structure shall exceed a height of thirty-five (35) feet.
 - b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).
6. *Amenity Incentives.* Increases in density due to the provision of amenities within the development shall conform to the requirements of Section 25-11.2.D.12, Amenity Incentives.
7. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
9. *Signs.* As required in Section 25-15, Sign Regulations.
10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.
11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
12. *Lighting.* As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.4. “R-3” Single-Family Residential District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on large sized lots. The regulations of this district are designed to create and preserve a predominantly suburban character as evidenced by the lot sizes, street right-of-way and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
 1. *Lot Area.*
 - a. The minimum lot area for this district is fourteen thousand five hundred twenty (14,520) square feet.
 - b. Subject to the provisions of (c) below, uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than fourteen thousand five hundred twenty (14,520) square feet.
 - c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer.
 2. *Minimum Lot Width and Depth.*
 - a. The minimum lot width requirement at the building line is eighty (80) feet.
 - b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way line is required.

- c. The minimum lot depth for this district shall be one hundred fifty (150) feet.
3. *Lot Coverage.* No maximum lot coverage shall be required.
4. *Yard Requirements.*
 - a. *Front Yards*—Not less than forty (40) feet.
 - b. *Side Yards*—Not less than ten (10) feet on each side of the dwelling.
 - c. *Rear Yard.*
 - i. *Principal Structure*—Not less than thirty (30) feet.
 - ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than fifteen (15) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 - e. Exceptions to the minimum yard requirements for certain structures or improvements shall be permitted in accordance with Section 25-12.10, Yard Exceptions.
5. *Height Requirements.*
 - a. No buildings or structures shall exceed a height of thirty-five (35) feet.
 - b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).
6. *Amenity Incentives.* Increases in density due to the provision of amenities within the development shall conform to the requirements of Section 25-11.2.D.12, Amenity Incentives.
7. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
9. *Signs.* As required in Section 25-15, Sign Regulations.
10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.
11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
12. *Lighting.* As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.5. “R-4” Single-Family Residential District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on moderate to large sized lots. The regulations of this district are designed to create and preserve a predominantly urban character as evidenced by lot sizes, street right-of-way and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- B. *Permitted uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
1. *Lot Area.*
 - a. The minimum lot area for this district is ten thousand (10,000) square feet.
 - b. Subject to provisions of (c) below, for uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than ten thousand (10,000) square feet.
 - c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer,
 2. *Minimum Lot Width and Depth.*
 - a. The minimum lot width at the building line is seventy (70) feet.
 - b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way line is required.
 - c. The minimum lot depth for this district shall be one hundred twenty five (125) feet.
 3. *Lot coverage.* No maximum lot coverage shall be required.
 4. *Yard Requirements.*
 - a. *Front Yards*—Not less than twenty-five (25) feet.
 - b. *Side Yards*—Not less than eight (8) feet on each side of the dwelling.
 - c. *Rear Yard.*
 - i. *Principal Structure*—Not less than thirty (30) feet.
 - ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than fifteen (15) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 - e. Exceptions to the minimum yard requirements for certain structures or improvements shall be permitted in accordance with Section 25-12.10, Yard Exceptions.
 5. *Height Requirements.*
 - a. No buildings or structures shall exceed a height of thirty-five (35) feet.
 - b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).
 6. *Amenity Incentives.* Increases in density due to the provision of amenities within the development shall conform to the requirements of Section 25-11.2.D.12, Amenity Incentives.
 7. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building

Design Standards.

8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
9. *Signs.* As required in Section 25-15, Sign Regulations.
10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.
11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
12. *Lighting.* As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.6. “R-5” Single-Family Residential District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on moderate sized lots. The regulations of this district are designed to create and preserve a predominantly urban character as evidenced by lot sizes, street right-of-way and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
 1. *Lot Area.*
 - a. The minimum lot area for this district is seven thousand five hundred (7,500) square feet.
 - b. Subject to the provisions of (c) below, for uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than seven thousand five hundred (7,500) square feet.
 - c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer.
 2. *Minimum Lot Width and Depth.*
 - a. The minimum lot width at the building line is sixty (60) feet.
 - b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way line is required.
 - c. The minimum lot depth for this district shall be one hundred ten (110) feet.
 3. *Lot Coverage.* No maximum lot coverage shall be required.
 4. *Yard Requirements.*
 - a. *Front Yard*—Not less than twenty (20) feet.
 - b. *Side Yard*—Not less than six (6) feet on each side of the dwelling.

- c. *Rear Yard.*
 - i. *Principal Structure*—Not less than thirty (30) feet.
 - ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than fifteen (15) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 - e. Exceptions to the minimum yard requirements for certain structures or improvements shall be permitted in accordance with Section 25-12.10, Yard Exceptions.
5. *Height Requirements.*
- a. No buildings or structures shall exceed a height of thirty-five (35) feet.
 - b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).
6. *Amenity Incentives.* Increases in density due to the provision of amenities within the development shall conform to the requirements of Section 25-11.2.D.12, Amenity Incentives.
7. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
9. *Signs.* As required in Section 25-15, Sign Regulations.
10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.
11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
12. *Lighting.* As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.7. “R-6” Multi-Family Residential District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be multi-family dwellings. The regulations of this district are designed to permit a low density of population and a moderate intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut to such other uses, buildings, structures, or amenities which support, complement, or serve such a density and intensity. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to make them compatible with the principal use of this district to ensure harmony.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
 - 1. *Minimum District Area.* Any site zoned "R-6" Multi-Family Residential District shall have a minimum area of not less than one (1) acre unless the site abuts an existing multifamily zone.

2. *Minimum Lot Area.*
 - a. *Single-Family*—7,500 square feet per unit;
 - b. *Two-Family*—5,000 square feet per unit; or
 - c. *Multi-Family*—2,500 square feet per unit.
 - d. However, in no case shall the total number of units per acre exceed fifteen (15).
 - e. For uses other than dwellings, the lot area shall be adequate to provide the yard areas required in this district and off-street parking as required in Section 25-14, Parking and Loading Regulations, but in no case shall be less than seven thousand five hundred (7,500) square feet.
3. *Lot Width* (measured at the building line).
 - a. *Single-Family*—Sixty (60) feet;
 - b. *Two-Family*—Seventy (70) feet; or
 - c. *Multi-Family*—Seventy (70) feet.
 - d. For uses other than dwellings, the lot width shall be adequate to provide the yard areas required in this district and the off-street parking required in Section 25-14, Parking and Loading Regulations.
4. *Lot Coverage.* No maximum lot coverage shall be required for single and two-family dwellings. The maximum lot coverage shall not exceed thirty-five (35%) percent for multi-family structures and non-residential uses.
5. *Yard Requirements.*
 - a. *Front yard*—Not less than thirty-five (35) feet for multi-family and twenty (20) feet for single-family and two-family structures.
 - b. *Side yard*—Not less than ten (10) feet for multi-family and six (6) feet for single-family and two-family structures except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than thirty (30) feet.
 - c. *Rear yard*—Not less than thirty-five (35) feet for multi-family and thirty (30) feet for single-family and two-family structures.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 - e. Accessory structures shall meet the same yard requirements.
 - f. Exceptions to the minimum yard requirements for certain structures or improvements shall be permitted in accordance with Section 25-12.10, Yard Exceptions.
6. *Height Requirements.*
 - a. No primary building or structure shall exceed forty-five (45) feet above finished grade.
 - b. No accessory structure shall exceed twenty-five (25) feet above finished grade.
7. *Distance Between Grouped Buildings.*

- a. In addition to the required setback lines provided elsewhere in the Zoning Code, the minimum distances contained in Table 11.2, Distance Between Grouped Buildings, shall be required between each building.

TABLE 11.2 Distance Between Grouped Buildings	
BUILDING ORIENTATIONS	MINIMUM DISTANCE
Front to front	Fifty (50) feet
Back to back	Fifty (50) feet
Side to side	Twenty (20) feet
Front to side	Thirty-five (35) feet
Back to side	Thirty-five (35) feet
Corner to corner	Fifteen (15) feet

- b. In no instance shall a dwelling unit face directly upon the rear of another residential building.
- c. In applying the above standards, the front of the building shall mean that face of the building having the greatest length with the rear being that face opposite the front. The side is the face having the smallest dimension. If the building has equal dimensions, the City Planner shall determine the faces.
8. *Site Plan Review.* As required by Section 25-4, Site Plan Review.
9. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
10. *Utilities.* Any area zoned "R-6" Multi-Family District shall be served by approved public water and sewer facilities prior to development.
11. *Signs.* As required in Section 25-15, Sign Regulations.
12. *Landscaping.* As required in Section 25-16, Landscaping Design Standards. In addition:
- a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district ("NU" through "R-6"), then a landscaped yard of at least twenty-five (25) feet in width shall be provided along such a lot line in accordance with the requirements of Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.
13. *Accessory Trash Receptacles.* Any property zoned "R-6" Multi-Family Residential District shall have centralized trash collection areas of sufficient number and size to serve the residents within the development. Said receptacles (dumpsters) shall meet the requirements of Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.
14. *Building Design.* All new multi-family buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
15. *Accessory Buildings – Covered Parking.* Any multi-family development may construct detached carports or private residential garages subject to the following:
- a. The number of parking spaces within either a carport or private residential garage shall not exceed fifteen (15%) percent of the required parking spaces.
- b. The number of parking spaces within either a carport or private residential garage may exceed fifteen (15%) percent of the required parking spaces, subject to the following:

- i. Review and approval of the Planning Commission;
 - ii. Compliance with the design standards for carports or private residential garages; and
 - iii. The number of spaces does not exceed one (1) per dwelling unit.
- c. The design of carports or private residential garages shall be subject to the review and approval of the City Planner. The criteria considered shall include the following:
- i. The carport or private residential garage design shall be consistent with the architectural character of the multi-family units.
 - ii. The architectural finish shall include materials either the same as or visually compatible with the multi-family units.
 - iii. No storage units, closets, cabinets, or bins shall be built into the carport or private residential garage, whether freestanding or attached.
 - iv. All four sides of the carport shall remain open.
 - v. A minimum setback of twenty (20') feet shall be provided between the residential structure and carport or private residential garage.
 - vi. No carport or private residential garage shall be sited in a manner that obstructs the line of sight from the driveway.
 - vii. The area covered by the carport or private residential garage shall be included as part of the lot coverage.
 - viii. A carport or private residential garage shall be setback a minimum of thirty-five (35') feet from the public right-of-way.
16. *Accessory Buildings and Structures – Other.* Any property zoned “R-6” Multi-Family Residential may construct accessory buildings and structures subject to the following:
- a. A minimum of twenty (20') feet shall be provided between the principal residential structure and accessory structure.
 - b. The total lot coverage does not exceed thirty-five (35%) percent.
 - c. The architectural finish shall include materials either the same as or visually compatible with principal residential structures.
 - d. A finding by the City Planner that the accessory structure is consistent with the architectural character of the residential structures.
17. *Lighting.* As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.8. “C-1” Neighborhood Commercial District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be local retail, service and restricted repair business activities which serve surrounding residential neighborhoods.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
1. *Minimum District Area.* Any site zoned "C-1" Neighborhood Commercial District shall have a minimum area of one (1) acre, unless the parcel abuts an existing commercial or industrial zoning district.
 2. *Minimum Lot Width.* Seventy (70) feet.
 3. *Lot Coverage.* No limit.
 4. *Yard and Setback Requirements.*
 - a. *Front Yard*—Not less than twenty-five (25) feet.
 - b. *Side Yard*—Not required except where a side line of a "C-1" lot abuts the side line of a Non-Urban or residential zoning district; in that instance a side yard shall be provided of the same dimensions required in the zoning district it abuts. A side yard of twenty-five (25) feet shall be provided on the street side of a corner lot.
 - c. *Rear Yard*—Not less than twenty-five (25) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 5. *Height Requirements.* No building or structure shall exceed a height of twenty (20) feet.
 6. *Performance Standards.*
 - a. Wholesale sales are prohibited.
 - b. Outdoor storage or display of merchandise, materials, or equipment is prohibited.
 - c. No separate business establishment shall occupy more than five thousand (5,000) square feet of floor space.
 7. *Site Plan Review.* As required in Section 25-4, Site Plan Review.
 8. *Building Design.*
 - a. *New Construction.* All new buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
 - b. *Renovation or Remodeling Projects.* The standards of Section 25-11.14.E.1, Building Design Standards for Expansion or Remodeling Projects, shall be met by any of the following projects:
 - i. Any expansion of an existing building by more than 1000 square feet.
 - ii. Any remodeling of an existing use that alters at least seventy-five percent (75%) of the floor area or site area.
 - iii. Any remodeling or improvement with a value greater than fifty (50%) of the existing St. Louis County Department of Revenue total appraised valuation. This shall not include approved conditional uses already subject to design or architectural review in their Conditional Use Permit ordinance.

- iv. Any remodeling or improvement of any commercial or industrial building or site which has been vacant for one (1) year or more and that requires a building permit.
- 9 *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
10. *Signs.* As required in Section 25-15, Sign Regulations.
11. *Landscaping.* As required in Section 25-16, Landscaping Design Standards. In addition:
- a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district, a landscaped yard of at least twelve (12) feet in width shall be provided along such property line in accordance with the requirements of Section 25-16-10, Landscaping Requirements for Buffer Areas and Screening.
 - b. Where the rear or side wall of any nonresidential structure is located directly across the street from the front yard of any residential structure located in a residential zoning district, a landscaped yard of at least ten (10) feet in width shall be provided along the entire length of such rear or side wall. Landscaping shall be in accordance with Section 25-17.7.B, Landscaping Along Parking Lot Perimeters. The transitional yard requirement may be modified by Conditional Use Permit to impose more stringent requirements at the discretion of the City Council.
 - c. In no instance shall the landscaped yard requirements be considered to be met by driveways, parking lots, or other forms of impervious surface. At all times, the landscaped yard shall be maintained open to the sky and shall not be used for storage of vehicles or equipment, or for accessory buildings.
12. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
13. *Lighting.* As required in Section 25-18, Lighting Design Standards.
14. *Utilities.* Any area zoned "C-1" shall be served by approved public water and sewer facilities prior to development.
15. *Screening.* As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-11.9. "C-2" General Commercial District.

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be general retail, service, and repair business activities which serve the entire city and surrounding area.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
 - 1. *Minimum District Area.* Two and one-half (2.5) acres unless the parcel abuts an existing commercial or industrial district.
 - 2. *Minimum Lot Width.* Seventy (70) feet.
 - 3. *Maximum Lot Coverage.* No limit.

4. *Yard and Setback Requirements.*
 - a. *Front Yard*—Not less than twenty-five (25) feet, including all signs, pump islands, and canopies of gasoline service stations.
 - b. *Side Yards*—A minimum side yard of twelve (12) feet shall be provided except in those instances where commercial buildings are constructed simultaneously with party walls or fire walls or if the building side abuts a public alley. Where a side line of a lot abuts the side line of a lot in any residential zoning district, a side yard shall then be provided the same as required in the zoning district it abuts. A side yard of not less than twenty-five (25) feet shall be provided on the street side of a corner lot.
 - c. *Rear yard*—No rear yard is required except that where a rear line of a lot abuts a lot in any Non-Urban or residential zoning district, a rear yard of not less than twenty-five (25) feet shall be provided.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
5. *Height Requirements.* No building or structure shall exceed a height of forty-five (45) feet.
6. *Site Plan Review.* As required in Section 25-4, Site Plan Review.
7. *Building Design.*
 - a. *New Construction.* All new buildings and/or projects shall be subject to Section 25-13, Building Design Standards.
 - b. *Renovation or Remodeling Projects.* The standards of Section 25-11.14.E.1, Building Design Standards for Expansion or Remodeling Projects, shall be met by any of the following projects:
 - i. Any expansion of an existing building by more than 1000 square feet.
 - ii. Any remodeling of an existing use that alters at least seventy-five percent (75%) of the floor area or site area.
 - iii. Any remodeling or improvement with a value greater than fifty (50%) of the existing St. Louis County Department of Revenue total appraised valuation. This shall not include approved conditional uses already subject to design or architectural review in their Conditional Use Permit ordinance.
 - iv. Any remodeling or improvement of any commercial or industrial building or site which has been vacant for one (1) year or more and that requires a building permit.
8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
9. *Signs.* As required in Section 25-15, Sign Regulations.
10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards. In addition:
 - a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district, a landscaped yard of at least twelve (12) feet in width shall be provided along such lot lines in accordance with the requirements of Section 25-16-10, Landscaping Requirements for Buffer Areas and Screening.
 - b. Where the rear or side wall of any nonresidential structure is located directly across the street from the front yard of any residential structure located in a Non-Urban or residential zoning district, a landscaped yard of at least ten (10) feet in width shall be provided along the entire length of such rear or side wall.

Landscaping shall be installed in accordance with Section 25-17.7.B, Landscaping Along Parking Lot Perimeters. The transitional yard requirement may be modified by Conditional Use Permit to impose more stringent requirements at the discretion of the City Council.

- c. In no instance shall the landscaped yard requirements be considered to be met by driveways, parking lots, or other forms of impervious surface. At all times, the landscape yard shall be maintained open to the sky and shall not be used for storage of vehicles or equipment, or for accessory buildings.

11. *Environmental Standards*. As required in Section 25-17, Environmental Standards.

12. *Lighting*. As required in Section 25-18, Lighting Design Standards.

13. *Utilities*. Any area zoned "C-2" shall be served by approved public water and sewer facilities prior to development.

14. *Screening*. As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-11.10. "M-1" Office, Service, and Light Manufacturing District.

A. *Purpose*. This zoning district is composed of those areas of the City whose principal use is or ought to be general office, hotel, entertainment, light manufacturing, warehousing, and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, radioactive and other hazards, and harmful or obnoxious matter.

B. *Permitted Uses*. The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

C. *Conditional Uses*. The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Regulations and Performance Standards*. The following regulations shall apply:

1. *Minimum District Area*. Five (5) acres minimum unless the site abuts an existing industrial district.

2. *Lot Width*. The minimum lot width shall be one hundred fifty (150) feet.

3. *Lot Coverage*. No limit.

4. *Yard Requirements*.

- a. *Front Yard*—Not less than thirty (30) feet.

- b. *Side Yard*—Not less than ten (10) feet except if abutting a Non-Urban or residential zoning district when the side yard shall be a minimum of twenty-five (25) feet.

- c. *Rear Yard*—Not less than ten (10) feet except if abutting a Non-Urban or residential zoning district when the rear yard shall be a minimum of fifty (50) feet.

- d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

5. *Height Requirements*. No building or structure shall exceed a height of one hundred twenty (120) feet. If any portion of a structure is over fifty (50) feet in height, that portion may not be located above a residential proximity slope.

6. *Site Plan Review.* As required in Section 25-4, Site Plan Review.
7. *Building Design.*
 - a. All uses shall be conducted within a fully enclosed building.
 - b. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.
8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.
9. *Signs.* As required in Section 25-15, Sign Regulations.
10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards. In addition:
 - a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district, a landscaped yard of at least twenty-five (25) feet in width shall be provided along such property line in accordance with the requirements of Section 25-16-10, Landscaping Requirements for Buffer Areas and Screening.
 - b. Where the rear or side wall of any nonresidential structure is located directly across the street from the front yard of any residential structure located in a Non-Urban or residential zoning district, a landscaped yard of at least ten (10) feet in width shall be provided along the entire length of such rear or side wall. Landscaping shall be installed in accordance with Section 25-17.7.B, Landscaping Along Parking Lot Perimeters. The transitional yard requirement may be modified by Conditional Use Permit to impose more stringent requirements at the discretion of the City Council.
 - c. In no instance shall the landscaped yard requirements be considered to be met by driveways, parking lots, or other forms of impervious surface. At all times, the landscaped yard shall be maintained open to the sky and shall not be used for storage of vehicles or equipment, or for accessory buildings.
11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
12. *Lighting.* As required in Section 25-18, Lighting Design Standards.
13. *Utilities.* Any area zoned "M-1" shall be served by approved public water and sewer facilities prior to development.
14. *Screening.* As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-11.11. "M-2" Office, Service, and Intensive Manufacturing District

- A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is or ought to be intensive industrial uses, wholesale, commercial, and industrial storage facilities.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
 1. *Minimum District Area.* Five (5) acres unless the parcel abuts an existing industrial district.

2. *Lot Width.* Seventy-five (75) feet minimum.
3. *Lot Coverage.* The maximum lot coverage shall not exceed fifty (50) percent.
4. *Yard Requirements.*
 - a. *Front Yard*—Not less than thirty (30) feet.
 - b. *Side Yard*—Not less than ten (10) feet.
 - c. *Rear Yard*—Not less than fifty (50) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
5. *Height Requirements.* No buildings or structures shall exceed a height of fifty (50) feet.
6. *Site Plan Review.* As required in Section 25-4, Site Plan Review.
7. *Building Design.*
 - a. All industrial uses shall be conducted within a fully enclosed building.
 - b. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.
8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Requirements.
9. *Signs.* As required in Section 25-15, Sign Regulations.
10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards. In addition:
 - a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district, a landscaped yard of at least fifty (50) feet in width shall be provided along such a lot in accordance with the requirements of Section 25-16-10, Landscaping Requirements for Buffer Areas and Screening.
11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.
12. *Lighting.* As required in Section 25-18, Lighting Design Standards.
13. *Utilities.* Any area zoned "M-2" shall be served by approved public water and sewer facilities prior to development.
14. *Screening.* As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-11.12. "RD-MXD" Redevelopment - Mixed Use District

- A. *Purpose.* This zoning district is composed of those areas of the City identified for redevelopment by the Comprehensive Plan and whose principal uses are and ought to be single-family residential and commercial.
- B. *Intent.* The intent of these regulations is to:
 1. Protect and enhance existing single-family residential development.

2. Provide minimum standards for design which are essential to establishing and mixing uses within the zoning district.
 3. Create both relationship and transition within the zoning district and to adjacent development sites and areas.
 4. Ensure the establishment of appropriate relationships between buildings, site improvements, open spaces, and public rights-of-way.
- C. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- E. *Lot Requirements for Single-Family Dwellings.* Lots for single-family detached dwellings, single-family attached dwellings, and two-family dwellings shall meet the following standards:
1. *Minimum Lot Area.*
 - a. The minimum lot area for single-family detached dwellings is seventy-five hundred (7,500) square feet.
 - b. The minimum lot area for single-family attached dwellings and two-family dwellings is five thousand (5,000) square feet per unit.
 - c. Where there is no public sewer, the required lot area shall be increased to the area determined as adequate by MSD and the City Engineer.
 2. *Minimum Lot Width.*
 - a. The minimum lot width at the building line for a detached structure is sixty (60) feet.
 - b. The minimum lot width at the building line for an attached structure is forty-two (42) feet.
 3. *Minimum Lot Depth.*
 - a. The minimum lot depth for a detached structure is one hundred ten (110) feet.
 - b. The minimum lot depth for an attached structure is one hundred ten (110) feet.
 4. *Lot Coverage.* No maximum lot coverage shall be required.
 5. *Yard Requirements.*
 - a. *Front Yards*—Not less than thirty (30) feet.
 - b. *Side Yards.*
 - i. Detached structures—not less than six (6) feet on each side of the dwelling.
 - ii. Attached structures—not less than five (5) feet on one side of the dwelling with zero (0) feet between attached units.
 - c. *Rear Yard.*
 - i. Principal Structure—not less than thirty (30) feet.

- ii. Deck, pool, or accessory structure—fifteen (15) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
 - e. Exceptions to the minimum yard requirements for certain structures or improvements shall be permitted in accordance with Section 25-12.10, Yard Exceptions.
- F. *Lot Requirements for Non-Residential Uses.* Lots for buildings and/or projects other than single-family dwellings shall meet the following requirements:
 - 1. *Minimum Lot Area.* Two and one-half (2.5) acres unless the parcel abuts or is within an existing commercial or industrial district.
 - 2. *Minimum Lot Width.* One hundred (100) feet.
 - 3. *Maximum Lot Coverage.* Eighty (80%) percent of the lot area.
 - 4. *Yard Requirements.*
 - a. *Front Yard*—Not less than twenty-five (25) feet.
 - b. *Side Yards.* A minimum side yard of twelve (12) feet shall be provided except in those instances where commercial buildings are constructed simultaneously with party walls or fire walls or if the building side abuts a public alley. A side yard of not less than twenty-five (25) feet shall be provided on the street side of a corner lot.
 - c. *Rear Yard*—Not less than twenty-five (25) feet.
 - d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
- G. *General Development Standards.*
 - 1. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Requirements.
 - 2. *Signs.* As required in Section 25-15, Sign Regulations.
 - 3. *Landscaping.* As required in Section 25-16, Landscaping Design Regulations.
 - 4. *Lighting.* As required in Section 25-18, Lighting Design Standards.
 - 5. *Retaining Walls.* All retaining wall material installed on the site shall be constructed of decorative, masonry block such as Versalok, Keystone, Allenblock, or similar material. The maximum height of any retaining wall shall not exceed six (6) feet. Where greater heights are required, multiple retaining walls shall be used and offset a minimum distance of four (4) feet.
 - 6. *Utilities.* All utility, power and telephone lines, except those located in designated overhead utility corridors, shall be located underground.
 - 7. *Screening.* As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.
- H. *Development Standards for New Single-Family Dwellings.* In addition to the general development standards in subsection G., new single-family dwellings constructed in the “RD-MXD” Redevelopment Mixed Use District shall meet the following standards:

1. *Building Height.* No building or structure shall exceed a height of thirty-five (35) feet.
2. *Building Design.* All new single-family dwellings shall meet the criteria set forth in Section 25-13.7, Design Standards for Single-Family Dwellings.

I. *Development Standards for Non-Residential Uses.* In addition to the general development standards in subsection G., buildings and/or projects other than single-family dwellings shall meet the following design standards.

1. *Building Height.* No building or structure shall exceed a height of forty-five (45) feet.
2. New buildings and/or projects shall meet the criteria specified in Section 25-13, Building Design Standards.

J. *Procedural Requirements for Permitted Uses.*

1. Procedural requirements for those permitted uses shall be as required in Section 25-4, Site Plan Review. However, the following additional items shall be submitted for review and approval by the City Planner in conjunction with the site plan:
 - a. Building elevations, renderings, illustrations, or photographs.
 - b. Materials and colors exhibit.
 - c. Proposed signage package (if applicable).
2. The City Planner shall review plans and additional items for compliance with the Comprehensive Plan and Zoning Code. Additional requirements may be imposed on development where it is determined, based on a review of the site plan by the City Planner, that the additional requirements are necessary to fulfill the objectives of the Comprehensive Plan and the purpose and intent of the "RD-MXD" Redevelopment District.

K. *Procedural Requirements for Conditional Uses.*

1. Procedural requirements for conditional uses shall be as required in Section 25-5, Conditional Use Permits. However, the items required in subsection J.1. shall also be submitted for review and approval.
2. Additional requirements may be imposed on development where it is determined, based on a review of the site plan by the City Planner, that the additional requirements are necessary to fulfill the objectives of the Comprehensive Plan and the purpose and intent of the "RD-MXD" Redevelopment Mixed Use District.

L. *Rezoning to Planned District.* The design standards and requirements of this section may be modified by the Planning Commission following a finding that the goals and objectives of the Comprehensive Plan, the purpose, intent, and design standards of this section, and the design standards of the Zoning Code are met by the proposed Planned District. Approval shall be granted as defined under Section 25-6, Planned Districts.

Sec. 25-11.13. "RD-M" and "RD-C" Redevelopment Districts.

A. *Purpose.* These zoning districts are composed of those areas of the City exhibiting blighted conditions as defined in Section 353.020 of the Missouri Revised Statutes, as amended, and whose principal use is and ought to be commercial and light industrial. The regulations of these districts are designed to encourage high quality, aesthetically pleasing development, complimentary to existing nearby commercial and industrial uses.

B. *Districts:*

1. *"RD-M" Redevelopment-Manufacturing.* This zoning district is composed of those areas whose principal use is or ought to be light industrial including manufacturing, assembly, warehousing, wholesaling, distribution, and offices.

2. *"RD-C" Redevelopment-Commercial.* This zoning district is composed of those areas whose principal use is or ought to be retail and service commercial, including motor vehicle oriented businesses (MVOB) and service center commercial mixed-use development and office/warehousing. Certain manufacturing or light industrial uses and wholesaling uses which may be associated with office/warehousing type uses and buildings shall require a conditional use permit.
- C. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- D. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- E. *Regulations and Performance Standards.* The following regulations shall apply to and govern all uses in the "RD-M" and "RD-C" Districts:
1. *Lot Area, Width and Coverage.* Requirements shall be as per Table 11.3, Lot Area, Width, and Coverage.

TABLE 11.3. Lot Area, Width, and Coverage		
	"RD-M"	"RD-C"
MINIMUM LOT AREA	2.5 acres	1 acre
MINIMUM LOT WIDTH	125 feet	75 feet
MAXIMUM LOT COVERAGE	50%	50%

2. *Height and Yard Requirements.* Requirements shall be as per Table 11.4, Height and Yard Requirements).

TABLE 11.4. Height and Yard Requirements		
	"RD-M"	"RD-C"
Maximum height	50 feet	45 feet
Minimum front yard	30 feet	25 feet
Minimum side yard	20 feet	15 feet
Minimum rear yard	25 feet	20 feet

- a. Corner lots shall be deemed to have front yards along all street frontages.
 - b. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).
3. *Site Plan Review.* Procedural requirements for those permitted uses shall be as required in Section 25-4, Site Plan Review. In addition:
 - a. The City Planner and City Engineer shall review plans for compliance with the redevelopment plan for the district. During plan review, the City Planner and City Engineer shall consult with the appropriate redevelopment corporation designated for the area by the City Council. In recognition of the blighted conditions and infrastructural requirements of these districts and the purposes of the "RD-M" and "RD-

- C" Redevelopment Districts, additional requirements consistent with the redevelopment plan and this section may be imposed on development where it is determined, based on a joint review of the site plan by the City Planner and the City Engineer, that the additional requirements are necessary to fulfill the objectives of the redevelopment plan and the purposes of the "RD-M" and "RD-C" Redevelopment Districts.
- b. *Conditional Uses.* Procedural requirements for conditional uses shall be as required in Section 25-5, Conditional Use Permits. Additional requirements as noted above may be imposed on the development where it is determined that the additional requirements are necessary to fulfill the objective of the redevelopment plan and the purposes of the "RD-M" and "RD-C" Redevelopment Districts.
4. *Building Design.* All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.
 5. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations. In addition:
 - a. No off-street loading space shall be located within a front yard.
 - b. Off-street parking spaces may be located within minimum front, side or rear yards.
 - c. No off-street parking space or off-street loading space shall be located within:
 - i. Five (5) feet of a side lot line in an "RD-M" District;
 - ii. Fifteen (15) feet of a side lot line in an "RD-C" District;
 - iii. Fifteen (15) feet of a rear lot line in an "RD-M" District; and/or
 - iv. Ten (10) feet of a rear lot line in an "RD-C" District.
 6. *Driveways:*
 - a. Width of driveways measured at the lot line shall be a minimum of twenty-four (24) feet and a maximum of thirty-six (36) feet.
 - b. No driveway other than points of ingress and egress shall be located within fifteen (15) feet of a lot line.
 - c. Driveway openings providing ingress and egress shall be limited to one (1) per one hundred (100) feet of lot width.
 - d. The minimum distance between a driveway and a street intersection shall be thirty (30) feet measured between any right-of-way line of the intersecting street and the nearest end of the driveway curb radius.
 - e. The angle of intersection of a driveway with a street shall be as approved by a City Engineer and shall provide for visibility and traffic safety in accordance with recognized civil engineering practices.
 - f. Motor vehicle oriented businesses located adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common ingress and egress of the shopping center or cluster of commercial facilities as approved by the City Engineer to lessen congestion, and provide for visibility and traffic safety in accordance with recognized civil engineering practices.
 7. *Signs.* As required in Section 25-15, Sign Regulations.
 8. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.
 9. *Environmental Standards.* As required in Section 25-17, Environmental Standards.

10. *Lighting.* As required in Section 25-18, Lighting Design Standards.
11. *Utilities.* All utility, power and telephone lines, except those located in designated overhead utility corridors, shall be located underground.
12. *Screening.* As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.
13. *Floodplain Development.* Performance standards provided in this paragraph shall apply in addition to all other applicable standards to lots located within the one hundred (100) year floodplain as designated on the flood elevation study approved by the United States Federal Emergency Management Agency (FEMA) and used as basic data for determining the boundaries of the flood hazard boundary map. A lot located within the one hundred-year floodplain may be developed and used, provided that the lot is placed in a condition which will effectively, and without increasing the flooding problems of other lots, remove the lot to be developed and used from flooding based on the elevations and data provided by the Federal Emergency Management Agency (FEMA) and the flood hazard boundary map. To assure compliance with these standards:
 - a. A plan for flood protection shall be submitted to the Flood Plain Administrator for review and approval as part of the site plan review required by Section 25-4, Site Plan Review.
 - b. The plan for flood protection shall include a report prepared by a registered professional engineer having demonstrated competence in hydrology. The report shall specify the adequacy of the proposed plan for flood protection relative to the elevation of the floodplain and the flood flow as determined by the flood elevation study approved by FEMA; the effect of the proposed development on flood problems of the other properties; and such other hydrological problems as may result from the proposed development.

Sec. 25-11.14. “OD-C” Overlay District – Corridor

- A. *Purpose.* The purpose of the Overlay District is primarily to address the stated goal of the Comprehensive Plan to promote improvements to all aspects of property development and redevelopment within the City’s commercial corridors. More particularly, the district establishes additional development regulations that are applied in conjunction with those established by the underlying zoning districts. In so doing, it is intended that future development will advance a retail, office and service commercial use pattern characterized by pedestrian or customer oriented design and the use of more sophisticated architectural finishes than was typified by the warehouses and storage yards of the heavy commercial and light industrial uses built during the 1960s, ‘70s, and ‘80s.
- B. *District Definition.* The Overlay District includes all parcels that lie, in whole or in part, within three hundred (300) feet of the centerline of Dorsett Road between the Lindbergh Boulevard right-of-way on the east and the Interstate 270 right-of-way on the west. The requirements of this district shall not be applied to any single family detached houses being utilized as dwelling units.
- C. *Applicability.* The standards and requirements of the Overlay District shall have pre-eminence over all underlying zoning districts, except where explicitly described within a Conditional Use Permit or Planned District ordinance. In the case of legally pre-existing non-conforming uses or structures, the applicability of this section shall be governed by Section 25-7, Nonconforming Lots, Structures, and Uses, of the Zoning Code.

Where the standards of the Overlay District and the underlying zoning district appear to be in conflict, the more restrictive standard shall be applied. Where such determination is not clear, the City Planner shall apply the standard that best meets the goals and strategies of the Comprehensive Plan.

- D. *Administration.* The listing of affected projects and the timing of review of the applicable standards is as follows:
 1. *Projects Subject to Overlay District Standards.* The standards of the Dorsett Road Overlay District shall be

met by any of the following multi-family residential, office, commercial, and industrial projects:

- a. Any new development or construction.
- b. Any expansion of an existing building by more than 1000 square feet.
- c. Any remodeling of an existing use that alters at least seventy-five percent (75%) of the floor area or site area.
- d. Any remodeling or improvement with a value greater than fifty (50%) of the existing St. Louis County Department of Revenue total appraised valuation. This shall not include approved Conditional Use Permits or Planned Districts already subject to design or architectural review in their approval ordinance.
- e. Any remodeling or improvement of any commercial or industrial building or site which has been vacant for one (1) year or more and that requires a building permit.

2. *Application and Approval Process.*

- a. *Required Materials.* For any project subject to the requirements of the Overlay District, conformance with the standards and requirements of this section shall be demonstrated by submitting the following information, exhibits and/or materials:
 - i. An appropriate site plan review, building permit, or special zoning application form, as described elsewhere in the Zoning Code.
 - ii. A site plan.
 - iii. Building elevations.
 - iv. A landscape plan and grading and drainage plan, in conformance with Section 25-17, Landscape Design Requirements.
 - v. Materials and colors exhibit board.
 - vi. Proposed signage package.

3. Review of the proposed project shall occur as follows:

- a. *Site Plan Review Applications.*
 - i. Following a finding by the City Planner that this section is applicable to the proposed development, the applicant shall submit the required materials in addition to any materials or documents already required for a site plan review application, according to Section 25-4, Site Plan Review.
 - ii. After finding that the proposed project is in compliance with the standards and requirements of the overlay district and any underlying zoning district, the City Planner shall grant zoning approval to the site plan application and attach evidence of such approval to the application.
- b. *Building Permit Applications for Uses Permitted by Right.*
 - i. Following a finding City Planner that this section is applicable to the proposed construction, the applicant shall submit the required materials in addition to any construction documents already required for a building permit application, according to the standards and practices of the Department of Community Development.

- ii. After finding that the proposed construction is in compliance with the standards and requirements of the overlay district and any underlying zoning district, the City Planner shall grant zoning approval to the building permit application and attach evidence of such approval to the application.
 - c. *Conditional Use Permit Applications, New and Existing.* New uses seeking Conditional Use Permit approval, or existing conditional uses that qualify under Section 25-11.14.D.1, Projects Subject to Overlay District Standards, shall submit the materials required under this section, in addition to the application requirements under Section 25-5, Conditional Use Permits. The design standards and requirements of this section may be modified by the Planning Commission following a finding that the purposes of this section are met by the proposed project. Approval shall be granted as defined under Section 25-5, Conditional Use Permits.
 - d. *Planned District Applications.* Applicants seeking rezoning to a new Planned District, or existing Planned Districts that qualify under Section 25-11.14.D.1, Projects Subject to Overlay District Standards, shall submit the materials required under this section, in addition to the application requirements under Section 25-6, Planned Districts. The design standards and requirements of this section may be modified by the Planning Commission following a finding that the purposes of this section are met by the proposed project. Approval shall be granted as defined under Section 25-6, Planned Districts.
- E. *Overlay District Development Standards.* The following regulations shall apply in addition to the standards of the underlying zoning district:
- 1. *Building Design Standards for Expansion or Remodeling Projects.* Projects that qualify under Section 25-11.14.D.1, Projects Subject to Overlay District Standards (paragraphs b-e) shall be subject to the following building design standards:
 - a. External trash receptacles, recycling storage areas, external emergency generators, mechanical equipment, building mounted utilities, utility boxes and facilities, and outdoor storage areas shall be situated and screened as per Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.
 - b. Any building with a wall of more than seventy (70) feet facing the lot frontage shall incorporate differing setbacks to “break up” the wall plane facing the street. The difference in said setbacks shall be no less than two (2) feet. If the lot is situated such that it faces two streets, each wall facing a street shall incorporate this technique.
 - c. Buildings or projects shall not utilize corporate architecture (an architectural treatment utilized in more than three other locations in the St. Louis Metropolitan Statistical Area [MSA]).
 - d. Buildings and accessory structures shall not include corrugated steel, smooth finish concrete block (cinder block), smooth finish poured concrete (tilt-up or cast-in-place), whether painted or unpainted, vertical rough-sawn wood siding (T-111/T-19), tensile fabrics or similarly single layer, uninsulated materials. Where the City Planner finds that said materials are an integral and essential element in the ability of the overall design to meet the purpose of the overlay district, the City Planner shall report the finding, in writing, to the Planning Commission. The Planning Commission shall either accept or reject the City Planner’s finding within thirty (30) days of receipt of the finding. If the Planning Commission rejects the City Planner’s finding on the proposed materials, they shall direct the City Planner as to the minimum necessary modifications to the proposal.
 - e. The exterior finish must include more than two visible materials, including glazing (windows). Where a wall facing a street has a horizontal expanse greater than twenty-five (25) feet without glazing, the City Planner must find that the overall visual character of the wall is an integral and essential element in the ability of the overall design to meet the purpose of the overlay district. The City Planner’s review shall include, but not be limited to a consideration of the adjacent landscape design, variations in materials, elevations, and/or changes in setback. The City Planner shall report the finding, in writing, to the

Planning Commission. The Planning Commission shall either accept or reject the City Planner's finding within thirty (30) days of receipt of the finding. If the Planning Commission rejects the City Planner's finding on the proposed materials, they shall direct the City Planner as to the minimum necessary modifications to the proposal.

- f. The visible materials and general composition of the façade shall be repeated around all four (4) sides of the building to the maximum extent practicable.
2. *Building Design Standards for New Buildings.* New buildings shall be subject to the design standards of Section 25-13, Building Design Standards.
 3. *Parking and Loading Areas.* Projects that qualify under Section 25-11.14.D.1., Projects Subject to Overlay District standards, shall be subject to the following requirements:
 - a. At least sixty percent (60%) of the overall parking requirement shall be located in the side or rear yard, behind the front plane of the forward most building. On corner lots, the front plane shall be the façade facing Dorsett Road.
 - b. Access to all parking and loading areas shall be via shared driveways and/or cross-access easements to the maximum extent practicable. Where shared access is denied by a third party, documentation shall be submitted to the City Planner demonstrating said denial.
 4. *Signs.* Projects that qualify under Section 25-11.14.D.1, Projects Subject to Overlay District Standards shall submit a sign package for the review and approval of the City Planner. The package shall demonstrate compliance with the following:
 - a. Use of a common color scheme for the proposed buildings or structures and all signs in the package;
 - b. Use of common materials between the proposed buildings and all ground mounted sign bases in the package;
 - c. Use of matching lettering style for all signs in the package;
 - d. All wall mounted signs shall feature individually raised (and internally illuminated if desired) letters rather than an illuminated panel;
 - e. All wall mounted, ground mounted and pole signs in the package shall contain only the logo and trademark name of the business displaying the sign(s). No advertising copy or description of services may appear on the sign, except as may be permitted on a changeable copy sign;
 - f. Permitted ground mounted signs for new and pre-existing development may contain changeable copy, subject to the review and approval of the Planning Commission. No other signs may contain changeable copy. Planning Commission approval shall be upon:
 - i. The changeable copy area not exceeding fifty (50%) percent of the allowed maximum sign area;
 - ii. The changeable copy area being located below or to the right of the fixed lettering on the sign; and
 - iii. The changeable copy lettering style being the same or closely similar to the other fixed lettering on the sign.
 5. *Site Coverage.* The maximum site coverage shall not exceed eighty percent (80%) of the lot area.
- F. *Administrative Relief.* To promote flexibility in the design process, the City Planner may authorize minor modifications to city development standards upon a finding that all of the following are met:

1. The proposed improvement is compatible with the character of the property requesting relief and the adjacent property;
2. The proposed improvement requiring relief will not be detrimental to the property requesting relief, any adjacent property or the city;
3. The relief granted is the minimum required to meet the needs of the proposed improvement, or in the case of a numeric standard, does not exceed five (5%) percent of the required standard; and
4. The relief shall not be contrary to the purpose and intent of this ordinance.

G. *Waivers of Overlay District Standards.* Some projects such as single residences, may not need a complete review even though one (1) of the five (5) preceding requirements is met. The City Planner may waive full compliance with the requirements of the overlay district if it is determined that such compliance will not further the purposes of this section. If such a waiver is granted, the City Planner shall provide written documentation of that decision, to the Planning Commission. The Planning Commission shall either accept or reject the City Planner's finding within thirty (30) days of receipt of those findings. If the Planning Commission denies the waiver of overlay district standards, they shall direct the City Planner in the application of said standards.

H. *Denial and Appeal Procedure*

1. *Denial by Staff.* If the City Planner or his designee finds that the proposed project has not properly addressed one of the design criteria of this section, or there are other technical deficiencies identified by other city staff reviewers, and adequate resolution of the issue(s) can not be ensured by the applicant, the City Planner or his designee shall deny the particular application (site plan review, building permit, or special zoning) and state the reasons for the denial in a letter to the applicant.
2. *Appeal to Planning Commission.* The applicant may appeal the City Planner's decision to the Planning Commission if that appeal, including appeal fee, is made in writing to the City Planner within ten (10) days of the decision. The appeal letter shall describe the unresolved issues and describe what design solutions are proposed by the applicant. The applicant shall be notified of the date of the Planning Commission meeting to consider the appeal, a minimum of fifteen (15) days prior to the public meeting.
3. *Second Appeal to City Council.* The decision of the Planning Commission shall be final unless a notice of appeal to the City Council is made by the applicant in writing to the City Planner within ten (10) days of the Planning Commission's decision. The appeal letter shall state the reasons for the appeal and be accompanied by the required fee. The applicant shall have an additional thirty (30) days to submit any additional appeal documents, after which the appeal shall be scheduled before the City Council. The applicant shall be notified of the date of the City Council meeting to consider the appeal a minimum of fifteen (15) days prior to the public meeting.
4. *Board of Adjustment.* The Developer shall have the right to appeal the decision of the City Council pursuant to Section 25-9, Variances, of the City of Maryland Heights Zoning Code and to subsequently pursue any other available legal or equitable remedy.

ARTICLE 12. SUPPLEMENTARY DISTRICT REGULATIONS.

Sec. 25-12.1. Purpose.

Unless otherwise stated, the regulations hereafter established shall apply within all zoning districts established by the Zoning Code. These general regulations supplement and qualify the district regulations appearing elsewhere in this ordinance.

Sec. 25-12.2. Access to Nonresidential District.

No land which is located in a residential district shall be used for providing the primary access to land located in a nonresidential district unless incorporated as part of a Planned District.

Sec. 25-12.3. Accessory Buildings and Structures.

- A. *Scope.* This subsection shall apply to all accessory buildings and structures except the following:
1. Accessory buildings and structures in the “R-6” Multi-Family Residential District, which shall conform with standards set forth in Section 25-11.7, “R-6” Multi-Family Residential District.
 2. Landscaping-related structures, which shall conform with the standards set forth in Section 25-12.4, Landscaping-Related Structures.
 3. Swimming pools, which shall conform with the standards set forth in Section 25-12.5, Swimming Pools.
 4. Temporary storage units, which shall conform with the standards set forth in Section 25-25.2, Temporary Storage Units.
- B. No accessory building or structure shall be used prior to the establishment of the main building, except as a temporary construction facility for the main building.
- C. *Permits.* Accessory buildings and structures shall require the following permits, based on the ground floor area of the structure:
1. Those two hundred (200) square feet and under in area shall require a zoning permit.
 2. Those over two hundred (200) square feet in area shall require a building permit.
- D. *Accessory Buildings and Structures in the “NU” Non-Urban District.*
1. *Coverage.* The combined gross area of all detached accessory buildings and structures shall not exceed two (2%) percent of the lot area.
 2. *Setbacks.* Accessory buildings and structures shall meet the required setbacks of the “NU” Non-Urban District.
 3. *Height.* Accessory buildings and structures shall meet the height requirements of the “NU” Non-Urban District.
- E. *Accessory Buildings and Structures in the “C” Commercial, “M” Manufacturing, and “RD” Redevelopment Districts.*
1. Two (2) accessory buildings or structures shall be permitted on each lot as follows:
 - a. Accessory buildings and structures of one hundred twenty (120) square feet or less shall comply with the following:
 - i. *Location.* Such buildings and structures may be allowed only in the rear yard and shall be located

behind the main building. In instances where this requirement is technically infeasible, as determined by the City Planner, an alternative location may be approved.

- ii. *Setbacks.* Such buildings and structures shall be set back at least three (3) feet from the side and rear property lines.
 - iii. *Height.* Such buildings and structures shall be limited to a maximum height of ten (10) feet.
- b. Accessory buildings and structures in excess of one hundred twenty (120) square feet shall comply with the following:
- i. *Number.* No more than one (1) such building or structure shall be permitted.
 - ii. *Area.* Said building or structure shall not exceed a maximum floor area of five hundred (500) square feet.
 - iii. *Height.* Such building or structure shall not exceed the height of the principal building.

F. *Accessory Buildings and Structures in the “R-1” through “R-5” Single-Family Residential Districts.*

- 1. *Use.* The use of the accessory building or structure shall be incidental and subordinate to the single-family residential use of the property. Use of accessory buildings for commercial purposes or accessory dwelling units is not permitted.
- 2. *Number.* Each residential lot shall be permitted one (1) accessory building or structure of one hundred twenty (120) square feet or less and additional buildings or structures in accordance with Table 12.1, Accessory Buildings and Structures on Residential Properties.

TABLE 12.1, ACCESSORY BUILDINGS AND STRUCTURES ON RESIDENTIAL PROPERTIES		
MINIMUM LOT AREA	MAXIMUM NUMBER OF ACCESSORY BUILDINGS OR STRUCTURES*	TOTAL MAXIMUM GROUND FLOOR AREA OF ACCESSORY BUILDINGS OR STRUCTURES*
7,500 sq. ft. or less	1	500 square feet
10,000 sq. ft.	1	600 square feet
15,000 sq. ft.	1	900 square feet
20,000 sq. ft.	1	1,000 square feet
30,000 sq. ft.	1	1,500 square feet
1 acre	2	2,000 square feet
3 or more acres	5	4% of the lot area

* Not including the one (1) permitted building or structure of one hundred twenty (120) square feet or less.

- 3. Accessory buildings and structures of one hundred twenty (120) square feet or less shall comply with the following:
 - a. *Location.* Such buildings and structures may be allowed only in the rear yard and shall be located behind the main building. In instances where this requirement is technically infeasible, as determined by the City Planner, an alternative location may be approved.
 - b. *Setbacks.* Such buildings and structures shall be set back at least three (3) feet from the side and rear property lines.
 - c. *Height.* Such buildings and structures shall be limited to a maximum height of ten (10) feet.

4. Accessory buildings and structures in excess of one hundred twenty (120) square feet shall comply with the following:
 - a. *Setbacks.* Such building or structure shall meet the required setbacks of the zoning district.
 - b. *Height.* Such building or structure shall not exceed the height of the principal building.
 - c. *Design.*
 - i. Accessory buildings in excess of two hundred (200) square feet in area shall be consistent with the dwelling in design, subject to the review and approval of the City Planner. Buildings shall be in keeping with residential neighborhoods, avoiding the appearance of commercial or Quonset-style buildings.
 - ii. Accessory buildings or structures in excess of the total living area of the dwelling, as determined by the St. Louis County Assessor, shall be subject to the review and approval of the Planning Commission. The burden of proof shall be on the applicant to prove the following:
 - The intended use of the proposed building or structure is truly incidental and subordinate to the residential use of the property.
 - The area of the proposed building or structure is appropriate given the context of the lot.
 - The location of the proposed building or structure is appropriate relative to the street and adjoining dwellings.
 - The area and location of the proposed building or structure is appropriate relative to any other accessory building(s) on the lot.
 - The proposed building or structure will not adversely impact the character of the neighborhood or result in a substantial detriment to adjoining property owners.
5. *Appeal of the City Planner's Decision.* In the event of a disagreement between the applicant and the City Planner regarding the provisions of this subsection, such disagreement shall be submitted to the Planning Commission, which shall make the decision on such disagreement, provided the applicant shall also have the right to appeal such decision pursuant to Section 25-9, Variances, of the Zoning Code and to pursue any other available legal or equitable remedy.

Sec. 25-12.4. Landscaping-Related Structures.

- A. *Minimum Yard Requirements.* The following landscaping-related structures shall not be considered accessory structures for the purpose of yard requirements:
 1. Arbors.
 2. Benches.
 3. Landscaping timbers used to define yard areas, not exceeding twenty-four (24) inches in height.
 4. Statuary.
 5. Trellises.
 6. Yard lighting.
- B. Landscaping timbers used to define yard areas, exceeding twenty-four (24) inches in height, shall be subject to the requirements of Section 25-12.7, Retaining Walls.
- C. *Gazebos and Pergolas.*
 1. *Permits.* Gazebos and pergolas shall require the following permits, based on the ground floor area of the

structure:

- a. Those two hundred (200) square feet and under in area shall require a zoning permit.
 - b. Those over two hundred (200) square feet in area shall require a building permit.
2. *Number.* Gazebos and pergolas shall count toward the total number of accessory buildings or structures permitted on each lot in accordance with Section 25-12.3, Accessory Buildings and Structures.
3. Gazebos and pergolas not exceeding one hundred twenty (120) square feet shall be subject to the following requirements:
- a. Said structures shall be set back a minimum of ten (10) feet from any road right-of-way.
 - b. Said structures shall be set back a minimum of three (3) feet from any side or rear property line.
 - c. Said structures shall be limited to a maximum of ten (10) feet in height.
4. Gazebos and pergolas in excess of one hundred twenty (120) square feet shall be subject to the following requirements:
- a. Said structures shall meet all required setbacks of the zoning district. Where a lesser setback is stipulated for accessory structures, such structure shall meet the lesser setback.
 - b. Said structures shall be allowed only in the rear yard and shall be located behind the main building.
 - c. Said structures shall be limited to a maximum area of five hundred (500) square feet.
 - d. Said structures shall not exceed the height of the principal building.

Sec. 25-12.5. Swimming Pools.

A swimming pool exceeding two (2) feet in depth shall require a building permit. Pools requiring a building permit must meet the setback requirements of the zoning district. A building permit for a swimming pool will not be issued without the approval of the electric utility provider. All pools not requiring a building permit shall comply with the setbacks for detached accessory structures.

Sec. 25-12.6. Fences.

This section contains the minimum regulations for the erection or alteration of fences (which shall include other physical security measures) in the City.

A. General Provisions.

1. Unless otherwise noted, all fences erected, altered, or replaced in the City shall require a free zoning permit. Routine maintenance of a fence does not require a permit.
2. All requests for fences shall be reviewed by the City Planner. Applicants shall supply the City Planner with a completed application, plot plan, and other documentation as the City Planner deems necessary.
3. Fences surrounding a swimming pool shall meet the requirements of the International Building Code, as adopted, and shall be subject to a building permit.
4. It shall be the responsibility of property owners to ensure that fences are constructed entirely within the subject property.

5. It shall be the responsibility of the property owner to ensure that a fence does not block or obstruct the flow of stormwater.
6. No provision of these fence requirements shall be construed as the right of the property owner to erect a fence on a public easement for any purpose.
7. All fences shall be constructed in a workmanlike manner in accordance with accepted construction practices and methods. Wood and vinyl fences shall be installed with proper posts and supports. Use of a chain link fence to support wood or vinyl fences (or vice versa) shall be prohibited.
8. The finished side of fences shall face outward. All visible supports and other structural components shall face in toward the subject property.
9. Property owners shall be responsible for properly maintaining fences, including removal of any fences that become unsightly or a menace to public safety, health or welfare.
10. The City Planner may waive the design requirements of this Section for a temporary fence, subject to issuance of a zoning permit. Said permit shall include conditions and limitations including the permissible design, height, and location of the fence as well as the duration of the permit.
11. All fences erected prior to enactment of the Zoning Code shall be considered nonconforming and as such shall be allowed to remain in place or repaired in accordance with Section 25-7, Nonconforming Lots, Structures, and Uses.

B. *Fence Regulations for Residential Properties.*

1. *Materials.*
 - a. Fences shall be constructed of wood, vinyl, aluminum, or steel chain link.
 - b. Fences or walls constructed of masonry or stone shall be permitted, subject to a building permit.
 - c. The use of barbed wire shall be prohibited.
 - d. The use of privacy slats, fabric, hardware cloth, or other similar material shall be prohibited.
 - e. Electric fences and battery-charged fences shall be prohibited.
 - f. Fences constructed of other materials may be allowed, subject to the review and approval of the Planning Commission. In making their decision on the request, the Planning Commission shall consider:
 - i. The quality and durability of the proposed material(s); and
 - ii. Any potential adverse impacts on safety or neighborhood character.
 - g. Wire or plastic mesh fencing, such as chicken wire, shall be allowed within the interior of the property for gardening or animal deterrent purposes without a fence permit. Such fencing shall be prohibited along the perimeter of the property.
2. *Height.* Fences shall be limited to a height of six (6) feet with an overall installed height of seventy-eight (78) inches above finished grade on the subject property's side of the fence.
3. *Location.*
 - a. *On an interior lot:*
 - i. A fence shall be allowed within the minimum side and rear yards.

- ii. A fence shall not extend beyond the front façade of the dwelling into the front yard, as determined by the City Planner.
- b. *On a corner lot:*
 - i. A fence shall be allowed within the minimum side and rear yards.
 - ii. A fence shall not extend beyond the front façade of the dwelling into the primary front yard. The primary front yard shall be determined by the City Planner based upon the property address, the orientation of the dwelling, and/or the location of the primary entrance.
 - iii. A fence shall be allowed within the minimum secondary front yard. However, a sight proof fence shall not be permitted within the sight distance triangle.
- c. *On a double-frontage lot:*
 - i. A fence shall be allowed within the minimum side yards.
 - ii. A fence shall not extend beyond the front façade of the dwelling into the front yard.
 - iii. A fence shall be allowed up to the right-of-way line of the rear street frontage as determined by the City Planner based on upon the property address, the orientation of the dwelling, the location of the primary entrance, and/or the established character of the street.

C. *Fence Regulations for all Nonresidential Properties.*

1. *Materials.*

- a. Fences shall be constructed of wood, vinyl, aluminum, or steel chain link.
- b. Fences or walls constructed of masonry or stone shall be permitted, subject to a building permit.
- c. For screening purposes, chain link fences may include privacy slats or fabric, subject to the review and approval of the City Planner.
- d. The City Planner may approve the use of barbed wire for security purposes if the lowest strand is at least seven (7) feet above grade. A request stating the reason for barbed wire must be made in writing by the property owner.
- e. Electric fences shall be prohibited.
- f. Battery-charged fences shall be permitted in accordance with Section 67.301 RSMo., provided that:
 - i. The accompanying nonelectric perimeter fence is a minimum of eight (8) feet in height; and
 - ii. Is constructed of a sight proof material such as wood or vinyl or chain link incorporating privacy slats or fabric.
- g. Fences constructed of other materials may be allowed, subject to the review and approval of the Planning Commission. In making their decision on the request, the Planning Commission shall consider:
 - i. The quality and durability of the proposed material(s); and
 - ii. Any potential adverse impacts on safety or neighborhood character.
- h. Wire or plastic mesh fencing, such as chicken wire, shall be allowed within the interior of the property

for gardening or animal deterrent purposes without a fence permit. Such fencing shall be prohibited along the perimeter of the property.

2. *Height.* Fences shall be limited to a height of six (6) feet with an overall installed height of seventy-eight (78) inches above finished grade on the subject property's side of the fence, except as follows:
 - a. Fences up to a maximum height of eight (8) feet with an overall installed height of one hundred two (102) inches in overall height above finished grade on the subject property's side of the fence for security and/or screening purposes, subject to the review and approval of the City Planner.
 - b. Battery-charged electric fences shall be limited to ten (10) feet in height or, if part of a nonelectric fence or wall, no more than two (2) feet higher than the nonelectric fence or wall, whichever is higher, in accordance with Section 67.494 RSMo.
3. *Location.*
 - a. *On an interior lot:*
 - i. A fence shall be allowed within the minimum side and rear yards.
 - ii. A fence shall not extend beyond the front building line (front yard setback) into the front yard.
 - b. *On a corner lot:*
 - i. A fence shall be allowed within the minimum side and rear yards.
 - ii. A fence shall not extend beyond the front building line (front yard setback) into the front yard. The primary front yard shall be determined by the City Planner based upon the property address, the orientation of the dwelling, and/or the location of the primary entrance.
 - iii. A fence shall be allowed within the minimum secondary front yard. However, a sight proof fence shall not be permitted within the sight distance triangle.
 - c. *On a double-frontage lot:*
 - i. A fence shall be allowed within the minimum side yards.
 - ii. A fence shall not extend beyond the front building line (front yard setback) into the front yard.
 - iii. A fence shall be allowed up to the right-of-way line of the rear street frontage as determined by the City Planner based on upon the property address, the orientation of the building, the location of the primary entrance, and/or the established character of the street.
 - d. Notwithstanding the above, the Planning Commission may review and approve fences within the front yard of nonresidential properties. In making their decision on the request, the Planning Commission shall consider:
 - i. Whether the location is needed for adequate security or screening;
 - ii. The quality and durability of the proposed material(s); and
 - iii. Any potential adverse impacts on neighborhood character.

Sec. 25-12.7. Retaining Walls.

- A. The total height of retaining walls shall be based on the height of the retained fill.
- B. All retaining walls exceeding twenty-four (24) inches in height shall require a building permit, subject to the review and approval of the City Planner and Building Commissioner. Such walls shall meet the following

requirements:

1. The retaining wall shall not encroach on an adjoining property.
2. The retaining wall shall be constructed of inorganic material such as landscape masonry, concrete, brick, or stone. Painting of masonry shall be subject to the review and approval of the City Planner.
3. The retaining wall shall not be constructed on a utility easement without a waiver or consent from the utility company holding rights to said easement.

C. *Repair of existing railroad tie walls.*

1. Where existing railroad tie walls are being repaired, treated wood ties may be used provided that no more than twenty (20%) percent of the face of the wall in its entirety is being replaced. Repairs to the wall will be considered as cumulative.
2. Once the maximum of twenty (20%) percent has been reached, the wall must be replaced in its entirety with inorganic material.
3. At the discretion of the City, prior to approval of a permit for said repairs, the owner/applicant may be required to provide (at their expense) a report prepared by a licensed engineer registered in the State of Missouri confirming the condition and integrity of the wall in question. This report will be reviewed by the Building Commissioner and a determination will be made whether the proposed repair is sufficient to maintain structural integrity or whether the wall must be replaced.

Sec. 25-12.8. Satellite Dish Antennae.

A. Satellite dish antennae may be installed, erected, and maintained within all zoning districts of the City, but only in accordance with the provisions of this subsection. The term "antenna" as used herein shall mean any device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This device may be external to or attached to the main building as specified herein. This subsection shall not apply to satellite dish antennae less than one (1) meter in area.

B. *General Regulations; All Districts.*

1. Every installation of an outside dish antenna shall be installed and maintained in compliance with the Building Code.
2. Each installation shall require a building permit.
3. Application for such a permit shall include the submittal of a Site Plan which will include distances from street and lot lines, height above ground, type and amount of proposed screening, diameter of antenna and other pertinent information as may be required by the City Planner and/or Building Commissioner.
4. The owner of the satellite antenna agrees to accept the sole responsibility for the legal access to a conveyance of satellite television communications. Said owner agrees to hold the City harmless from any litigation which may result from unauthorized commercial use of satellite transmission and agrees to indemnify the City for expenses incurred as a result of any litigation involving the City, which may arise from unauthorized commercial use of satellite transmissions.
5. All installations shall be located to prevent obstructions of the antenna's reception window. Each applicant shall include a diagram which identifies said window and the location of the installation.
6. Except as otherwise stated below, all antennae shall be located in the rear yard setback. On corner lots, no antennae shall extend beyond the front setback lines.

- C. *Non-Urban and Residential District Regulations.* In any "NU" Non Urban and "R" Residential District, satellite dish antenna shall be erected as follows:
1. Only one (1) satellite dish antenna per lot shall be permitted.
 2. In any residential district, one (1) ground mounted satellite earth station may be erected per lot to a maximum height of twenty (20) feet above adjacent ground level, provided:
 - a. The diameter of such antennae shall not exceed ten (10) feet.
 - b. Such antennae shall only be located in the rear yard.
 - c. The antennae shall be neutral in color and, to the extent possible, compatible in character and appearance with the surrounding neighborhood.
 3. Satellite dish antennae with a diameter measuring less than one (1) meter may be installed on the main building in a manner consistent with typical television antennae.
 4. Satellite dish antennae shall be used for private, non-commercial messages.
- D. *Commercial or Industrial Districts.* In any "C" commercial district or "M" industrial district, antennae shall be erected as follows:
1. Only one (1) satellite dish antennae shall be allowed per lot except as may be permitted in a Planned District. Where multiple tenants exist on a lot, the City Planner may consider additional antennae upon request.
 2. Satellite dish antennae may be either ground or roof mounted.
 3. All ground mounted antennae shall comply with the following:
 - a. Ground mounted satellite dish antennae shall not exceed twelve (12) meters (39.4 feet) in diameter.
 - b. Antennae shall be screened through the addition of architectural features and/or landscaping that harmonize with the elements and characteristics of the property.

The City Planner shall approve all screening prior to issuance of a building permit. Where the antennae abut an "R" Residential District, such screening may be waived by the City Planner if the antennae are set back a distance of at least five (5) times its diameter.
 - c. All ground mounted satellite dish antennae shall be located in the rear yard except as may be permitted in a Planned Development District.
 4. Roof top antennae shall not exceed the diameter allowed in paragraph 3.a. of this section. In no case shall the height of any antennae exceed the height limitations established for the main building.
 5. All satellite dish antennae shall be neutral in color and, to the extent possible, compatible in character and appearance with the surrounding neighborhood.
 6. Satellite dish antennae shall not be used to advertise a product or service.

Sec. 25-12.9. Animals.

- A. Animals may be kept in accordance with the regulations of Chapter 5, Animals, of the Municipal Code.
- B. *Farm Animals.*
1. Farm animals may be kept on any Non-Urban or single-family residential property of three (3) acres or more.

2. On single-family residential properties, all such animals may be kept only for the personal use and enjoyment of the property owner and not for commercial purposes
3. *Setbacks.* No stable or shed providing shelter for farm animals, other than chickens, shall be located within fifty (50) feet of the property line.

Sec. 25-12.10. Yard Exceptions.

- A. *Commercial/Industrial Front Yards.* In "C-1", "C-2", to "M-1", and "M-2" districts inclusive, where buildings located in the same block on the same side of a street have provided front yards of greater depth than herein required, the Planning Commission may require a similar setback for buildings or structures constructed thereafter.
- B. *Rear Yards Abutting Railroad Right-of-Way.* No rear yard shall be required in "C-2", "M-1", "M-2", "RD-M", or "RD-C" districts where the rear yard adjoins a railway right-of-way.
- C. *Easements.* No building permit shall be issued for a structure on an easement without the expressed written consent of all parties holding interest in the easement.
- D. *Right-of-Way Dedications.* Land dedicated to street right-of-way shall not be included in computing minimum lot area for the purposes of the Zoning Code. However, if, through dedication of street right-of-way, the area of any lot or parcel already established via the provisions of the Subdivision Code is decreased below the minimum area required in the applicable zoning district, development rights shall not be denied.
- E. *Corner Lots.* Each corner lot shall have a rear yard and side yard with a minimum setback requirements of the applicable zoning district. The side and rear yards shall be identified by the owner of the corner lot when plans are submitted for the first building on the property.
- F. *Structural Projections.* Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except as follows:
 1. In all "R" Residential Districts, a handicap accessibility ramp may encroach into the minimum front yard to the smallest extent necessary to perform its proper function.
 2. Skylights, sills, belt courses, cornices and ornamental features may project into any yard a maximum of twelve (12) inches.
 3. Chimneys and flues, not exceeding seventy-two (72) inches in width, may project into side or rear yards a maximum of twenty-four (24) inches.
 4. Roof overhangs may project into any yard a maximum of eighteen (18) inches, except that roof overhangs on the south side of a building may project forty-eight (48) inches into a side or rear yard but no closer than forty-eight (48) inches to a property line.
 5. Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet.
 6. In all "R" Residential Districts, air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within said side or rear yards.
 7. Canopy overhangs for service stations may project a maximum of eighteen (18) inches into required front yards.
 8. Radio or television receiving antenna shall not exceed a height of fifteen (15) feet above the roof line.

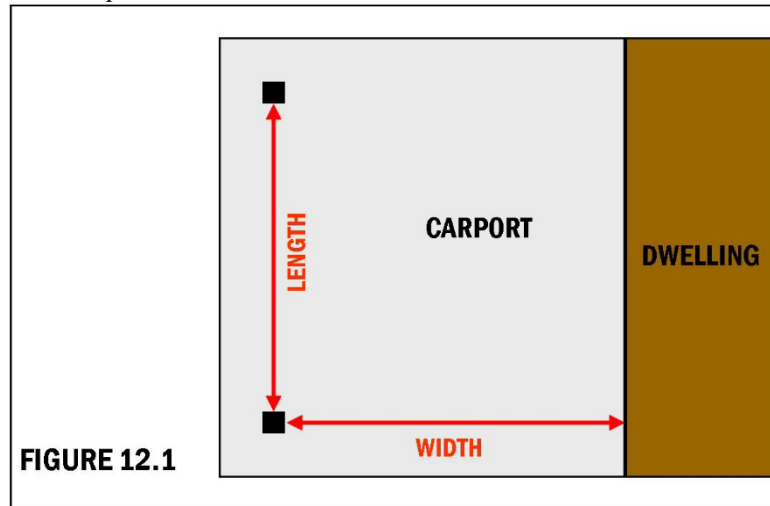
G. *Accessory Structures.*

1. The City Planner may reduce the minimum rear yard setback for an accessory structure over one hundred twenty (120) square feet in area on a residential property in situations where:
 - a. Satisfying the minimum rear yard setback would present a substantial hardship due to the topography of the property;
 - b. Satisfying the minimum rear yard setback would negatively impact stormwater drainage on the subject property and adjoining properties;
 - c. The property has an irregular shape, particularly as it relates to the rear property line; or
 - d. The minimum rear yard setback is unnecessary because the property abuts nonresidential property or subdivision common ground.
2. In no case shall the rear setback be less than the minimum side yard setback of the underlying zoning district.
3. To authorize a reduction in the minimum rear yard setback, the City Planner must find:
 - a. The circumstances of Section 25-12.10.G.1 apply to the subject property;
 - b. Adhering to the minimum rear yard setback would create a practical difficulty or hardship;
 - c. The lesser setback will not result in a substantial adverse impact on adjoining properties; and
 - d. The lesser setback will not result in a substantial adverse impact on neighborhood character.
4. *Rights of Appeal.* The City Planner's decision may be appealed to the Board of Adjustment in accordance with Section 25-9, Variances, of the Zoning Code.

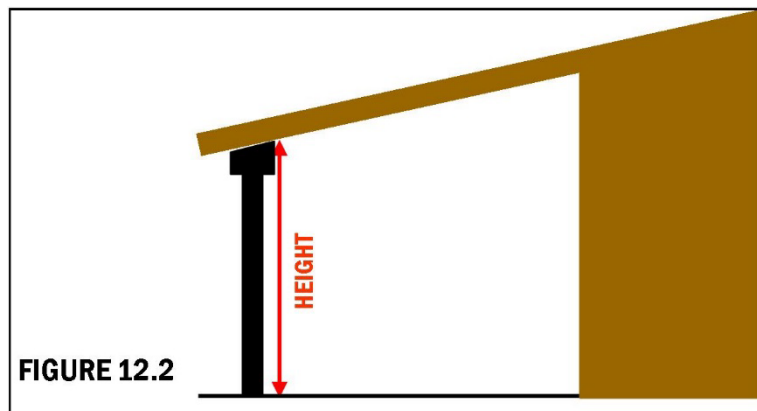
Sec. 25-12.11. Carports on Single-Family Residential Lots.

- A. *Scope.* This subsection shall apply to all pre-existing or proposed carports on single-family residential lots. Carports on multi-family residential lots are governed by Section 25-11.7.D.15, Accessory Buildings—Covered Parking.
- B. *Specific Intent.* It is the specific intent of this section to:
 1. Ensure that existing single-family homes conform with the parking requirements to the greatest extent possible.
 2. Ensure that existing carports are used for their intended purpose of vehicle storage.
 3. Ensure that existing carports do not negatively impact neighborhood character.
- C. *Parking space required.* An unobstructed space measuring at least six (6) feet by sixteen (16) feet shall be maintained within the carport for the purpose of parking an automobile. In the case of carports designed to accommodate two (2) automobiles, two (2) such unobstructed spaces shall be provided.
- D. Construction of new carports on single-family residential lots is not permitted.
- E. *Replacement or restoration.*
 1. Pre-existing carports may be replaced or restored provided that:

- a. Neither the length nor the width of the carport is increased. For the purpose of this provision, the length and width shall be measured from the nearest edges of the poles, supports, or wall of the dwelling to each other (see Figure 12.1). Structural or aesthetic changes which do not increase the length or width of the carport shall be permitted.



- b. The height of the carport is not increased. For the purpose of this provision, the height of the carport shall be its lowest clearance height (see Figure 12.2).



- c. In the case of a carport attached to the dwelling, the dwelling is not destroyed to an extent sixty percent (60%) or greater of the dwelling's replacement value as determined by the Building Commissioner.
 - d. In the case of a carport detached from the dwelling, the carport is not destroyed to an extent sixty percent (60%) or greater of the carport's replacement value as determined by the Building Commissioner. Replacement or restoration of detached carports is subject to the provisions of Section 25-12.3, Accessory Buildings and Structures.
2. The City Planner shall have the authority to allow nominal increases in length, width, or height of the carport based on a finding that:
 - a. The expansion is necessary to meet the specific intent of this subsection; and
 - b. The resulting carport would otherwise meet all other requirements of the Zoning Code with regard to setbacks, height, and lot coverage.

3. In the event of a disagreement between the applicant and the City Planner as to the findings required in Section 25-12.11.E.2, said disagreement shall be submitted to the Planning Commission, which shall make the decision on such disagreement, provided the applicant shall have the right to appeal such decision pursuant to Section 25-9, Variances.

ARTICLE 13. BUILDING DESIGN STANDARDS.

Sec. 25-13.1. Purpose.

The purpose of this section is to provide minimum standards for sustainable, interesting, and attractive building design.

Sec. 25-13.2. Intent.

It is the intent of the design regulations to:

- A. Create transitions and relationships among the adjacent developments and neighborhoods.
- B. Require a scale and form for the design of buildings consistent with the development patterns envisioned by the Comprehensive Plan and necessary for implementation of either an existing zoning district or proposed Planned District.
- C. Specify the appropriate relationship of buildings, site elements, open spaces, and public rights-of-way.
- D. Create value, identity and character within neighborhoods and districts through diverse architectural styles and a variety of design details.
- E. Integrate diversity of neighborhoods, planning districts, and development sites through the consistent application of scale, form, and function specified in the Comprehensive Plan and Zoning Code.

Sec. 25-13.3. Overall Design Goals.

- A. Connect buildings to the broader built environment through consistent orientation and design elements.
- B. Activate public streetscapes and other public or community spaces with pedestrian scale design elements and “permeable” buildings and facades.
- C. Create consistent well-designed building frontages along streets and other public or community spaces, suitable to the site context and environment.
- D. Include uniform application of basic design qualities and materials on all sides of buildings.
- E. Encourage architectural diversity appropriate to a site’s immediate context.
- F. Create neighborhoods and districts that exhibit both character and value.
- G. Use exterior materials that contribute to the desired character of the planning district, and are compatible with existing materials of surrounding buildings.
- H. Avoid blank walls and long, uninterrupted facades along public streetscapes and other public or community spaces.
- I. Screen or eliminate building elements dedicated to loading, vehicle access, or other intensive service areas from prominent positions on streetscape or from adjacent property.
- J. Minimize the impact of external utilities, such as cabinets, mechanical equipment, conduits and storage areas on the public viewshed.
- K. Protect the character and values of adjacent properties and the public realm by creating criteria relating to building mass and scale that establish the relationship of buildings to the public viewshed.
- L. Create effective transitions from the public rights-of-way to private areas through the design, location, and

orientation of buildings.

Sec. 25-13.4. Review Criteria.

Compliance with the standards established in this section is determined as part of the review and approval of the site plan as per Section 25-4, Site Plan Review, the Final Development Plan in the case of a Planned District, or the Final Site Plan in the case of a Conditional Use Permit. No separate design review process is required.

Sec. 25-13.5. General Building Design Standards.

- A. *Scope.* Unless otherwise noted, the standards contained in this subsection shall be met by all buildings.
- B. *Buildings, One Principal or Main Building Per Lot.* Except as otherwise specifically provided for as part of a Planned District, only one principal building shall be permitted on a lot. No portion of an area, frontage, or yard required for any lot, building, or use for the purpose of complying with provisions of this code shall be included as an area, frontage or yard for another lot, building or use.
- C. *Corner Visibility.* On a corner lot nothing shall be constructed, erected, placed, planted or allowed to grow in height in excess of thirty-six (36) inches above the established street grade of intersecting streets within the sight distance triangle. The height that an object is above the established street grade shall be established by measuring from the highest point of the object to a point on the top of curb or pavement edge that lies along the projection of a radial line from the center of the pavement curve through the object being measured.
- D. *Structural Projections.* Exceptions to the minimum yard requirements for certain structures or improvements shall be permitted in accordance with Section 25-12.10, Yard Exceptions.

Sec. 25-13.6. Design Standards for Commercial, Industrial, Institutional, and Multi-Family Buildings.

- A. *Specific Intent.* The intent of the design standards in this subsection is to:
 - 1. Establish a unique image for the City that sets it apart from other municipalities in the metropolitan area through the discouragement of branded architecture.
 - 2. Create a human-scale element on building facades and provide a visual connection between activities inside and outside the building through the use of windows.
 - 3. Protect the privacy of residences adjacent to commercial or industrial uses.
 - 4. Avoid blank walls and long, uninterrupted facades along streets and other public or community spaces.
 - 5. Strengthen building character through the use of a variety of quality and sustainable building materials.
 - 6. Protect adjacent residences from glare resulting from reflective materials.
 - 7. Ensure that the primary building entrance is easily identifiable and clearly visible from streets and sidewalks.
 - 8. Ensure that roof lines present a distinct profile and appearance for the building.
 - 9. Ensure that building form is not disrupted by elements dedicated to loading, mechanical equipment, vehicle access, or other intensive services.
- B. *Scope.* Unless otherwise noted, the standards contained in this section shall be met by any new construction of a building or project, not intended for single-family residential use.
- C. *Corporate Architecture.* Buildings or projects shall not utilize corporate architecture, i.e., an architectural treatment utilized in more than three (3) other locations in the St. Louis Metropolitan Statistical Area (MSA).

D. *Façade Design.*

1. Any part of a rear or side façade that is visible from any street shall provide the same roof lines, building materials, and colors as the front facade.
2. *Windows.*
 - a. On façades that front a street, windows shall comprise the following percentages of the façade area between two (2) and ten (10) feet above grade:
 - i. Office distribution and light industrial buildings - twenty-five (25%) percent.
 - ii. All other buildings – forty (40%) percent.
 - b. Windows, if not opaque or translucent, shall be oriented in such a manner to preclude a direct line of sight into adjacent dwellings to the greatest extent possible.
3. *Massing.* Within each one hundred (100) linear feet, including the first one hundred (100) linear feet, street facing façades shall contain at least two (2) differentiated massing elements. Other façades, except those containing service and loading areas, shall contain at least one (1) differentiated massing element within each one hundred (100) linear feet. Differentiated massing elements may include:
 - a. Horizontal offsets such as projections and recesses.
 - b. Vertical offsets such as varied rooflines.
 - c. Varied upper story setbacks.
 - d. Primary entrance features meeting the criteria of Section 25-13.6.F, Primary Entrance Design.
4. *Design Features.* Within each one hundred (100) linear feet of the building façade, at least three (3) different design features shall be provided. Design features shall include:
 - a. Belt courses of a different texture and/or color.
 - b. Medallions.
 - c. Columns.
 - d. Pilasters.
 - e. Trellis containing planting.
 - f. Projecting cornice.
 - g. Projecting metal canopy.
 - h. Decorative tilework.
 - i. Opaque or translucent glass.
 - j. Artwork.
 - k. Awnings.
 - l. Similar architectural details, approved by the City Planner, that meet the specific intent of this subsection.

E. *Building Materials.*

1. Buildings and accessory structures shall not include the following as primary building materials or architectural finish:
 - a. Corrugated steel.
 - b. Smooth finish concrete block (cinder block).
 - c. Smooth finish poured concrete, whether painted or unpainted.
 - d. Vertical rough-sawn wood siding (T-111/T-19).
 - e. Tensile fabrics
 - f. Single layer uninsulated materials.

2. The exterior finish must include at least three (3) visible materials, including windows.
3. With the exception of windows, no more than forty (40%) percent of any façade shall be comprised of the same material unless varied by color, pattern, or texture.
4. Building surfaces shall not reflect light into residential areas or allow light from inside the building to intrude into residential areas.

F. *Primary Entrance Design.*

1. The primary entrance to a building shall be oriented to an adjacent street, not including interstate highways or Page Avenue. Said entrance shall be marked by:
 - a. Ornamentation around the door; and
 - b. At least one (1) of the following:
 - i. Recessed entrance (recessed at least three [3] feet)
 - ii. Protruding entrance (protruding at least three [3] feet).
 - iii. Canopy (extending at least five [5] feet).
 - iv. Portico (extending at least five [5] feet).
 - v. Overhang (extending at least five [5] feet).
2. Buildings within the same project or development may be clustered so that their primary entrances face internal parks, open spaces, landscape infiltration areas, ponds and bioswales or trails in lieu of an adjacent street.

G. *Roof Design.* Flat roof lines must include parapet walls as a design feature or a distinct eave and cornice line.

H. *Situation and Screening of Functional Elements.*

1. *Gutters and Downspouts.* Gutters and downspouts may be visible from the public view only if incorporated into the façade and/or roofline as a decorative architectural element.
2. *Mechanical Equipment and Service Areas.* External trash receptacles, recycling storage areas, external emergency generators, mechanical equipment, building mounted utilities, utility boxes, pumping stations, utility facilities, loading docks, receivable areas, and outdoor storage areas shall be screened from public view in accordance with Section 25– 25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-13.7. Design Standards for Single-Family Dwellings.

A. *Specific Intent.* The intent of the design standards for single-family dwellings in this subsection is to:

1. Ensure that housing design is based on consistent, compatible, and aesthetic architecture.
2. Encourage a strong relationship between dwellings and streets.
3. Improve streetscapes.
4. Minimize garage domination.

B. *Scope.* The design standards contained in this subsection apply to all new single-family homes constructed in Planned or Redevelopment Districts.

- C. *Primary Facades.* The primary façade, and any other facade within thirty (30) feet of a public right-of-way, shall have between ten (10%) percent and forty (40%) percent surface openings consisting of windows or doors.
- D. *Primary Entrance Feature.* All dwellings shall have a primary entrance feature oriented towards the street. The primary entrance feature may include:
1. An unenclosed porch which shall:
 - a. Cover at least fifty (50%) percent of the width of the primary façade;
 - b. Be at least eight (8) feet deep;
 - c. Have a roof integrated into the front building façade covering at least fifty (50%) percent of the porch; and
 - d. Have a masonry or concrete foundation, or pier foundation with lattice entirely screening areas under the porch.
 2. An enclosed or unenclosed portico which shall:
 - a. Be at least six (6) feet wide and four (4) feet deep, but no more than eighty (80) square feet;
 - b. Be differentiated from the front façade by a projecting wall plane or decorative architectural features such as side light windows, decorative moldings; and
 - c. Have a roof or eave projection integrated into the front building façade.
 3. A stoop which shall:
 - a. Be at least eight (8) feet wide and four (4) feet deep, but no more than eighty (80) square feet.
 - b. Be elevated between one (1) foot and (4) feet above grade;
 - c. Have a masonry or concrete foundation; and
 - d. Include decorative wood, iron, or masonry railings.
 4. Primary entrance features may encroach up to ten (10) feet into the front setback.
 5. No structure associated with the primary entrance feature, such as steps or accessibility ramps, shall encroach beyond the limits of the primary entrance feature. Such associate structures shall be designed within the envelope of the entrance feature.
- E. *Massing.* Wall planes on primary facades shall not exceed six hundred (600) square feet without differentiated massing elements covering at least twenty (20%) percent of the wall. Wall planes on all other facades shall not exceed more than one thousand (1,000) square feet without differentiated massing elements covering at least twenty (20%) percent of the wall plane. Differentiated massing elements may include:
1. Offsets in the wall plane of at least three (3) feet;
 2. Primary entrance features meeting the preceding criteria;
 3. Bays with windows projecting between two (2) and five (5) feet;
- F. *Roofs.*

1. Flat roof lines must include parapet walls as a design feature or a distinct eave and cornice line.
2. All pitched roofs shall have a pitch of at least four to twelve (4:12), except that shed or flat roofs may be used to cover up to twenty (20%) percent of the entire building footprint provided they are over building elements such as dormers, porches, or similar minor projections in the building footprint.
3. All structures with primarily pitched roofs shall have a twelve (12) inch minimum eave overhanging all supporting exterior walls.
4. Roofs which are visible from the street shall not exceed more than six hundred (600) square feet without breaks in the roof plane created by one or more of the following, occurring over at least twenty (20%) percent of the entire roof plane:
 - a. Dormers with windows;
 - b. Off-sets of the roof plane of at least eighteen (18) inches; or
 - c. Intersecting roof planes.

G. *Building Materials.*

1. All buildings shall have one primary material covering at least sixty (60%) percent of the building, and no more than three accent or trim materials covering no more than forty (40%) percent of the building.
2. Material changes other than trim shall only occur at inside corners in association with a massing element or at a horizontal architectural detail.
3. All exterior materials shall be consistent with the predominant material in the existing residential neighborhoods.

H. *Garages.*

1. Front-loaded garages shall be limited as follows:
 - a. Garage door widths exceeding fifty (50%) percent of the front façade width are prohibited.
 - b. Garage door widths within twenty-five (25%) to fifty (50%) percent of the front façade width shall be at least sixteen (16) feet behind the front building line.
 - c. Garage door widths less than twenty-five (25%) percent of the front façade width may be even with or behind the front building line.
2. Rear loaded, side-loaded, or detached garages located behind the rear building line shall not be limited other than through the lot and dimension standards contained in this section.
3. All overhead doors on any structure shall be limited to eight (8) feet high.

I. *Parking Apron Design.* One parking apron may be located in front of the front building line, provided:

1. The apron is necessary to meet the minimum parking requirements for the site;
2. The apron area shall not exceed more than two hundred (200) square feet;
3. The apron is setback at least ten (10) feet from the front lot line;

4. If lots are more than fifty (50) feet wide, the apron shall be setback at least three (3) feet from the side lot line. Lots fifty (50) feet wide or less may build aprons to the property line; and
5. The apron is located to the side of the driveway opposite the primary facade of the principal building.

Sec. 25-13.8. Alternative Equivalent Compliance.

A. *Specific Intent.* The intent of this subsection is to:

1. Provide a process to evaluate unique building designs that either provide architecture in a manner outside the scope of standards established in this section or that minimally deviate from these standards while providing architectural character.
2. Provide criteria for the City Planner and Planning Commission for the evaluation of deviations from the building design standards.

B. *Planned Districts and Conditional Use Permits.*

1. *Application.* Upon application for a Planned District or Conditional Use Permit, the applicant shall submit a request to consider the alternative design to the City Planner. Said written request shall include, but not be limited to, the following:
 - a. The specific building design standard(s) of which the alternative design is in conflict with.
 - b. The rationale for the alternative design and the magnitude of the variation being requested.
 - c. How the alternative design exceeds the overall design goals and the specific intent of the standard(s) being varied.
2. *Review Criteria.* The City Planner shall make a finding to the Planning Commission as to whether the proposed alternative design:
 - a. Exceeds the overall design goals and the intent of the building design standards.
 - b. Meets the purpose and intent of the Zoning Code.
 - c. Meets the applicable goals, objectives, and policies of the Comprehensive Plan.
3. *Approval or Denial.* The Planning Commission shall either approve, approve with modifications, or deny the proposed alternative design in conjunction with the Planned District or Conditional Use Permit application.

C. *“R-6” Multi-Family, “M” Manufacturing, “C” Commercial, and “RD” Redevelopment Districts.*

1. *Application.* In conjunction with the site plan review procedure under Section 25-4, Site Plan Review, the applicant shall submit a request to consider the alternative design to the City Planner in the manner of Section 25-13.8.B.1, Application.
2. *Minimal Deviations.* The City Planner shall have the authority to approve minimal deviations to the building design standards. The proposed alternative design may be considered a minimal deviation when it represents a deviation from the standards that is inconsequential to the building’s ability to meet the criteria of Section 25-13.8.B.2, Review criteria.
3. *Significant Deviations.*
 - a. If the City Planner finds that the proposed alternative equivalent design represents a significant deviation

from the regulations contained in this section, the final decision on the approval or denial of said design shall rest with the Planning Commission.

- b. The City Planner shall make a finding, in writing, to the Planning Commission as to whether the requested alternative design meets the criteria of Section 25-13.8.B.2, Review Criteria
 - c. The Planning Commission shall either approve, approve with modifications, or deny the City Planner's finding within thirty (30) days of receipt of the City Planner's report.
- D. The alternative equivalent compliance procedure is not considered a general waiver of the design standards contained herein.

ARTICLE 14. PARKING AND LOADING REGULATIONS.

Sec. 25-14.1. Purpose.

The purpose of this section is to set forth regulations for adequate off-street parking and loading for all uses within the City.

Sec. 25-14.2. Intent.

It is the intent of this section to:

- A. Ensure sufficient off-street parking and loading facilities are provided in proportion to the demand created by the use.
- B. Facilitate orderly traffic circulation patterns within parking and maneuvering areas.
- C. Mitigate the impact of parking lots on public rights-of-way and adjoining uses.
- D. Reduce underutilized or redundant vehicle parking areas.

Sec. 25-14.3. Scope.

- A. Off-street parking and loading facilities shall be provided as specified in this section for:
 1. For all buildings and structures erected and all uses of land established after the effective date of the Zoning Code.
 2. The increase in intensity of use, whenever the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, seating capacity, employees or other units of measurement described herein.
 3. The new use, whenever the existing use of a building or structure shall hereafter be changed to a new use so as to increase the required parking and loading facilities in accordance with the requirements of the Zoning Code.
 4. Expansions or additions to existing parking areas and driveways.
- B. *Damage to Nonconforming Buildings.* Any conforming or legally nonconforming building or use which was in existence on the effective date of the Zoning Code, which is subsequently damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required in this section.
- C. *Planned Districts or Conditional Use Permits.* The parking requirements and regulations of this section may be waived or modified within Planned Districts or Conditional Use Permits.

Sec. 25-14.4. Computation and Interpretation of Requirements.

- A. Typical minimum parking requirements are provided in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
- B. Typical minimum parking and loading requirements for shopping centers are provided in Section 25-14.11, Off-Street Parking and Loading Requirements for Shopping Centers.
- C. When no typical minimum parking or loading requirement is specified, or when one or more of the parking

requirements may be construed as applicable to the same use, lot, or building, the final determination of required parking shall be made by the City Planner.

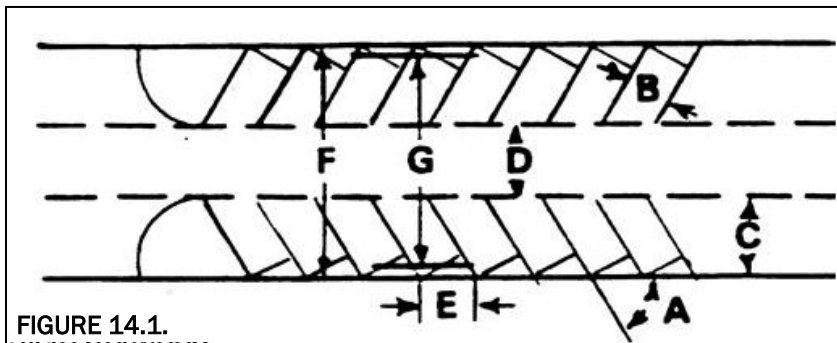
- D. Parking lots may not have more than one hundred twenty percent (120%) of the minimum number of required spaces, except as follows:
 - 1. If an applicant requests between one hundred twenty percent (120%) and one hundred fifty percent (150%) of the minimum number of required parking spaces, the applicant must present a parking-traffic study prepared by a traffic engineer to the City Planner, and demonstrate by clear and convincing evidence that the expected vehicle use and parking space demand for the development will require more than one hundred twenty percent (120%) of the minimum number of required spaces.
 - 2. If an applicant requests more than one hundred fifty percent (150%) of the minimum number of required spaces, the applicant must present a parking-traffic study prepared by a traffic engineer to the Planning Commission, and demonstrate by clear and convincing evidence that the expected vehicle use and parking space demand for the development will require more than one hundred fifty percent (150%) of the minimum number of required spaces.
- E. Except as otherwise provided, parking spaces in non-residential areas shall be based on the gross floor area. Based upon a study which examines the building's use and operation, the City Planner may base the parking calculation upon net usable area. However, the difference between the net usable area and the gross floor area shall not be greater than fifteen (15%) percent. Net usable area shall be calculated by subtracting the areas of the following from the gross floor area:
 - 1. Elevator shafts and stairwells;
 - 2. Floor spaces and shafts for mechanical or electrical equipment;
 - 3. Janitorial rooms and related storage;
 - 4. Dressing and locker rooms;
 - 5. Employee cafeteria and lounge areas;
 - 6. Restrooms;
 - 7. Entrance lobbies;
 - 8. Storage areas accessory to the main use; and
 - 9. Interior parking and loading areas for vehicles or equipment.
- F. Where fractional spaces result, the parking spaces required shall be the next highest whole number.
- G. Where no minimum requirement is specified, or when one or more parking requirements may be construed as applicable to the same use, lot, or building, the final determination of required parking shall be made by the City Planner.
- H. When the occupancy load of a building used for public assembly (i.e., nightclubs, restaurants, etc.) exceeds the available number of parking spaces, there shall be a corresponding reduction in the maximum occupancy of the building. A ratio of 2.5 persons per parking stall shall be used to calculate the reduction in occupancy.
- I. Except as otherwise provided, the number of employees shall be compiled on the basis of maximum number of persons employed on the premises at one time on an average day or night, whichever is greater. Seasonal variations in employment may be recognized and used by the City Planner.

Sec. 25-14.5. Minimum Off-Street Parking Dimensions.

- A. Except as otherwise provided for in this section, the required dimensions of off-street parking areas shall be as set forth in Table 14.1, Required Parking Dimensions.

TABLE 14.1. Required Parking Dimensions						
A	B	C	D	E	F	G
45°	9.0'	19.7'	12.5'	12.7'	51.9'	45.6
60°	9.0'	21.0'	17.5'	10.5'	59.5'	55.0
90°	9.0'	19.0'	22.0'	9.0'	60.0'	---

Table/Figure 14.1. Legend: A. Parking Angle
 B. Stall Width
 C. Aisle to Curb
 D. Aisle Width
 E. Curb Length Per Stall
 F. Curb to Curb
 G. Center to Center Width of Double Row with Aisle Between



- B. In the event that the desired parking angle is not specified by the above table, the City Planner, upon review by the City Engineer, may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in Table 14.1 and Figure 14.1.
- C. A minimum stall width of ten (10) feet is required for motor vehicle oriented businesses as established in Section 25-23, Motor Vehicle Oriented Businesses, of the Zoning Code.
- D. Additional aisle width may be required where the aisle serves as the principal means of access to on-site buildings or structures.
- E. On-site parallel parking stalls shall be nine (9) feet by twenty-two (22) feet adjacent to a twenty-two (22) foot two-way lane or fifteen (15) feet where adjacent to a one-way lane.
- F. Curbed islands are required at ends of aisles where the City Engineer determines they are necessary for traffic control or drainage.

Sec. 25-14.6. Off-Street Parking Design Standards.

- A. *Required Parking Surface.*

1. Each single-family residential driveway and/or parking area shall have a thoroughly compacted subgrade and shall be properly drained and surfaced with:
 - a. Portland cement concrete having a minimum compressive strength of three thousand (3,000) pounds per square inch when twenty-eight (28) days old and containing not less than six (6) sacks of Portland cement, per cubic yard of concrete and having a minimum thickness of six (6) inches in a driveway apron area which intersects a street with sidewalk and a minimum thickness of four (4) inches in all other areas; or
 - b. Asphaltic concrete construction consisting of a minimum six (6) inch base of crushed rock well compacted on a thoroughly compacted subgrade covered with minimum two (2) inch asphaltic hot-mix; or
 - c. Other materials providing a continuous surface and strength and service characteristics equivalent to subparagraphs a. and b., above and approved in writing by the City Engineer.
 - d. An alternative dust free surface for properties located in the "NU" Non-Urban District if approved in writing by the City Engineer.
 - e. Residential driveways established before the effective date of the Zoning Code that do not meet the above surfacing requirements may continue to be used and maintained.
 2. Each off-street parking area serving a use other than single-family residence shall have a thoroughly compacted subgrade and shall be properly drained and surfaced with:
 - a. Portland cement concrete having a minimum compressive strength of three thousand (3,000) pounds per square inch when twenty-eight (28) days old and containing not less than six (6) sacks of Portland cement, per cubic yard of concrete and having a minimum thickness of six (6) inches; or
 - b. Asphaltic concrete construction consisting of a minimum eight (8) inch base of crushed rock well compacted on a thoroughly compacted subgrade covered with minimum two (2) inch asphaltic hot-mix; or
 - c. An alternative paving surface such as permeable or porous pavement or pavers if approved in writing by the City Engineer; or
 - d. An alternative dust free surface for properties located in the "NU" Non-Urban District if approved in writing by the City Engineer.
- B. All areas for off-street parking and loading in the "C", "M", "RD", and "PD" zoning districts shall be so arranged that vehicles at no time shall be required to back into any street or roadway to gain access thereto. However, this provision shall not apply to single-family dwellings within the "PD-R" or "RD-MXD" zoning districts.
- C. Off-street parking areas in the "C", "M", "RD", and "PD" zoning districts shall provide ingress and egress to any public right-of-way only at such locations as approved by the City of Maryland Heights Department of Public Works. Review and approval by the Missouri Highway and Transportation Department and/or the Saint Louis County Department of Highways and Traffic, depending on which has jurisdiction over the public right-of-way, may also be required.
- D. In all zoning districts, off-street parking spaces and loading areas shall be located on the same lot as the use to be served except as provided herein. Said spaces shall not encroach into any public right-of-way.
- E. *Parking Lot Setback and Buffer Requirements.*
1. *Setback requirements adjacent to street rights-of-way.* In the "R-6", "C-1", "C-2", "M-1", "M-2", "RD-C", or "RD-M" zoning districts, or in any non-residential site zoned "RD-MXD" or "PD", no unenclosed parking

or loading space or internal drive, except for ingress and egress drives, shall be closer to the street right-of-way than (15) feet. The area within fifteen feet of the street right-of-way shall be landscaped in accordance with Section 25-16.9.B, Landscaping Along Parking Lot Perimeters.

2. *Setback Requirements Adjacent to Side and Rear Property Lines.* In the “R-6”, “C-1”, “C-2”, “M-1”, “M-2”, “RD-C”, or “RD-M” zoning districts, or in any non-residential site zoned “RD-MXD” or “PD”, no unenclosed parking or loading space or internal drive shall be closer than six (6) feet to a side property line or ten (10) feet to a rear property line. All parking setbacks shall be landscaped in accordance with Section 25-16.9.B, Landscaping Along Parking Lot Perimeters.
3. *Residential and Non-Urban Buffer Requirements.*
 - a. In the “C-1” or “C-2” zoning districts, or in any non-residential site zoned “RD-MXD”, when adjoining a Non-Urban or residential zoning district, no unenclosed parking or loading space or internal drive shall be closer than twelve (12) feet to a side or rear property line.
 - b. In the “R-6”, “M-1”, or “PD” zoning districts, when adjoining a Non-Urban District or residential zoning district, no unenclosed parking or loading space or internal drive shall be closer than twenty-five (25) feet to a side or rear property line.
 - c. In a “M-2” Office, Service, and Intensive Manufacturing District, when adjoining a Non-Urban or residential zoning district, no unenclosed parking or loading space or internal drive shall be closer than fifty (50) feet to a side or rear property line.
 - d. Those parking setbacks that adjoin a Non-Urban or residential zoning district shall be screened in accordance with Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.
4. *Waivers and modifications.* The provisions of Section 25-14.6.E, Parking Lot Setback and Buffer Requirements, may be waived or modified by the Planning Commission as follows:
 - a. *Application.* Applications for waivers or modifications shall be made to the City Planner for recommendation to the Planning Commission.
 - b. *Review Criteria.* The requested waiver or modification may be approved by the Planning Commission, provided that:
 - i. The lesser setbacks and buffers proposed sufficiently mitigates the impact of parking lots on public rights-of-way and adjoining uses as intended by the Parking Regulations; and
 - ii. The lesser setbacks and buffers are consistent with setbacks and buffers provided on surrounding properties; and
 - iii. Sufficient landscaping and/or screening measures are provided to mitigate the impact of the parking lot in lieu of the typically required setbacks and buffers; and
 - iv. Such waiver or modification will not have any deleterious effect on the existing or future development of adjacent properties; and
 - v. Such waiver or modification will not negatively impact adjoining residential properties.
 - b. *Planning Commission Action.* The Planning Commission shall either approve, approve with modifications, or deny the proposed alternative design.
 - c. *Appeals.* Appeals of the Planning Commission’s decision shall be made to the Board of Adjustment in accordance with Section 25-9, Variances

- F. All screening and landscaping shall be installed in conformance with Section 25-13.5.C, Corner Visibility. Said landscaping shall be approved by the City Planner
- G. All off-street spaces or loading areas shall be constructed to the City of Maryland Heights standards. Said parking shall be maintained in a clean, orderly and dust free condition. Parking and loading areas shall be provided with adequate storm water drainage in accordance with the requirements of the Metropolitan St. Louis Sewer District or other governing agency, and the City of Maryland Heights Department of Public Works, as applicable.
- H. The illumination of off-street parking and loading areas shall be in accordance with Section 25.18, Lighting Design Standards.
- I. All non-residential off-street parking and loading spaces shall be striped.

Sec. 25-14.7. Accessible Parking Spaces.

- A. Designated accessible parking spaces shall be at least eight (8) feet wide, with a five (5) foot access aisle immediately adjacent. Two accessible parking spaces may share a common access aisle.
- B. Designated accessible parking spaces shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In separate parking structures or lots which do not serve a particular building, accessible parking spaces shall be located on the shortest possible pedestrian route to an accessible pedestrian entrance of the parking facility.
- C. Each designated accessible parking space shall be provided with a freestanding sign bearing the international symbol of accessibility in white on a blue background. Said sign shall be centered at the interior end of the parking space at a minimum height of sixty (60) inches from the bottom of the sign to the parking space finished grade. The sign or sign structure shall not display any other message or advertisement.
- D. The required number of designated accessible parking spaces shall be as shown in Table 25-14.2, Required Handicapped Parking.

TABLE 25-14.2. Required Accessible Parking	
TOTAL PARKING	TOTAL SPACES REQUIRED
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
500-1000	2% of total
1001 & Over	20 plus 1 for each 100 over 1,000

- E. Said designated accessible parking spaces shall be inclusive of the total number required.

- F. One (1) in every four (4) designated accessible parking spaces shall be:
1. Served by an access aisle a minimum of eight (8) feet wide;
 2. Designated “lift van accessible only” with signs that meet the requirements of the Americans with Disabilities Act, as amended.

Sec. 25-14.8. Off-Street Parking Restrictions.

- A. No off-street parking or loading space required under this Code shall be used for any other purpose except for special events as per Section 14-309, Special Events, of the Municipal Code.
- B. The following vehicles (including trailers) shall not be parked outside a garage on any lot in a “R” Residential zoning district except for the expressed temporary purposes of making deliveries (e.g., moving van) of goods or service:
1. Vehicles having a gross weight, whether loaded or unloaded, in excess of twenty thousand (20,000) pounds or exceeding twenty-two (22) feet in length with the following exceptions:
 - a. Recreational vehicles for personal use owned and operated by an occupant of the dwelling where the vehicle is parked.
 - b. Boats and boat trailers for personal use owned and operated by an occupant of the dwelling where the vehicle is parked.
 - c. Pickup trucks or vans for personal and commercial use operated by an occupant of the dwelling where the vehicle is parked.
 - d. Trailers in excess of twenty-two (22) feet for personal use of an occupant of the dwelling where the trailers is parked, subject to the following requirements:
 - i. Parked behind the forward-most face of the building.
 - ii. Parked on a paved or similar surface in accordance with Section 25-14.5.A, Required Parking Surface.
 - iii. Setback no less than three (3) feet from the side and rear property lines.
 2. Construction vehicles and equipment including, but not limited to, tractors, backhoes, blades, buckets, bulldozers, compactors, crane scrapers, excavators, and front-end loaders.
 3. Vehicles designed or modified to serve a special purpose including, but not limited to, tow trucks, dump trucks, stake-bed trucks, flat bed trucks, step vans, refuse or garbage trucks, buses, fire engines, ambulances, and ice cream trucks with the following exceptions:
 - a. Buses parked on the lot of, and used in conjunction with places of worship, schools, recreational facilities, and residential care facilities.
 - b. Police cars.
 - c. Taxi cabs.
 - d. Vehicles with bicycle racks, roof racks, or similar mounting accessories, which shall not be considered “modified for a special purpose.”
 4. Vehicles designed or modified for advertising or business identification purposes, not including stock motor

vehicles with business name, logo, or advertisements painted or otherwise affixed when operated by an occupant of the dwelling where they are parked.

5. Agricultural, lawn, or landscaping vehicles, equipment, and attachments including, but not limited to, agricultural tractors, farm implements, mowing equipment, bush hogs, trimmers, spreaders, and their attachments, not including such vehicles, equipment, and attachments used exclusively to farm established agricultural property on which they are kept or to maintain property on which they are kept.
- C. Vehicles parked on residentially zoned properties shall be parked in the driveway. Vehicles parked on commercially or industrially zoned properties shall be parked in parking or loading spaces. Parking on the lawn or landscaped areas shall not be permitted.

Sec. 25-14.9. Off-Site Parking.

- A. Where practical difficulties exist in providing on-site parking or if public safety or convenience would be better served by locating parking on a separate lot or parcel, the City Planner may issue a zoning permit for such off-site parking for uses in the “C”, “M”, “RD”, or “PD” zoning districts subject to the following conditions:
1. Required parking spaces for the physically handicapped shall not be located off-site.
 2. Off-site parking spaces shall be located on a lot in the “C”, “M”, “RD”, or “PD” zoning district.
 3. No off-site parking space shall be located more than five hundred (500) feet from a public entrance of the use served, as measured along a pedestrian pathway.
 4. Off-site parking shall not be separated from the use served by a street of more than four (4) lanes in width.
 5. Off-site parking shall not:
 - a. Create a hazard to pedestrians or vehicular traffic;
 - b. Produce unreasonable traffic congestion;
 - c. Interfere with safe and convenient access to other parking areas in the vicinity; or
 - d. Adversely impact surrounding properties.
- B. *Review and Approval.* The applicant shall submit:
1. A parking plan for review and approval by the City Planner; and
 2. An appropriate legal instrument of agreement between the owners of the various properties involved for review and approval by the City Attorney.
 3. *Fees.* Filing and review fees as established by the City Council.
- C. *Recording.* Subsequent to approval, said parking plan and legal instrument of agreement shall be recorded with the St. Louis County Recorder of Deeds. Such recorded plans and agreement shall be binding upon the owners of the properties involved and their successors and assigns and shall limit and control the use of land included in the plan to those uses and conditions approved by the City Planner and agreed to by the owners of the properties involved.

Sec. 25-14.10. Shared Parking.

- A. The City Planner may issue a zoning permit for shared use of a parking lot for uses in the “C”, “M”, “RD”, or “PD” zoning districts subject to the following conditions:

1. The uses sharing the parking lot are unlikely to produce a substantial demand for parking at the same time.
2. Required parking spaces for the physically handicapped shall not be reduced.
3. If the shared parking is for uses on different lots or parcels, the criteria of 25-14.9.A. shall be met.

B. *Review and approval.* The applicant shall submit:

1. A shared parking study which clearly establishes that the required parking for the uses will occupy the shared parking spaces at different times of the day, week, month, or year for review and approval by the City Planner; and
2. An appropriate legal instrument of agreement between all land owners participating in the shared parking for review and approval by the City Attorney.
3. *Fees.* Filing and review fees as established by the City Council.

Sec. 25-14.11. Parking Deferral.

- A. Where a developer has demonstrated that their parking demand is less than the minimum required by this section of the Zoning Code, the City Planner may issue a zoning permit to approve a reduction in the number of off-street parking spaces required in this section, provided that the following are submitted and approved by the City Planner:
1. Proof of a reduced parking need based on the operational characteristics of the proposed use, including but not limited to the number of employees, the number of company vehicles, the number of expected visitor trips to the property, and the construction phasing and occupancy schedule; and,
 2. A final conditions site plan depicting all improvements and landscaping on the site when the full number of required parking spaces are provided; and,
 3. An interim conditions site plan depicting the improvements and landscaping of the area of deferred parking.
 4. *Fees.* Filing and review fees as established by the City Council.
- B. A letter of approval for the parking deferral from the City Planner and the accepted site plans shall be filed with the St. Louis County Recorder of Deeds.
- C. The City Planner may, at any time, require the completion of on-site parking improvements, in whole or in part, upon a finding that the terms of the recorded approval letter have changed. The City Planner shall provide the developer with ten days written notice, by mail or personal service, of the City Planner's intent to require the completion of parking improvements. The City Planner shall also provide the developer the opportunity to be heard regarding the grounds for requiring the completion of parking improvements. In the case of disagreement between the developer and the City Planner regarding the completion of on-site parking improvements, the Director of Community Development or his or her designee shall conduct a contested hearing to resolve the disagreement.
- D. The developer or the developer's successor shall complete the required parking improvements within one hundred twenty (120) days of notification, in accordance with the previously submitted site plan.

Sec. 25-14.12. Off-Street Parking and Loading Requirements for Shopping Centers.

- A. *Applicability.* The minimum parking requirements for shopping centers are applicable where an integrated group of commercial establishment is planned, developed, owned, and managed as a unit.

- B. *Minimum Parking Requirements.* The minimum parking requirements for shopping centers shall be as per Table 14.3, Parking Requirements for Shopping Centers.

CENTER TYPE	STRIP	NEIGHBORHOOD	COMMUNITY	REGIONAL
TYPICAL ANCHOR AND TENANT TYPE	Small Business	Anchored by supermarket and/or pharmacy with variety of supporting stores	Anchored by general merchandise stores or discount retailer	Anchored by department stores with variety of stores
BUILDING AREA	<30,000 sq. ft. of Gross Leasable Area	30,000 to 100,000 sq. ft. of GLA	100,000 to 400,000 sq. ft. of GLA	>400,000 sq. ft. of GLA
MINIMUM PARKING REQUIREMENT	4 spaces per 1,000 sq. ft. of GLA	4.5 spaces per 1,000 sq. ft. of GLA	5.0 spaces per 1,000 sq. ft. of GLA	5.5 spaces per 1,000 sq. ft. of GLA

- C. *Minimum Loading Requirements.* Loading spaces for shopping centers shall be provided as if the entire shopping center is used for that use which requires the most spaces. When authorized by the City Planner and where it has been demonstrated by study of the combined uses and customary operation of the uses that adequate loading would be provided, this requirement may be reduced by up to twenty (20%) percent.

Sec. 25-14.13. Minimum Loading Requirements.

- A. Loading requirements shall be determined by the City Planner according to the nature of the specific use and its needs. Generally, the minimum loading requirements shall be as per either Table 25-14.4.A or Table 25-14.4.B, Required Loading Spaces.
- B. Table 25-14.4.A shall apply to the following uses:
1. Building & Development and Heavy & Civil Engineering Construction except associated Administrative Offices.
 2. Special Trade Contractors.
 3. Manufacturing.
 4. Printing, except Quick Printing & Copy Centers (LUC #32314).
 5. Wholesalers.
 6. Motor Vehicle Dealers, except Aircraft Dealers (LUC #44125).
 7. Furniture and Home Furnishing Stores.
 8. Building Material & Supplies Stores, except Paint & Wallpaper Stores (LUC#44125).
 9. Supermarkets, Department Stores, Warehouse Clubs, and Supercenters.

10. Nonstore Retailers.
11. Air and Surface Transportation.
12. Postal Services and Packing & Crating Services.
13. Warehousing and Storage.
14. Motion Picture & Video Distribution.
15. Rental & Leasing Services, except Passenger Cars (LUC #53211), Trucks, RVs, & Utility Trailers (LUC #53212), Formal Wear & Costumes (LUC #53222), Video Tapes & Discs (LUC #53223), and Party Supplies (LUC #53233).
16. Exhibition Halls & Conference Centers.
17. Laundries, Dry Cleaning, and Linen Supply.

TABLE 14.4.A. Required Loading Spaces		
GROSS FLOOR AREA (sq. ft.)	REQUIRED 10' x 25' LOADING SPACES	REQUIRED 10' x 40' LOADING SPACES
2,000-9,999	1	-
10,000-24,999	2	-
25,000-100,000	2	1
FOR EACH ADDITIONAL 100,000	-	1 additional

C. Table 25-14.4.B shall apply to the following uses:

1. Quick Printing & Copy Centers.
2. Automotive Parts & Accessories Stores.
3. Electronics & Appliances Stores.
4. Paint & Wallpaper Stores.
5. Food & Beverage Stores except Supermarkets, Department Stores, Warehouse Clubs, and Supercenters.
6. Health & Personal Care Services.
7. Gasoline Stations with Convenience Stores.

8. Retail Stores.
7. Telecommunications Resellers.
8. Libraries and Archives.
9. Rental & Leasing of Passenger Cars (LUC #53211), Trucks, RVs, & Utility Trailers (LUC #53212), Formal Wear & Costumes (LUC #53222), Video Tapes & Discs (LUC #53223), and Party Supplies (LUC #53233).
10. Services such as Building & Grounds Maintenance.
11. Convention and Trade Show Organizers.
12. Health Care Services, except Ambulance Services (LUC #62191).
13. Nursing Care Services.
14. Counseling Services.
15. Full & Limited Service Hotels.
16. Foodservice Contractors and Caterers.

TABLE 25-14.4.B. Required Loading Spaces	
GROSS FLOOR AREA (sq. ft.)	REQUIRED 10' x 40' LOADING SPACES
5,000-23,999	1
24,000-59,999	2
60,000-95,999	3
96,000-143,999	4
144,000-191,999	5
192,000-239,999	6
240,000-293,999	7
294,000-348,000	8
FOR EACH ADDITIONAL 54,000	1 additional loading space

- D. Where a building is used for multiple uses, and where the floor area used for each use is below the minimum required for loading area, but the aggregate floor area used is greater than the minimum, then the loading space shall be provided as if the entire building is used for that use which requires the most spaces.
- E. Each 10' x 40' loading space shall have a height clear of obstruction of not less than fourteen (14) feet.

Sec. 25-14.14. Parking for Educational Uses

- A. *Information Required.* Prior to issuance of an occupancy permit for a use in the Educational Services category

of Appendix B, Land Use and Required Parking Matrix, of the Zoning Code, the applicant shall submit the following information to the City Planner:

1. General description of the type of training that will occur;
 2. Class schedule;
 3. Number of student seats (where fixed seating is present);
 4. Number of students per class;
 5. Approximate age range of students;
 6. Number of faculty/staff on the maximum shift;
 7. Number and location of parking spaces devoted to this use;
 8. Number of vehicles customarily used in operation of the use or stored on the premises; and
 9. If shared parking is proposed: A list of other businesses/uses on site, their square footages and/or number of employees, and their hours of operation.
- B. *Review Criteria.* The City Planner shall review the information provided by the applicant to determine whether sufficient parking can be provided on site for the proposed use. In making this determination, the City Planner shall consider the following criteria:
1. Sufficient parking for the maximum number of students on site at any given time shall be provided. In general, this shall be one (1) parking space per student on the maximum shift. In cases where class schedules overlap or have the potential to overlap from a traffic/parking standpoint, additional parking may be required.
 2. Sufficient parking for the number of faculty/staff on the maximum shift shall be provided. In general, this shall be one (1) parking space per faculty/staff member on the maximum shift.
 3. One (1) space per vehicle customarily used in operation of the use or stored on the premises shall be provided.
 4. The City Planner may consider shared parking on sites with multiple businesses/uses when the businesses/uses sharing the parking lot are unlikely to produce a substantial demand for parking at the same time.
 5. The City Planner may consider off-site parking in accordance with Sec. 25-14.9, Off-Site Parking, of the Zoning Code.
- C. *Decision.* Based on the determination above, the City Planner may:
1. Approve the zoning on the occupancy permit;
 2. Approve the zoning on the occupancy permit with limitations (including, but not limited to, maximum number of students on the maximum shift); or
 3. Deny the zoning on the occupancy permit.
- D. *Appeal.* The applicant may appeal the City Planner's decision to the Board of Adjustment in accordance with Section 25-9, Variances, of the Zoning Code.

ARTICLE 15. SIGN REGULATIONS.

Sec. 25-15.1. Purpose and Intent.

- A. *Purpose.* It is the purpose of this section to regulate and control the location, number, design, installation, and maintenance of signs and matters relating thereto within the City of Maryland Heights, in order to promote the public safety, health, and general welfare of the community, and resulting in signs that:
1. Legibly convey their messages without being distracting or unsafe to motorists reading them.
 2. Are an integral architectural element of the buildings and sites that they identify.
 3. Contribute to the convenience of the public and the attractiveness of the streetscape.
- B. *Intent.* It is the intent of this section to:
1. Provide for uniform regulation and orderly development of signs.
 2. Establish a desirable and attractive living environment through harmonious and uniform signage.
 3. Accommodate the identification and communication needs of businesses and other organizations.
 4. Protect the safety of pedestrians, cyclists, drivers, and passengers.
 5. Enable the public to easily locate goods, services, and facilities in the City.
 6. Neither directly nor indirectly regulate the message content of signs but only the time, place, and manner of their display.
 7. Ensure that the constitutionally guaranteed right of free speech is protected.
 8. Establish standards that are designed to ensure that signs conform to the character of development established in the Comprehensive Plan.

Sec. 25-15.2. Scope.

- A. The provisions of this section shall govern the installation, alteration, and maintenance of all signs.
- B. This section regulates only the sign structure or design, and not the sign's content. For example, a freestanding sign is regulated only by size, height, location, and structure. The references to sign structure and sign face have no bearing on the sign's content, message or viewpoint. The only exceptions to this rule are real estate signs and political signs, which are specifically defined and protected by the Missouri Revised Statutes.
- C. Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted. The sign may be changed from a commercial to noncommercial message as frequently as desired by the owner of the sign, provided that the size, height, design, location, and structure conform to the applicable portions of this Code, and the appropriate permits are obtained.
- D. If any section, sentence, clause or phrase of this Code is found to be invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision and the remaining sections standing on their own shall still be valid.

Sec. 25-15.3. Administration and Enforcement.

- A. *Permit Required.* Except where otherwise stated herein, no sign subject to the regulations of this Code shall be installed without obtaining a sign permit. Applications for sign permits shall include, but not be limited to the

following:

1. *Application Form.* Completion of an authorized application form supplied by the City Planner.
2. The location of the building, structure, or lot on which the sign is to be located.
3. A site plan of the property involved, showing accurate placement thereon of the proposed sign.
4. Plans and specifications of the sign to be attached or erected, including the method of construction and the method to attach the sign to the building or mount in the ground. Plans and specifications shall include details of dimensions, materials, color, weight, footings (if applicable), and mounting hardware (if applicable).
5. If required by the Building Commissioner, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer licensed by the State of Missouri showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable regulations.
6. An easement of record from the owner of the building, structure, or property on which any off-site or project identification sign is to be erected or affixed.
7. St. Louis County electrical permit number (if illuminated).
8. *Fees.* Filing and review fees as established by the City Council.

B. *Sign Package.*

1. *Required.* A sign package is required for review by the Planning Commission for the following signs:
 - a. Attached signs on multiple-story buildings containing multiple businesses or tenants on or above the floor plate of the second floor as per Section 25.15.7.C, Attached Signs on Multiple-Story Buildings Containing Multiple Businesses or Tenants.
 - b. An additional freestanding sign which faces a limited access highway in accordance with Section 25-15.7.F, Additional Freestanding Sign Facing a Limited Access Highway.
 - c. Electronic Message Centers in accordance with Section 25-15.8, Electronic Message Centers.
2. *Optional.* For projects with multiple buildings or tenants, unique circumstances such as poor visibility or irregularly shaped sites, or when a uniquely creative approach to signage design is proposed, an applicant may submit a sign package for review and approval by the Planning Commission.
3. *Specific Intent.* The specific intent of this procedure is to provide a process to evaluate the number, size, location, height, and design of signage within a project on a comprehensive basis to ensure that it is installed as a consistent, integrated component of the development
4. *Submittal Requirements.* Said sign package shall include:
 - a. *Application Form.* Completion of an authorized application form supplied by the City Planner.
 - b. The location of the buildings, structures, or lots on which the sign(s) will be installed.
 - c. A site plan of the property involved, showing accurate placement thereon of the proposed signs.
 - d. Photographs, illustrations, or renderings of the building, site, and/or other signage on the site as required to determine consistency.

- e. Other materials or evidence as may be required to demonstrate compliance with the review criteria.
- f. *Fees.* Filing and review fees as established by the City Council.

5. *Review Criteria.*

- a. Signs within the proposed package may deviate from the number, size, location, height, and design criteria specified by this section for each type of sign, provided that the overall approach meets or exceeds the provisions of Section 25-15.1, Purpose and Intent.
- b. Signs listed in Section 25-15.4, Prohibited Signs, are highly discouraged within a sign package. Such signs shall only be approved by the Planning Commission when there are extenuating circumstances that make such signs necessary for adequate communication.
- c. The provisions of Section 25-15.9, Standard Outdoor Advertising Structures (Billboards), shall not be waived or modified by a sign package. Proposed waivers or modifications shall be subject to Section 25-9, Variances.

6. *Planning Commission Action.* The Planning Commission may approve, approve with modifications, or deny the proposed sign package.

7. *Permits.* A sign permit shall be required to install each sign in the approved package as per Section 25-15.3.A, Permit Required.

8. *Amendments to Sign Package.* Applications to amend any portion of an approved sign package shall be made to the Planning Commission for their review and approval.

C. *Determination of Sign Area.*

- 1. For attached signs incorporating backgrounds, the sign area shall be the area of the smallest rectangle(s) which completely encompasses all copy and any accompanying sign background.
- 2. For signs incorporating individual letters or logos, the sign area shall be the area of the smallest rectangle(s) necessary to enclose each word or logo.
- 3. Unless otherwise noted, allowable sign area shall be the gross area (sign face and structure) of the sign, rather than the net area (sign face only).
- 4. The sign area of a V-shaped sign with an angle exceeding ninety (90) degrees between the two sides of the sign shall be the sum of the sign area of both sides.

D. *Compliance with Building and Electrical Codes.* The provisions of the current Building Code shall govern the construction, alteration, and maintenance of all signs so far as they do not conflict with the provisions of this section. The Building Commissioner shall enforce all provisions of the Building Code. An electrical permit from St. Louis County shall be required for illuminated signs. Verification of the County electrical permit number shall be required prior to issuance of a sign permit.

E. *Removal of Signs.*

- 1. Unsafe signs shall be removed as provided in the Building Code.
- 2. The Building Commissioner may cause the removal of any sign that is an immediate peril to persons or property summarily and without notice.
- 3. If any sign requiring a permit is erected without a permit, the Building Commissioner shall order it removed.

4. If a sign obstructs free ingress or egress from any door, window or fire escape, the Building Commissioner shall order it removed.

Sec. 25-15.4. Prohibited Signs.

The following signs and advertising devices are hereby prohibited:

- A. Animated or flashing signs (see Appendix A, Rules and Definitions).
- B. Any sign placed in a public easement or right-of-way, including those attached to objects within such easement or right-of-way such as utility poles, trees, and hydrants, except as specifically provided in this section.
- C. Any sign that prevents free ingress to or egress from any door or window, or any other exit way required by the building or fire codes of the City.
- D. Any sign that obstructs the view of any authorized traffic sign, signal, or other traffic control device.
- E. Any sign that could interfere with or be confused with any authorized traffic signal, sign or other traffic control device.
- F. Any sign that obstructs vision of the public right-of-way to a vehicle operator during ingress to, egress from, or while traveling on the public right-of-way.
- G. Any on-premises sign advertising an article or product not manufactured, assembled, processed, repaired or sold or a service not rendered upon the premises upon which the sign is located with the exceptions of those governed by Section 25-15.9, Standard Outdoor Advertising Structures (Billboards), and signs with a noncommercial message.
- H. Any sign or advertising device affixed on wires or ropes, streamers, wind-operated devices, pinwheels, banners, "A" frames, or other temporary or portable signs of like nature, or other similar contraptions or techniques, except that which may be displayed under the provisions of this section specifically related to temporary signs.
- I. Signs placed or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the primary purpose is to advertise a product/service or direct people to a business or activity. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.
- J. Signs which contain characters, cartoons, statements, words or pictures of an obscene, indecent, prurient, or immoral character.
- K. Any form of outline lighting sign that utilizes exposed neon tubing, LED roping, fluorescent lighting, or other lighting device.

Sec. 25-15.5. Nonconforming Signs.

- A. Any sign legally existing prior to enactment of this section but which violates any provision of this section, may continue to be maintained and used subject to the following provisions:
 1. *Enlargement.* No nonconforming signs shall be enlarged, expanded, or extended to occupy a greater square footage or height than was occupied on the date of adoption or amendment of this section. Modifications of nonconforming signs to include electronic message centers shall be in accordance with Section 25-15.8, Electronic Message Centers.
 2. *Relocation.* No nonconforming signs shall be moved in whole or in part to any other portion of the lot, parcel or building not so occupied on the date of adoption of this section, except that any such sign which is hereafter

required to be moved by a governmental body for the purpose of construction, relocation, widening, or improvement of a street, highway, or other public purpose, may be relocated once and allowed to be maintained and used as before.

3. *Discontinuance.* If the business or service advertised or identified by a nonconforming sign ceases to be conducted for a period exceeding thirty (30) calendar days, the nonconforming sign shall be classified as an “abandoned sign,” and removed.
4. *Destruction.* Should any nonconforming sign be destroyed by any means to an extent of up to fifty (50%) percent of its surface area or structure, it shall not be reconstructed, except in conformance with the requirements of this Code.
5. *Change in Copy.* Nonconforming signs may be repainted or the sign panels replaced for a change in copy. However, if any change is made to the sign structure, it shall be considered a new sign and subject to the requirements of this section.
6. *Maintenance and Repair.* Ordinary maintenance of a nonconforming sign may be permitted including any structural changes needed for safety purposes to comply with the current International Building Code adopted by the City. However, when a sign structure is determined to be substandard or unsafe by the Building Commissioner under any applicable ordinance of the City and the cost of repairing the sign structure in condition to satisfy the standards under such ordinance shall exceed sixty (60%) percent of the entire replacement cost of the sign, such nonconforming sign may not be repaired for the purpose of continuing as a nonconforming sign.

Sec. 25-15.6. Signs on Residential Properties.

A. *Permitted Signs on Single Family Residential Lots.* The following signs may be permitted on single-family residential lots. These signs shall be exempt from the permitting process required by this Code. However, such signs shall comply with the requirements of this section and those other sections referenced herein:

1. *Address Sign.* One (1) sign identifying the address of the property on a building, sign structure, or mailbox.
2. *Temporary Signs.*
 - a. One (1) temporary yard sign not to exceed four (4) square feet in gross area or three (3) feet in height.
 - b. *Properties for Sale or Lease.*
 - i. Each lot for sale or lease may be permitted one (1) real estate sign in accordance with the Missouri Revised Statutes.
 - ii. Such sign shall be removed within five (5) days following the date of closing or lease initiation.
 - iii. Such sign shall be located on the subject property and located outside the sight distance triangles unless three (3) feet in height or less.
 - iv. Such sign shall be limited to six (6) square feet in area and six (6) feet in overall height.
 - c. *During an Election.* Within forty-five (45) days prior to and ten (10) days after any election held within Maryland Heights, each lot may be permitted one (1) political sign per candidate and proposition on the Maryland Heights election ballot.
3. *Subdivision Signs.* A subdivision may have signs located at the principal entry streets, subject to the limitations of Section 25-15.6.B.2, Freestanding Signs.

B. *Permitted Signs for Multi-Family Residential Developments.*

1. *Address Signs.* Signs identifying addresses of units and/or buildings with multi-family residential developments are permitted on buildings, sign structures, or mailboxes. No sign permit shall be required for address signs.
 2. *Freestanding Signs.* Freestanding signs are subject to the review and approval of the City Planner. The following criteria shall be considered by the City Planner to determine the appropriate location, size, and design of the sign(s) necessary to identify the subdivision or multi-family residential development:
 - a. *Location.* Such signs shall be located at the principal entry streets to the subdivision or development being identified subject to the review and approval of the City Planner. The location shall be determined by an analysis of the required sight lines from the public right-of-way to create a clearly visible identification of the subdivision or development to vehicular traffic. No portion of the sign shall encroach on the public right-of-way.
 - b. *Area.* Such sign shall not exceed fifty (50) square feet in gross area, unless located along an arterial roadway (as classified by the East-West Gateway Council of Governments) in which case such sign shall not exceed fifty (50) square feet in net area and one hundred (100) square feet in gross area.
 - c. *Height.* Such sign shall not exceed six (6) feet in height, unless located along an arterial roadway (as classified by the East-West Gateway Council of Governments) in which case such sign shall not exceed eight (8) feet in height.
 - d. *Design.* Such signs shall be consistent in materials and design with the dwellings within the subdivision or development.
 3. *Temporary Signs.* Temporary signs on multi-family residential properties shall be in accordance with Section 25-15.7.G.2.d, Other Temporary Signs.
- C. *Properties Under Construction.* One (1) temporary freestanding sign may be permitted on a residential property currently under construction subject to the following:
1. *Area and Height.* Such sign shall not exceed thirty-six (36) square feet in gross area and six (6) feet in height.
 2. *Removal.* Such sign shall be removed ten (10) days after the receipt of an occupancy permit for a building or development or ten (10) days after the completion of the work.
 3. A zoning permit, rather than a sign permit, shall be required for such sign.
 4. *Subdivisions.* For subdivisions under construction, larger, taller, and/or additional signs may be approved by the Planning Commission upon review of a sign package in accordance with Section 25-15.3.B, Sign Package.
- D. *Permitted Signs for Institutional Uses Located on Residentially Zoned Properties.* Signs for institutional uses shall conform to the requirements of Section 15.7, Signs on Non-Residential Properties.

Sec. 25-15.7. Signs on Non-Residential Properties.

The following signs may be permitted on properties with non-residential uses:

A. *Attached Sign.*

1. *Number.* Generally, one (1) attached sign may be permitted per building. Additional attached signs may be permitted in the following situations:
 - a. *Corner lots.* In the instance of corner lots or double frontage lots, an additional attached sign will be

permitted on each street frontage of the building.

- b. *Interstate, Freeway, or Expressway Frontage.* In the instance of lots having frontage on an interstate, freeway, or expressway (as classified by the East-West Gateway Council of Governments), an additional attached sign will be permitted on the side of the building facing the interstate, freeway, or expressway.
- c. *Rear Entrance.* Each building or property may have one (1) additional attached sign on walls containing a main entrance which face customer parking areas but are not visible from either a public or private street. For this exception to apply, the sign must be attached to the same wall as the respective entrance.
- d. *Multi-Tenant Buildings.* In the instance of buildings with multiple occupancy, requirements shall be as per Section 25-15.7.B, Attached Signs on Single-Story Buildings Containing Multiple Businesses or Tenants or Section 25-15.7.C, Attached Signs on Multiple-Story Buildings Containing Multiple Businesses or Tenants.

2. *Location.*

- a. Such sign shall be face mounted on the building wall, projecting not more than twelve (12) inches from the face of the building.
- b. No such sign shall project above the parapet wall, mansard, or other roof line. A sign may only be allowed on a pitched roof location where the City Planner determines there is no practical alternative. In such case the sign shall be limited to individual letters with mounting hardware hidden from view.

3. *Area.* Such sign shall not exceed five (5%) percent of the total square footage of the building face upon which it is placed.

4. *[Reserved]*

5. *Design.* Each sign shall consist of:

- a. Individual letters/numbers and logos; or
- b. A sign panel or cabinet. If internally illuminated, only the text and logo on the panel or cabinet may be illuminated so they appear to be individual letters/numbers and logos at night. The sign background on the panel or cabinet shall not be internally illuminated.

B. *Attached Signs on Single-Story Buildings Containing Multiple Businesses or Tenants.*

1. *Number.*

- a. Each business or tenant may have one (1) attached sign and/or one (1) awning sign which conforms to the requirements of Section 25-15.7.D, Awning Signs.
- b. *Corner Lots.* A business or tenant located on a corner or double-frontage lot may have an additional sign provided that:
 - i. The tenant space fronts directly on both streets (with no intervening parcels or buildings).
 - ii. One (1) sign shall be permitted on each façade occupied by the tenant.

2. *Location.*

- a. Each sign must be attached to the lease unit containing the business tenant identified.
- b. To the greatest extent possible, such signs shall be organized along, and integrated with, a common

horizontal band or architectural element.

3. *Area.* Each sign shall not exceed five (5%) percent of the total square footage of the face of the lease unit which it identifies.
4. *[Reserved]*
5. *Design.* Each sign shall consist of:
 - a. Individual letters/numbers and logos; or
 - b. A sign panel or cabinet. If internally illuminated, only the text and logo on the panel or cabinet may be illuminated so they appear to be individual letters/numbers and logos at night. The sign background on the panel or cabinet shall not be internally illuminated.

C. *Attached Signs on Multiple-Story Buildings Containing Multiple Businesses or Tenants.*

1. *Sign Package Required.* For applicants wishing to locate signs on multiple-story multiple-tenant buildings, a sign package shall be provided for approval by the Planning Commission.
 - a. Said package shall include:
 - i. A site plan and elevations of the entire building and property.
 - ii. Locations, sizes, and photo-simulations of all attached signs being proposed for immediate and future installation.
 - iii. Existing and proposed freestanding signs.
 - iv. Other materials or evidence as may be required to demonstrate compliance with this provision, Section 25-15.1, Purpose and Intent.
 - b. *Review and Approval of Individual Signs.* The City Planner shall review and approve individual sign permits based on consistency with the approved sign package.
 - c. *Amendments to Sign Package.* Applications to amend any portion of an approved sign package shall be made to the Planning Commission for their review and approval.
2. The sign package shall address compliance with the following provisions:
 - a. *Location.*
 - i. To the greatest extent possible, such signs shall be organized along, and integrated with, a common horizontal band or architectural element.
 - ii. Such signs shall not be located on any mechanical/service penthouse or other rooftop appurtenance.
 - b. *Area.* No single attached identification sign shall exceed two (2%) percent of the surface area of the building façade or significant elevation upon which is it placed.
 - c. *Total Area.* The total combined area of all attached tenant identification signs shall not exceed five (5%) percent of the total combined wall area of all building façades or significant elevations facing a public street.
 - d. *Design.*

- i. Such signs shall be designed as an integral component of the architectural elevation.
- ii. Such signs shall consist of letters/numbers and logos only. Illuminated panels or cabinets are prohibited.
- iii. Mounting hardware shall be hidden from view.

D. *Awning Signs.*

1. *Location.* Such signs may only be attached to or otherwise permanently affixed to the awning.
2. *Area.* Awning sign area shall be limited to a maximum of sixty (60%) percent of the awning perimeter.
3. *Clearance and Other Standards.* Awning signs must maintain minimum clearances and construction standards as determined by the Building Commissioner.

E. *Freestanding Sign.*

1. *Number.* One (1) freestanding sign may be permitted per lot, except as provided in Section 25-15.7.F, Additional Freestanding Sign Facing an Interstate, Freeway, or Expressway.
2. *Location.* The entirety of such sign shall be located no closer than two (2) feet to any property line. Such sign shall also be located outside the sight distance triangles, unless three (3) feet in height or less as measured above the established street grade.
3. *Area.* Such sign shall not exceed fifty (50) square feet in gross area, unless located along an arterial roadway (as classified by the East-West Gateway Council of Governments) in which case such sign shall not exceed fifty (50) square feet in net area and one hundred (100) square feet in gross area.
4. *Height.* Such sign shall not exceed six (6) feet in height, unless located along an arterial roadway (as classified by the East-West Gateway Council of Governments) in which case such sign shall not exceed eight (8) feet in height.
5. *Design.*
 - a. Such a sign shall have a solid base placed upon the ground or a maximum of twelve (12) inches above the surrounding grade.
 - b. If the base is designed such that it is smaller than the portion of the sign above it, the width of said base shall be at least seventy (70%) percent as wide of the portion of the sign it supports.
 - c. Such sign shall be architecturally compatible with the building it identifies in material, color, and design.

F. *Additional Freestanding Sign Facing an Interstate, Freeway, or Expressway.* In the instance of a lot having frontage on an interstate, freeway, or expressway (as classified by the East-West Gateway Council of Governments), a freestanding sign facing the interstate, freeway, or expressway may be permitted in addition to the permitted freestanding sign facing another roadway, subject to the review and approval of a sign package by the Planning Commission in accordance with Section 25-15.3.B, Sign Package, of the Zoning Code.

G. *Additional Signs.*

1. *In General.*
 - a. No additional sign(s) shall be placed in any public right-of-way or on any public property with the exception of signs placed by the government for public safety, public information, or wayfinding.

- c. No temporary sign shall be placed in a location in such a manner as to constitute a safety hazard, or hindrance to pedestrian or vehicular traffic.
 - c. Freestanding signs shall be located no closer than two (2) feet to any property line and shall be located outside the sight distance triangles if over three (3) feet in height.
 - d. Notwithstanding the foregoing, the City Planner and City Engineer may authorize the placement within the right-of-way of temporary signs identifying by name open businesses adjacent to ongoing road construction. Any such sign shall comply with MoDOT or other applicable standards regarding lettering, size, material, and placement.
2. *Additional Signs Subject to Permits.* The following may be permitted subject to a sign permit, in accordance with Section 25-15.3.A, Permit Required, unless otherwise noted:
- a. *Signs at Entry/Exit.* Two (2) freestanding signs per entry/exit from a street may be permitted, subject to the following:
 - i. *Location.* Such signs shall be located in close proximity to the entry/exit point, subject to the review and approval of the City Planner.
 - ii. *Area.* Such signs shall not exceed six (6) square feet in gross area, unless architecturally compatible with their associated building(s) in both materials and design, in which case such signs shall not exceed six (6) square feet in net area.
 - iii. *Height.* Such signs shall not exceed three (3) feet in height unless located outside the sight distance triangles, in which case such signs may be up to five (5) feet in height.
 - b. *Properties for Sale or Lease.* One (1) freestanding real estate sign may be permitted on any nonresidential property that is for sale or rent, subject to the following:
 - i. *Area and Height.* Such sign shall not exceed thirty-six (36) square feet in gross area or six (6) feet in height.
 - ii. *Removal.* Such sign shall be removed within five (5) days following the date of closing or lease initiation.
 - iii. A temporary sign permit shall be required for such sign.
 - iv. *Additional Signs.* One (1) additional real estate sign may be permitted for a property with multiple street frontages or multiple buildings.
 - v. *Larger or Taller Sign.* Notwithstanding the foregoing, real estate signs along arterials may be up to fifty (50) square feet in area and ten (10) feet in height, and real estate signs along freeways/expressways (as classified by the East-West Gateway Council of Governments) may be up to one hundred twenty (120) square feet in area and fifteen (15) feet in height. However, a sign permit (rather than a temporary sign permit) shall be required for such larger or taller sign.
 - vi. *Building Mounted Banner.* In addition to, or in lieu of a freestanding sign, each property for sale or lease may have one (1) building mounted banner, subject to the requirements of 25-15.7.G.d, Other Temporary Sign.
 - c. *Properties Under Construction.* One (1) temporary freestanding sign may be permitted on a property currently under construction subject to the following:
 - i. *Area and Height.* Such sign shall not exceed thirty-six (36) square feet in gross area or six (6) feet in height.

- ii. *Removal.* Such sign shall be removed ten (10) days after the receipt of an occupancy permit for a building or development or ten (10) days after the completion of the work if no occupancy permit is required.
 - iii. A temporary sign permit shall be required for such sign.
 - iv. *Additional Signs.* One (1) additional sign may be permitted for a property with multiple street frontages or multiple buildings.
 - v. *Larger or Taller Sign.* Notwithstanding the foregoing, such signs along arterials may be up to fifty (50) square feet in area and ten (10) feet in height, and such signs along freeways/expressways (as classified by the East-West Gateway Council of Governments) may be up to one hundred twenty (120) square feet in area and fifteen (15) feet in height. However, a sign permit (rather than a temporary sign permit) shall be required for such larger or taller sign.
- d. *Other Temporary Sign.* A temporary sign may be approved by the City Planner, subject to the following:
- i. *Permit Required.* A temporary sign permit shall be required. Applicants shall submit all required information listed on the appropriate form. The consent of the property owner/manager shall be required on the application for a multi-tenant property.
 - ii. *Types.* Such sign is limited to:
 - A building, wall, or fence mounted banner;
 - A ground mounted banner; or
 - A yard sign.
 - iii. *Number.* A maximum of one (1) such sign per business per opportunity may be permitted.
 - iii. *Duration.* The use of such sign shall be limited to eight (8) opportunities for each business in a calendar year. Each opportunity shall be no more than seven (7) days in length. The opportunities may be held consecutively, permitting up to fifty-six (56) days in a calendar year. In the case of extenuating circumstances, the City Planner may grant an extension of up to fifty-six (56) days. Any further extension shall be subject to the review and approval of the Planning Commission.

Exceptions:

- Banners used as real estate signs, as defined by the Missouri Revised Statutes, shall not be limited to a duration of time but shall be removed within five (5) days following the date of closing or lease initiation.
 - An additional fourteen (14) day period may be permitted for grand openings (new businesses or businesses that have undergone a substantial renovation).
- iv. *Area and Height.*
 - Building, wall, or fence mounted banner – limited to sixty (60) square feet in area.
 - Ground mounted banner – limited to thirty-six (36) square feet in area and four (4) feet in height.
 - Yard sign – limited to four (4) square feet in area and three (3) feet in height.
 - v. *Mounting.* A building mounted banner shall be securely mounted along a building, wall, or fence, not projecting in a perpendicular fashion. A ground mounted banner shall be securely mounted to

no less than two (2) posts or similar mounting devices. A yard sign shall be mounted to a metal post securely placed in the ground.

- vi. *Multi-tenant properties.* On properties with multiple tenants, ground mounted banners shall be separated by a minimum of two hundred (200) feet and yard signs shall be separated by a minimum of one hundred (100) feet from other yard signs or ground mounted banners.
3. *Additional Signs, No Permit Required:* The following additional signs are exempt from the permitting process required by this Code. However, such signs shall comply with the requirements of this section and those other sections referenced herein:
 - a. *Window Signs.* Up to twenty-five (25) percent of the window area on each face of a nonresidential building may be used for temporary and/or permanent signage.
 - b. *During an Election.* Within forty-five (45) days prior to and ten (10) days after any election held within Maryland Heights, each lot may be permitted one (1) political sign per candidate and proposition on the Maryland Heights election ballot.
 - c. *Special Events.* Additional temporary signs may be permitted on a property during an event authorized by a Special Event License in accordance with Section 14-309, Special Events, of the Municipal Code. The temporary signs shall be removed immediately at the conclusion of the event.
 - d. *Gasoline Stations.* One (1) temporary sign per pump-island not exceeding two (2) square feet in area for a lot with a gasoline station may be permitted. Such sign shall be placed on the body of the gasoline pump.
 - e. *Bus Shelters.* One (1) additional sign is permitted on one (1) end of a bus shelter, not exceeding twenty five (25) square feet.

Sec. 25-15.8. Electronic Message Centers (EMC).

A. Permitted.

1. One (1) permitted freestanding identification sign per lot may be equipped with one (1) electronic message center per sign face, subject to the provisions of this section.
2. Outdoor advertising structures (billboards) may be equipped with one (1) electronic message center per sign face, subject to following provisions:
 - a. The outdoor advertising structure incorporating the electronic message center shall be pole or pylon mounted. Electronic message centers attached to buildings shall not be permitted.
 - b. No electronic message center shall be permitted on a billboard within two thousand (2,000) lineal feet of an existing billboard equipped with an electronic message center facing the same (or similar) direction, regardless of which side of the roadway the standard advertising structure is located upon.
 - c. The electronic message center shall meet all requirements of Section 25-15.8, Electronic Message Centers, except as follows:
 - i. The electronic message center shall not exceed a maximum of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum illumination of three hundred (300) nits (candelas per square meter) between sundown and sunrise measured from the sign's face at maximum brightness.
 - ii. Maximum brightness shall also be limited to 0.3 footcandles above ambient lighting measured at a distance (in feet) equal to the square root of the electronic message center's square footage times

one hundred (100), or the nearest residential property line, whichever is closer to the sign. The applicant shall submit a plan demonstrating the required 0.3 footcandle dispersion.

- iii. When abutting a residential property or district(s), the electronic message center shall incorporate angled louvers, shielding blades, or similar features as needed to achieve the required dispersion, subject to the review and approval of the Planning Commission.

B. *Prohibited.*

1. Pre-existing nonconforming signs shall not be modified or expanded to incorporate electronic message centers (with the exception of outdoor advertising structures in accordance with Section 25-15.8.A.2 above).
2. Said prohibition includes, but is not limited to, pole and pylon signs.
3. Attached identification signs or window signs incorporating electronic message centers shall not be permitted.
4. Electronic message centers shall not be permitted on signs authorized by Section 25-15.7.F, Additional Sign Facing and Interstate, Freeway, or Expressway.

C. *Duration of Image Display.* Each image displayed shall have a minimum duration of eight (8) seconds.

D. *Presentation.* The image shall be a static display. No portion of the image shall flash, scintillate, fade in or fade out, scroll, twirl, change color, or in any manner imitate movement. No motion imagery, special effect to imitate movement, or presentation of graphics displayed in a progression of frames that give the illusion of motion shall be permitted.

E. *Transition.* When the image or any portion thereof changes, the change sequence shall only be accomplished by means of instantaneous re-pixelization.

F. *Brightness and Illumination.*

1. *Brightness.* The electronic message center shall not exceed a maximum of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum illumination of five hundred (500) nits (candelas per square meter) between sundown and sunrise measured from the sign's face at maximum brightness. Maximum brightness shall also be limited to 0.3 footcandles above ambient lighting measured at a distance (in feet) equal to the square root of the electronic message center's square footage times one hundred (100), or the nearest residential property line, whichever is closer to the sign.
2. *Fluctuating or Flashing Illumination.* No portion of the electronic message center may fluctuate in light intensity or use intermittent, strobe, or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or that in any manner creates the illusion of movement.
3. *Dimmer Control.* The electronic message center shall be equipped with an automatic dimmer control to automatically produce a distinct illumination change from a higher illumination level to a lower level according to ambient light conditions and for the time period between sundown and sunrise.

G. *Malfunction and Non-Compliance.* The electronic message center shall be designed and equipped to freeze the image in one (1) position if a malfunction occurs. The sign owner shall immediately stop the dynamic display when notified by the City that it is not complying with standards of this code.

H. *Planning Commission Review and Approval.* Prior to issuance of a sign permit for an electronic message center, a sign package shall be provided for approval by the Planning Commission. Said sign package shall include:

1. A site plan showing the location of existing and proposed signs on the property.

2. Drawings or photographs of all existing and proposed signs on the property.
 3. Photo simulations of the sign to incorporate the electronic message center from multiple angles which include a scale figure at six (6) feet in height adjacent to the sign.
 4. Specifications on the electronic message center demonstrating compliance with the provisions of this subsection.
 5. Other materials or evidence as may be required to demonstrate compliance with Section 25-15.1, Purpose and Intent.
 6. *Fees*. Filing and review fees as established by the City Council.
- I. *Planning Commission Action*. The Planning Commission may approve, approve with modifications, or deny the proposed sign package based on its conformance with this subsection as well as with Section 25-15.1, Purpose and Intent.
- J. *Appeals*. Appeals from any portion of this subsection of the Zoning Code, including the Planning Commission's decision on the electronic message center, shall be made to the Board of Adjustment in accordance with Section 25-9, Variances.

Sec. 25-15.9. Standard Outdoor Advertising Structures (Billboards).

- A. *Where Permitted*. Advertising signs complying with all the requirements of this ordinance may be permitted upon all property within the City of Maryland Heights having frontage on Interstate 70, Interstate 270, Page Avenue or Lindbergh Boulevard with the exception of those properties within the Non-Urban District or any Residential or Planned Residential District. Within areas zoned Planned District, or property in any zoning district upon which a Conditional Use Permit has been issued, such advertising signs shall only be permitted when specifically authorized within the governing ordinance.
- B. *Area and Height*.
1. The maximum area for any one (1) sign shall not exceed six hundred seventy-two (672) square feet in area including extensions and embellishments, with a maximum width of fourteen (14) feet and a maximum length of forty-eight (48) feet inclusive of border and trim, but excluding the base, apron, supports, and other structural members.
 2. Extensions to the top of advertising signs are permitted. However, in no case shall any extensions exceed the total sign area or extend more than the maximum sign height. Other extensions are permitted as follows:
 - a. *Side Extensions*—Two (2) feet on each side.
 - b. *Bottom Extensions*—One (1) foot.
 3. Embellishments to advertising signs shall not exceed one (1) foot out from the facing of said sign.
 4. The maximum height shall not exceed thirty (30) feet from the highest point on the sign to surrounding grade or street level, whichever is higher.
 5. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back or in a V-shaped construction with not more than three side-by-side displays to each face, but such sign structures shall be considered as one sign. A group of not more than two (2) advertising signs may be permitted on one sign structure. However, there shall be no vertical stacking signs.
- C. *Location*.

1. No such sign shall be erected within two thousand (2,000) lineal feet of an existing sign.
2. No such sign shall be located within two thousand (2,000) lineal feet of a residential district or existing residential development.
3. No such sign shall be located within two thousand (2,000) lineal feet of the waters of the Missouri River.
4. No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
5. No structures may be located adjacent to or within five hundred (500) feet of an interchange, intersection at grade, bridge embankment or abutment, or safety rest area. Said five hundred (500) feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
6. The minimum front yard setback for such signs shall be fifty (50) feet from any public right-of-way, and/or private roadway easement.
7. No sign shall be located on any utility easement, road, drainage easement, or railroad right-of-way.
8. All lineal distances required by this section shall be measured from the nearest outside edge of the subject sign, whether a support, structural member, or the sign surface itself, to the nearest outside edge of the corresponding sign, building, right-of-way, or easement involved.

D. *Plans Required.* An application to erect such a sign shall be accompanied by the following:

1. All items required by Section 25-15.3.A, Permit Required.
2. A set of plans, to scale, approved and sealed by a licensed engineer, providing all necessary construction and electrical details of the sign and sign structure, including height.
3. The required site plan shall also include:
 - a. The distance from the proposed sign location to any buildings upon the property, and adjoining street right-of-way lines, and driveway entrances.
 - b. The distance from the proposed sign location to the next nearest billboard sign on either side of the street in either direction.
 - c. The distance from the proposed sign location to the nearest street intersection in either direction.

E. *Construction Specification.* Henceforth, any such sign erected under this ordinance shall be a single pedestal type, constructed of non-flammable material, excluding wood. Construction of the sign and material specifications shall comply with Section 903 of the *Missouri Standard Specifications for Highway Construction*, as applicable, and must meet the structural requirements of the City's Building Code.

Sec. 25-15.10. Exemptions.

- A. The followings signs in all zoning districts, whether temporary or permanent, are exempt from the requirements of this section, but may be subject to other applicable laws, rules or regulations:
1. Government signs, such as official traffic, fire and police signs, signals and devices, and markings of the state, county, or city.
 2. Signs that are required by law, rule, or regulation.

3. Public safety signs that provide security, medical or public safety information, including, but not limited to security or alarm signs, medical alert signs, warning or danger signs, no parking signs, or other similar signs.
 - a. *Residential areas.* Signs not to exceed two (2) square feet in area.
 - b. *Commercial areas.* Maximum of one (1) sign per property, not to exceed five (5) square feet in area. All other posted security and warning signs may not exceed two (2) square feet in area.
4. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside, and are located greater than three (3) feet from the window.
5. Flags, limited to three (3) flags for each lot. A building permit is required for flagpoles.

ARTICLE 16. LANDSCAPING DESIGN STANDARDS.

Sec. 25-16.1. Purpose.

The purpose of this section is to set forth regulations for land alteration relating to development, the preservation and protection of trees, and the installation and maintenance of landscaping.

Sec. 25-16.2 Intent.

It is the intent of this section to:

- A. Create an aesthetically pleasing and functional living environment to protect and enhance property values by conserving trees and by requiring the planting of trees and other vegetation.
- B. Create a transitional interface between conflicting and incompatible lands by providing landscaped buffer areas and screening.
- C. Promote vehicular and pedestrian safety by clearly delineating off-street vehicular use areas and providing visual and physical separation between vehicular and pedestrian movements.
- D. Provide for the preservation of larger native trees, which provide a valuable amenity to the urban and suburban environment, and prevent damage to and unnecessary removal of these trees during the land development process.
- E. Provide for the screening and buffering of residential areas from the noise, glare and visual effects of non-residential uses.
- F. Provide landscaped areas within parking lots which are designed to facilitate movement of traffic, break-up large areas of impervious surfaces, provide shade, buffer and screen adjacent properties.
- G. Guide the planting and maintenance of landscaping materials.
- H. Promote the use of Missouri native plants that are more adaptable to the local climate extremes, are drought tolerant, low maintenance, and thus provide a sustainable, ecologically balanced environment.

Sec. 25-16.3. Scope.

- A. Except as otherwise provided by law, these regulations shall apply to all development in all zoning districts. These regulations shall also apply to future Planned Districts.
- B. The requirements for landscaping shall not apply to the following:
 - 1. Subdivisions in single-family residential zoning districts creating less than three (3) lots.
 - 2. The expansion and/or alteration of a single-family detached or attached dwelling, not including townhouses, triplex or quadraplex units.
 - 3. Development currently regulated under a Conditional Use Permit and/or Planned District Ordinance.
 - 4. Building permits for agricultural buildings located in the "NU" Non-Urban District.
 - 5. Building permits for accessory buildings in the single-family residential zoning districts.
- C. Projects that have been approved prior to the enactment of this section will be allowed to continue to completion under the previously approved plans. If revisions to the plan are such that the plan requires resubmission to the Planning Commission, the Planning Commission may require the landscape plan to meet

the requirements of this section.

- D. The Planning Commission may waive or vary the requirements contained herein in accordance with Section 25-16.17, Waivers and Modifications.

Sec. 25-16.4. Overall Design Goals.

- A. Preserve and augment existing vegetation to the greatest extent possible to mitigate the impact of development.
- B. Include a variety of trees, grasses, shrubs, and ornamental plants as well as a diversity of species to minimize monotony.
- C. Landscape all areas not used by buildings, walkways, driveways, parking, storage, or loading/unloading.
- D. Consider soil type, sun and wind exposure, and other such factors when choosing landscaping species and locations.
- E. Plant trees and shrubs in groups whenever possible to create unity and present a more natural feel.
- F. Use landscaping to screen functional site elements and to create transitions between land uses.
- G. Provide street trees along public rights-of-way to enhance the streetscape.

Sec. 25-16.5. Landscape Plan Requirements.

- A. A landscape plan prepared by a landscape professional (such as a landscape architect, plant nursery, or landscaping contractor) shall be submitted to the Department of Community Development as part of the Site Improvement and/or Building Plans required for a building permit or in conjunction with a subdivision, Planned District, or Conditional Use Permit application. The landscape plan is subject to the review and approval of the City Planner.
- B. No building permit shall be issued unless such landscape plan complies with the regulations contained herein.
- C. In addition to the information requirements for Site Improvement Plans as set forth in the Zoning Code, landscape plans shall contain the following information:
 - 1. Site Plan indicating the location of existing and proposed buildings, parking lots, sidewalks, retaining walls, stormwater basins, and utility easements (public and private), showing the relationship with existing and proposed planting materials.
 - 2. *Minimum Landscaped Area Required.* The tabulation of the minimum landscaped area as required by these regulations including impervious site coverage calculations shall be shown on the landscape plan.
 - 3. *Minimum Plant Material Required.* The tabulation of the minimum number of plant material and points as required by these regulations shall be shown on the landscape plan.
 - 4. *Plant Material Provided.* A Plant List shall be shown on the landscape plan that includes the botanical and common names, quantity of plants, plant size, and selective characteristics of the plants provided.
 - 5. *Irrigation Plan.* If required, an irrigation plan indicating the location of pipe, irrigation heads, and areas to be irrigated or a watering diagram indicating the area of coverage.
 - 6. *Tree Survey.* New development requiring the disturbance or removal of trees shall identify all trees six (6) inch caliper or larger by location outside of the building and site development area or within residential tree preservation areas. The survey shall identify those trees that will have to be removed to develop the site. Trees of twenty (20) inches caliper or larger located within the building and site development area and/or

residential tree preservation area shall also be included on the Tree Survey.

7. *Tree Preservation.* The landscape plan shall show all trees and wooded areas to be preserved; location, caliper and species of replacement trees and methods of protecting existing trees during construction.

Sec. 25-16.6. Tree Preservation.

- A. Site plans and subdivisions shall incorporate all feasible methods and approaches to preserve all existing trees and wooded areas outside of the minimum building and site development area or within residential tree preservation areas. The following replacement standards shall apply:
 1. Based on the tree survey, the landscape plan shall indicate where all trees exceeding six (6) inches caliper not within the building and/or site development area and all trees exceeding twenty (20) inches caliper within the property, that were removed as a result of the development, are to be replaced.
 2. The removal of trees within an existing underground utility easement as part of either the maintenance or improvement of the utility line shall not be included in the mitigation plan.
 3. The replacement of trees removed shall be based on their total caliper inches. Each caliper inch removed from outside the building and site development area or from the residential tree preservation area shall be on a two for one caliper inch basis. Trees within the building and site development area that are twenty (20) inches caliper or greater shall be replaced on a one-for-one caliper inch basis.
 4. Replacement trees shall be a minimum of two and one-half (2 ½) inches caliper at installation and shall be of no less quality species than the tree removed.
 5. The total mitigation requirement shall not exceed three hundred (300) caliper inches per acre.
 6. For purposes of determining caliper replacement inches, a six (6) foot high evergreen is equivalent to two (2) caliper inches, and an eight (8) foot high evergreen is equivalent to three (3) caliper inches.
 7. *Alternative Method of Determining Replacement.* The City Planner may determine the total caliper inches to be replaced based on an evaluation of resource quality prepared by a qualified arborist or professional having recognized expertise in conducting a tree survey. Said evaluation shall include identification of species, caliper, condition (vigor, density, pests, extent of decay), crown integrity and spread.
 8. Tree replacement shall occur on site to the maximum extent feasible. Caliper inches not replaced on site shall be replaced off-site as part of the City's urban reforestation program. The replacement of trees shall occur in the closest proximity to the site being developed or at locations mutually agreeable to the developer and City Planner.
- B. Site construction shall take into account the life and good health of trees by installing tree protection barrier at the drip line of the tree and avoiding compaction of soils within the drip line of the tree.
 1. All tree-save areas shall be delineated on the landscape and site improvement plan.
 2. Tree-save areas shall be field delineated in a manner that is clearly visible to any construction equipment operator.
 3. Cutting or filling, trenching, or parking of vehicles or equipment within the drip line is prohibited.

Sec. 25-16.7. Required Quantity of Plant Material for New Construction.

New buildings and projects shall meet the following requirements:

- A. *Number of Points Required.* The number of points required shall be determined by dividing the square footage

of the parcel by five hundred (500). Fractional points shall be rounded up to the next point.

- B. *Quantity of Material Required.* The quantity of material required, based upon the total points required, shall be fulfilled by the items included in Table 16.1, Plant Material and other Amenities.

TABLE 16.1 Plant Material and other Amenities	
ITEM	POINTS
Missouri Native Canopy Trees ¹	2 per tree
Canopy Trees ¹	1.5 per tree
Missouri Native Understory and Evergreen Trees ¹	1 per tree
Understory and Evergreen Trees	.75 per tree
Each 1 inch caliper increase over the minimum required by Table 16.2 shall be awarded 1 point	
Missouri Native Shrubs ^{1,2}	0.20 per shrub
Shrubs ²	0.15 per shrub
Missouri Native Ornamental Grasses ¹	0.20 per plant
Ornamental Grasses	0.15 per plant
Missouri Native Perennials Bulbs, Annuals, and Flowers ^{1,3}	1 per 100 square feet
Perennials, Bulbs, Annuals, and Flowers ³	0.75 per 100 square feet
Forbes, Sedges, and Rushes	1 per 1,000 square feet ⁴
Pavers	1 per 250 square feet ⁴
Irrigation Systems (in-ground manual or automatic)	1 per 250 square feet ⁴

1. See Native Landscaping, A Guide to Native Landscaping in Missouri prepared by the Missouri Department of Conservation, Shaw Nature Reserve, and Grow Native! (grownative.org). The City Planner shall make the final determination as to whether a plant qualifies.
2. A minimum of fifty (50) percent of shrubs shall be evergreen.
3. Perennials, bulbs, annuals, and flowers shall be planted at a minimum of seventy-eight (78) per one hundred (100) square foot, at twelve (12) inches on center.
4. Forbes, sedges, and rushes; pavers; and irrigation systems may be used to satisfy a maximum of five percent (5%) each of the overall points required, subject to the review and approval of the City Planner.

Sec. 25-16.8. Required Quantity of Plant Material for Additions and Expansions.

- A. Expansions of existing parking areas and additions to existing buildings shall meet the following requirements:
1. *Parking Spaces.* 0.4 points shall be required for each new parking space constructed. Restriping of existing paved area to generate additional parking spaces shall not be included.
 2. *Parking Lot Perimeter.* 0.15 points per lineal foot of new paving along the parking lot perimeter.
 3. *Building Additions.* The following number of points shall be required for building additions.
 - a. *Office Buildings* – 0.18 points per lineal foot of new building perimeter.

- b. *Commercial/Retail Buildings* – 0.15 points per lineal foot of new building perimeter.
 - c. *Freestanding Restaurants* – 0.18 points per lineal foot of new building perimeter.
 - d. *Industrial Buildings* (manufacturing, warehousing, wholesale distribution centers) – 0.12 points per lineal foot of new building perimeter.
 - e. *Hotels* – 0.18 points per lineal foot of new building perimeter.
 - f. *Multi-Family Buildings* – 0.18 points per lineal foot of new building perimeter.
- B. Fractional points shall be rounded up to the next point.
- C. *Exception.* In no case shall the points required by this subsection exceed those determined by dividing the square footage of the parcel by five hundred (500).

Sec. 25-16.9. Parking Lot Landscaping.

A. *Interior Parking Lot Landscaping.*

1. Any parking lot subject to the requirements of this section shall be provided with interior landscaping covering not less than five (5%) percent of the total area of the impervious surface of all parking spaces, loading/unloading areas, and service driveways. Such landscaping shall be in addition to any planting or landscaping within fifteen (15) feet of a building, or transitional screening as may be required.
2. The primary landscaping materials used in parking lots shall be trees, which provide shade or are capable of providing shade at maturity. Shrubs and other live planting material may be used to complement the tree landscaping, but shall not be the sole contribution to the landscaping. A minimum of fifty (50%) percent of shrubs shall be evergreens.
3. All planting shall conform to the minimum planting material size set forth in Section 16.16, Installation and Maintenance of Plant Material.
4. The dimensions of any planting area within the parking lot shall be sufficient to protect all landscaping materials planted therein and not be less than six (6) feet.
5. The City Planner may waive or modify the requirements of this section for any use in the “M-1” or “M-2” zoning districts wherein vehicles are parked or stored, provided the use is screened from view of all adjacent property and all public streets.

B. *Landscaping along Parking Lot Perimeters.* Landscaping along the perimeter of any parking lot subject to the requirements of this section shall be as follows:

1. When the property line abuts land not in the right-of-way of a street:
 - a. A landscaping strip a minimum of six (6) feet in width shall be located between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment.
 - b. The minimum number of canopy trees along the parking lot perimeter shall not be less than one (1) per fifty (50) lineal feet.
2. Where the property line abuts the right-of-way of a street whether in private or public ownership, including any internal access drive that functions as a street:
 - a. A landscaping strip a minimum of fifteen (15) feet in width, which shall not include a sidewalk or trail, shall be located between the parking lot and the property line.

- b. Landscaping strips along public right-of-ways shall be planted such that the number of canopy trees is not less than one (1) per forty (40) lineal feet.
- 3 All planting shall conform to the minimum planting material size set forth in Section 16.16, Installation and Maintenance of Plant Materials.
- 4. The requirements for buffers and screening between districts and/or uses shall supercede the landscaping required for parking lot perimeters.

Sec. 25-16.10. Landscaping Requirements for Buffer Areas and Screening.

Districts and uses requiring buffers shall provide a landscaped screen from adjacent properties in conformance with the following standards:

- A. The screen may be composed of view-obscuring vegetation, wall, fence, or berm. The items may be used individually or in combination.
- B. The result shall be a semi-opaque seventy-five (75%) percent screen which obscures views from the ground to a height of the object being screened; however, the screen is not required to exceed eight (8) feet.
- C. Shrubs shall be at least two (2) feet tall at the time of installation and reach the desired height within two (2) to four (4) years of planting.
- D. When a combination of features is proposed, one third of the surface area of all walls, fences or berms that face off-site must be screened by plant material. Additionally, screen areas shall be sufficient to allow for the mature growth of plant materials.
- E. *Twelve (12) Foot Wide Buffer Area.*
 - 1. A standard twelve (12) foot wide buffer area shall consist of a minimum of a double alternating row of evergreen trees planted on eight (8) foot centers.
 - 2. A twelve (12) foot wide buffer area which incorporates a decorative fence or wall as a visual screen shall meet the following criteria:
 - a. The height of the fence or wall shall not exceed six (6) feet.
 - b. The setback of the fence or wall shall be determined by the City Planner based upon the overall site design, topography, and the nature and site design of the adjoining property.
 - c. The buffer area shall be planted with one (1) canopy/overstory tree, two (2) evergreen trees, and five (5) shrubs per twenty-five (25) lineal feet.
- F. *Twenty-Five (25) Foot Wide Buffer Area.*
 - 1. A standard twenty-five (25) foot wide buffer shall consist of:
 - a. A double alternating row of evergreen trees planted on eight (8) foot centers; and
 - b. Three (3) trees, one of which must be a canopy/overstory tree, per twenty-five (25) lineal feet.
 - 2. A twenty-five (25) foot wide buffer area which incorporates a decorative fence or wall as a visual screen shall meet the following criteria:
 - a. The height of the fence or wall shall not exceed six (6) feet.

- b. The setback of the fence or wall shall be determined by the City Planner based upon the overall site design, topography, and the nature and site design of the adjoining property.
- c. The buffer area shall be planted with one (1) canopy/overstory tree, two (2) evergreen trees, and five (5) shrubs per twenty-five (25) lineal feet.

G. *Fifty (50) Foot Wide Buffer Area.*

- 1. A standard fifty (50) foot wide buffer area shall consist of:
 - a. A double alternating row of evergreen trees planted on eight (8) foot centers; and
 - b. The buffer area shall be planted with one (1) canopy/overstory tree, two (2) evergreen trees, and five (5) shrubs per thirty (30) lineal feet.
- 2. A fifty (50) foot wide buffer area which incorporates a decorative fence or wall as a visual screen shall meet the following criteria:
 - a. The height of the fence or wall shall not exceed six (6) feet.
 - b. The setback of the fence or wall shall be determined by the City Planner based upon the overall site design, topography, and the nature and site design of the adjoining property.
 - c. The buffer area shall be planted with one (1) canopy/overstory tree, two (2) evergreen trees, and five (5) shrubs per forty (40) lineal feet.

H. The selection of the planting approach in any buffer area specified herein shall be subject to the review and approval of the City Planner.

Sec. 25-16.11. Planting Along or within Stormwater Management Areas.

A. *Drainage Easement Areas.*

- 1. Native vegetation is to be preserved or replaced within all existing drainage easements except that portion to be used specifically for water conveyance and ditch maintenance.
- 2. Adequate ground cover plantings to prevent soil erosion shall be used to supplement existing native vegetation.
- 3. Wherever feasible, biostabilization techniques for maintenance of creek banks shall be used.
- 4. Replacement plantings along drainage easements shall be in addition to the plant material required herein.

B. *Stormwater Management Areas.*

All above ground stormwater management basins that are not entirely paved shall be landscaped as follows:

- 1. Plant material shall be used to screen head walls and other drainage structures.
- 2. Any plantings below maximum pool elevation shall be tolerant of periods of frequent flooding. Stormwater management areas shall be kept free of sediment and undesirable plants.

Sec. 25-16.12. [Reserved]

Sec. 25-16.13. Landscaping Requirements for Single-Family Residential Development.

A. *Street Trees Required.*

1. For all residential development, there shall be a minimum of one (1) street tree per lot. A minimum of two (2) trees per corner lot is required.
2. Street trees shall be a minimum of two and one half (2.5) caliper inches.
3. Street trees may be a mixture of any of the following species listed in Table 16.4, Acceptable Street Trees, subject to the review and approval of the City Engineer.
4. The location of all residential street trees shall be subject to the review and approval of the City Engineer. The following criteria shall be considered by the City Engineer:
 - a. Proximity to sidewalk.
 - b. Proximity to street lights.
 - c. Impact on sight triangles.
 - d. Proximity to street inlets and/or manholes.

Street trees may be located in either the street right-of-way and/or in front of the building line based on the City Engineer's review.

5. In lieu of the planting of street trees, as required by this section, the developer may submit an alternate landscape plan for review and approval of the Planning Commission. The number of trees and/or caliper inches shall meet or exceed that required in this section.

Sec. 25-16.14. Landscaping Requirements for Walkways and Bikeways.

- A. Walkway/bikeway development shall incorporate all feasible methods and approaches to preserve all existing trees and wooded areas outside of the improved edge of the walkway/bikeway. The following replacement standards shall apply:
 1. Based on a tree survey, the development plan shall indicate where all trees exceeding six (6) inches caliper not within the development area and all trees exceeding twenty (20) inches caliper within the project area, which were removed as a result of construction, are to be replaced.
 2. Existing caliper inches removed from outside the development area shall be replaced on a two for one basis. Trees within the development area that are twenty (20) inches caliper or greater shall be replaced on a one-for-one basis.
 3. Replacement trees shall be a minimum of two and one-half (2 ½) caliper inches at the time of planting and shall be of no less quality species than the tree removed.
 4. For purposes of determining caliper replacement inches, a six (6) foot high evergreen is equivalent to two (2) caliper inches, and an eight (8) foot high evergreen is equivalent to three (3) caliper inches.
 5. Tree replacement shall occur within the walkway/bikeway corridor.
- B. Walkway/bikeway construction shall take into account the life and good health of trees by staking and avoiding compaction of soils within the drip line of the tree.
 1. All tree-save areas shall be delineated on the walkway/bikeway improvement plan.
 2. Tree-save areas shall be field delineated in a manner that is clearly visible to any construction equipment operator (i.e. four [4] foot high orange construction fencing secured to six (6) foot metal posts installed at the dripline).

3. Cutting or filling, trenching, stockpiling materials, or parking of vehicles or equipment within the drip line is prohibited.

Sec. 25-16.15. Related Requirements.

- A. All retaining walls are subject to the requirements of Section 25-12.7, Retaining Walls.
- B. All landscaping-related structures are subject to the requirements of Section 25-12.4, Landscaping-Related Structures.

Sec. 25-16.16. Installation and Maintenance of Plant Material.

A. *Soil Stabilization.*

1. Silt control measures shall be in place prior to grading operations and shall be maintained throughout the project during development.
2. If phased development is taking place where more than six (6) months of time is expected to pass between grading operations and final construction, the developer shall establish temporary lawn areas.

B. *Groundcover/Lawns.*

1. Lawn areas shall be sodded or seeded when construction is completed. All pervious surfaces except mulched planting bed areas and pervious pavers or pavement shall be planted with vegetation.
2. The planting of ground cover and lawns shall be consistent with the American Nurserymen Standards.

C. *Plant Materials.*

1. Minimum plant material size at the time of installation shall be in accordance with Table 16.2, Minimum Plant Material Size at Installation.

TABLE 16.2. Minimum Plant Material Size at Installation	
ITEM	SIZE
Deciduous Shrubs	24" minimum height or spread
Evergreen Shrubs	24" minimum height or spread
Evergreen Trees	6' minimum height
Canopy/Overstory	2 ½" caliper
Ornamental/Understory	2" caliper
Groundcover	2" cellpack, 10-12" on center spacing
Annual Flowers	2" cellpack, 10-12" on center spacing
Perennial Flowers	2" cellpack, 10-12" on center spacing

2. All landscape materials shall be in compliance with the American Standard for nursery stock and installed in a good sound, workman-like manner and according to accepted good planting procedures for the St. Louis region.
3. Planting materials shall be ornamented types found to be hardy in USDA Zones 5 and 6.

4. The trees listed in Table 16.3, Unacceptable Landscaping Material, are unacceptable as landscaping material to be used to meet the requirements of this section:

TABLE 16.3. Unacceptable Landscaping Material	
BOTANICAL NAME	COMMON NAME
Liquidambar styraciflua	American Sweetgum
Populus deltoides	Cottonwood
Pyrus hybrids (all cultivars)	Pear, Ornamental
Acer negundo	Boxelder
Elaeagnus angustifolia	Russian Olive
Betula pendula	European White Birch

5. The trees listed in Table 16.4, Acceptable Street Trees, are acceptable for use as street trees:

TABLE 16.4. Acceptable Street Trees	
BOTANICAL NAME	COMMON NAME
Acer rubrum*	Red maple
Acer saccharum*	Sugar maple
Aesculus glabra* 'Autumn splendor'	Ohio buckeye
Amelanchier species	Serviceberry
Cercis canadensis*	Eastern redbud
Celtis occidentalis*	Hackberry
Crataegus viridis*	Green hawthorn 'Winter King'
Gleditsia triacanthos inermis*	Thornless honeylocust 'Skyline'
Malus species	Crabapple (disease tolerant)
Nyssa sylvatica*	Black gum
Ostrya virginiana*	American hophornbeam
Quercus rubra*	Red oak
Tilia americana	American linden
Tilia cordata	Littleleaf linden
Ulmus americana*	'American Liberty' Elm
Zelkova Serrata	Japanese Elm

*Missouri Native Trees

E. *Grading.*

All grading for landscaped areas will not exceed a slope greater than three to one (3:1). All exposed slopes will be protected from erosion.

F. *Sight Triangles and Sight Lines.*

Landscape treatment shall not interfere with sight line requirements as specified in parking, drives, loading and outdoor storage at street or driveway intersections.

G. *Plant Substitutions During Construction.*

1. Revisions to planting plans are acceptable if there is no reduction in the quality of plant material or no significant change in size or location of plant materials.
2. Proposed materials must also be compatible with the area to ensure healthy tree and plant growth.
3. Changes to approved plans must be submitted for review and approval by the City Planner.

H. *Occupancy.* A Certificate of Occupancy may not be issued until the landscaping is installed in accordance with the approved plan. The Building Commissioner may issue a Temporary Certificate of Occupancy if the landscaping improvements have been guaranteed in a form approved by the City Attorney.

I. *Maintenance.* Plant materials shall be properly maintained in accordance with the Municipal Property Maintenance Code.

Sec. 25-16.17. Waivers and Modifications.

The Planning Commission may approve a waiver or modification of the requirements of this section.

A. *Application.* The applicant shall submit a request for a waiver or modification to the City Planner. Said written request shall include, but not be limited to, the following:

1. A landscape plan in accordance with Section 25-16.5, Landscape Plan.
2. An explanation of the specific landscaping design standard(s) which the plan fails to meet.
3. The rationale for the alternative landscaping design and the magnitude of the variation being requested.
4. How the alternative design meets or exceeds the provisions of Section 25-16.2, Intent and Section 25-16.4, Overall Design Goals.

B. *Review Criteria.* The requested waiver or modification may be approved, provided that:

1. Such waiver or modification is for an interim use of a specified duration; and/or is deemed appropriate due to the location, size, surrounding area or configuration of the parking lot; and
2. Such waiver or modification will not have any deleterious effect on the existing or future development of adjacent properties; and
3. The alternative design exceeds the provisions of Section 25-16.2, Intent and Section 25-16.4, Overall Design Goals.

C. *Planning Commission Action.* The Planning Commission shall either approve, approve with modifications, or deny the proposed alternative design.

Sec. 25-16.18. Enforcement.

Penalties for noncompliance with the standards and regulations contained in this Section shall be in accordance with those established in Section 25-10.4, Penalties.

ARTICLE 17. ENVIRONMENTAL STANDARDS.

Sec. 25-17.1. Purpose.

The purpose of this section is to establish minimum environmental standards related to the development of land in order to promote public safety, health, and general welfare of the citizens of the City of Maryland Heights.

Sec. 25-17.2. Scope.

- A. Every use, activity, process or operation located or occurring in the City shall comply with the performance standards prescribed in this section.
- B. *Existing Uses.* No such existing use, activity, process or operation shall be hereafter altered or modified so as to conflict with, or further conflict with, such environmental performance standards. If, as of the date of adoption of this Zoning Code, the operations of any lawful existing use violates these environmental performance standards, such operations shall not be varied or changed in any way as to increase the degree of such violations. The operation of any existing conforming use in violation of the performance standards shall not in itself make such use subject to Section 25-7, Nonconforming Lots, Structures, and Uses.

Sec. 25-17.3. Performance Standards.

- A. *Vibration.* Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on any lot line of the lot on which the use is located, except that vibration caused by blasting conducted in accordance with the requirements of the St. Louis County Revised Ordinances governing explosives may exceed these limitations.
- B. *Noise.* Every use shall be so operated that the pressure level of sound or noise generated does not exceed the limitations of the St. Louis County Revised Ordinances governing noise control.
- C. *Odor.* Every use shall be so operated that no offensive or objectionable odor is emitted in accordance with the requirements of the St. Louis County Revised Ordinances governing air pollution.
- D. *Smoke.* Every use shall be so operated that no smoke from any source shall be emitted that exceeds the emission levels in the requirements of the St. Louis County Revised Ordinances governing air pollution.
- E. *Toxic Gases.* Every use shall be so operated that there is no emission of toxic, noxious, or corrosive fumes or gases which exceed the emission levels of the St. Louis County Revised Ordinances governing air pollution.
- F. *Emission of Dirt, Dust, Fly Ash, and other Forms of Particulate Matter.* The emission of dirt, dust, fly ash, and other forms of particulate matter shall not exceed the emission levels in the requirements of the St. Louis County Revised Ordinances governing air pollution.
- G. *Radiation.* The emission of radioactive material shall not exceed the limitations of state and federal regulations governing air, water, and soil pollution.
- H. *Glare and Heat.* Any operation producing intense glare or heat shall be performed in an enclosure in such manner as to be imperceptible without instruments along any lot line of the lot upon which the building is constructed.
- I. *Fire and Explosion Hazard.* The storage and use of any material, whether combustible or noncombustible, or which presents an explosion hazard, shall be stored and handled in accordance with the Building Code and Fire Prevention Code of the City of Maryland Heights, the standards and regulations of the National Fire Protection Association, and the regulations of the fire protection district which has jurisdiction.

Sec. 25-17.4. Future Revisions.

Any addition, modification or change in any regulations, code, ordinance or other standard referred to in Section 25-17.3, Performance Standards, shall become a part of these regulations.

ARTICLE 18. LIGHTING DESIGN STANDARDS.

Sec. 25-18.1. Purpose.

The purpose of this section is to provide minimum standards for effective, economical, and attractive outdoor lighting.

Sec. 25-18.2. Intent.

It is the intent of this section to:

- A. Discourage excessive lighting.
- B. Minimize glare and light trespass.
- C. Protect neighbors from the consequences of stray light.
- D. Create a safe environment in hours of darkness.
- E. Regulate the type of light fixtures, lamps, and standards.

Sec. 25-18.3. Scope.

- A. This section shall apply to the installation of new outdoor lighting fixtures or the replacement of existing outdoor fixtures. Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of the fixture. Routine lighting maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing, lenses, and other similar components, shall not constitute replacement and shall be permitted, provided such changes do not result in a higher lumen output.
- B. *Exceptions.* This section shall not apply to:
 - 1. Street lighting, which is regulated by the Subdivision Code.
 - 2. Light fixtures and standards required by the Federal Communications Commission or Federal Aviation Administration.
 - 3. Temporary lighting fixtures for the purpose of performing nighttime road construction work on major thoroughfares.
 - 4. Holiday lighting fixtures and displays.
 - 5. Motion activated lights on lots developed with single-family dwellings provided that:
 - a. Fixtures emit initial lighting levels of six thousand (6,000) lumens or less;
 - b. Are extinguished within five (5) minutes upon cessation of motion; and
 - c. Are aimed such that the lamp or light bulb portion of the fixture is not visible at five (5) feet above the property boundary.
 - 6. Outdoor lighting fixtures with initial light outputs of two thousand (2,000) lumens or less on lots developed with single-family dwellings.

Sec. 25-18.4. Lighting Plan.

The applicant for any site plan which proposes new or replacement outdoor lighting shall submit a lighting plan that complies with this Section for review and approval by the City Planner. The following information shall be included

in the plan:

- A. A diagram indicating the location of all standards and fixtures and the proposed type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices as well as a photometric plan denoting foot candle levels;
- B. A description of the illuminating devices, fixtures, lamps, color of lights, supports, reflectors, and other devices.
- C. A cut sheet delineating all light standards and fixtures.

Sec. 25-18.5. Light Fixtures and Usage.

- A. All outdoor light fixtures and lamp types installed and hereafter maintained shall use only shielded and/or enclosed light fixtures as specified in Table 18.1, Shielding and Enclosure Requirements.

FIXTURE LAMP TYPE	SHIELDING	ENCLOSURE
Mercury vapor	Fully shielded	None
Low pressure sodium	Fully shielded	None
High pressure sodium	Fully shielded	None
Metal halide	Fully shielded	Yes
Fluorescent	Fully shielded	Yes
Quartz	Fully shielded	None
Incandescent greater than 160 watt	Fully shielded	None
Incandescent 150 watt or less	Partial shielding	None
Glass tube filled with argon, krypton	None	None

- B. Building mounted lighting, including both utilitarian and decorative applications, shall be limited to fully shielded, cut-off optics, flat lens luminaires.
- C. Exterior building lighting shall be architecturally integrated with the building style, material, and color. The color of exterior lamps shall be consistent with that on surrounding buildings.
- D. Exterior building lighting that utilizes exposed neon tubing or similar outline lighting device is prohibited.
- E. The fixture lamp types within Table 18.1, Shielding and Enclosure Requirements, are further limited as follows:
 - 1. Clear mercury lamps are not permitted for general illumination. Only mercury vapor lamps that are environmentally safe, as defined (by the manufacturer) by their ability to be recycled and self-extinguish, are permitted.
 - 2. Except where color rendition is critical, this lamp type is a permitted light source to minimize undesirable emission into the night sky due to its monochromatic spectral distribution.
 - 3. Metal halide lamps shall be installed only in enclosed luminaires.
 - 4. Warm white and natural lamps are required in order to minimize detrimental effects.
 - 5. For the purposes of this subsection, quartz lamps are not considered an incandescent light source.

Sec. 25-18.6. Illuminance and Uniformity.

To achieve uniformity of light distribution and reduce light pollution, glare, and spill-over, all outdoor lighting for non-security purposes shall meet the foot candle standards set forth in Table 18.2, Footcandle Standards.

Table 18.2. Footcandle Standards		
LOCATION	AVERAGE MAINTAINED FOOTCANDLES	UNIFORMITY RATIO (avg: min)
Roadways, local residential	0.4	6:1
Roadways, local, commercial	0.9	6:1
Walkways and bikeways	0.5	5:1
Building entrances and exits	5.0	n/a
Outdoor storage areas	8.0	n/a

Sec. 25-18.7. Parking Area Lighting.

- A. Exterior lighting shall be provided in all parking areas in accordance with this subsection.
- B. Parking area lighting shall provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets or public/private rights-of-way.
- C. Parking area lighting shall be designed and installed so as to achieve the illumination levels set forth in Table 18.3, Illumination Standards in Footcandles for Parking Areas. Lighting shall be maintained so as to achieve not less than eighty (80%) percent of the minimum and average illumination levels.

Table 18.3. Illumination Standards in Footcandles for Parking Areas			
	RESIDENTIAL	COMMERCIAL	OTHER
MINIMUM INITIAL LEVEL AT ANY POINT ON THE PARKING AREA.	0.07	0.5	0.3
AVERAGE INITIAL LEVEL.	0.35	1.0	0.5
MAXIMUM INITIAL LEVEL 5 FEET FROM THE BASE OF A LIGHT STANDARD.	3.0	8.0	5.0

- D. For the purpose of Table 18.3, "commercial" refers to parking areas for any land use, regardless of zoning designation, in which goods or services are offered to the general public on the premises.
- E. The City Planner may permit lighting arrangements exceeding the maximum initial level set forth in Table 18.3 to allow lighting designs which substantially exceed the required minimum and average illumination levels.
- F. Parking lot lighting shall be fully shielded flat-lens enclosed luminaires.

G. Mounting heights of lighting fixtures shall not exceed thirty (30) feet.

Sec. 25-18.8. Lighting of Gas Station and Drive-Through Canopies and Aprons.

- A. Areas under canopies and around pump islands shall be illuminated so that the minimum horizontal illuminance at grade level is no more than five and one-half (5.5) footcandles. The ratio of average to minimum illuminance shall be no greater than four to one (4:1). This yields an average illumination level of no more than twenty-two (22) footcandles.
- B. Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.
- C. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than eighty-five (85) degrees beyond the vertical plane.

Sec. 25-18.9. Lighting of Public Gathering Places.

Lighting fixtures within outdoor plazas and similar public gathering places shall be either low-level fixtures (fifteen [15] foot maximum) and/or a combination of bollards and uplighting in order to create a “human scale” environment.

Sec. 25-18.10. Lighting of Outdoor Recreation and Athletic Fields.

- A. The lighting of outdoor recreation and athletic fields shall be as per the standards contained in the Illuminating Engineering Society of North America’s “RP-6-01 Recommended Practice for Sports and Recreational Area Lighting,” a copy of which is available in the Department of Community Development. The following provisions shall also apply:
 - 1. Illumination and design standards for recreational uses not specifically included in the publication shall be determined by the City Planner.
 - 2. Illumination and design standards may be further limited by a Conditional Use Permit ordinance or modified by a Planned District ordinance.
 - 3. Spill light shall not exceed 1.1 initial or 0.8 maintained footcandles, as measured vertically five (5) feet above grade, along any adjoining property line of an “R”, “NU”, or “RD-MXD” zoning district.
 - 4. Other components of recreational or sports facilities such as parking lots, restrooms, ticket sales, concession stands, bleachers, or other spectator viewing areas shall be subject to the other provisions of this Section which pertain to each.

Sec. 25-18.11. Maintenance.

All required lighting installations must be regularly maintained (cleaned, repaired, etc.), such that they always provide acceptable luminance levels and glare control.

Sec. 25-18.12. Enforcement.

The compliance with standards and regulations contained in this Section shall be in accordance with those established in Section 25-10, Administration and Enforcement.

ARTICLE 19. AIR NAVIGATION AND AIRPORTS.

Sec. 25-19.1. Purpose.

The purpose of this section is to establish regulations for airports and air navigation space.

Sec. 25-19.2. Intent.

It is the intent of this section to:

- A. Provide appropriate height limitations for structures and trees within proximity to aircraft landing approach areas and major airport maneuvering areas.
- B. Provide specific design standards for airports.

Sec. 25-19.3. Scope.

These regulations shall apply as hereinafter indicated.

Sec. 25-19.4. Airport Zones.

Airport zones are hereby created and established in the City of Maryland Heights and shall comprise all of the land lying beneath airport approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces. Except as otherwise provided in this section, no object shall be erected, altered, maintained, planted, or be allowed to grow in any zone to a height in excess of the applicable height limitations herein established for such zone. A tract of land located in more than one of the following zones shall be deemed to be in the zone with the more restrictive height limitation. Other regulations appearing in this section that are inconsistent herewith are superseded to the extent of such inconsistency.

Sec. 25-19.5. Height Limitations.

The various zones and their height limitations are hereby established and defined as follows:

- A. *Utility Runway Visual Approach Zone.* Shall have a width at its inner edge coinciding with the width of the runway's primary surface, as defined in Appendix A.7, Definitions Relating to Air Navigation, and expanding outwardly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. The centerline of the approach zone shall be established by an imaginary plane sloping twenty (20) feet outward for each foot upward, commencing at the end of and at the same elevation as the primary surface, and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
- B. *Transitional Zones.* The areas beneath the transitional surfaces. The height limitations shall be established by an imaginary plane sloping seven (7) feet outward for each foot upward, commencing at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
- C. *Horizontal Zones.* Established by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. The height limitation shall be an imaginary plane lying one hundred fifty (150) feet above the airport elevation.
- D. *Conical Zone.* Established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet. The height limitation shall be established by an imaginary plane sloping twenty (20) feet outward for each foot upward beginning at the periphery of the

horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the said airport elevation.

Sec. 25-19.6. Additional Limitations.

- A. Nothing in these regulations shall be construed to prohibit the construction or maintenance of any structure, or growth of any tree not exceeding a height of thirty-five (35) feet above the airport elevation at the base of such structure or tree.
- B. Notwithstanding any other provision, and with the exception of paragraph C below, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create a bird strike hazard, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- C. The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any object not conforming to the regulations as of the effective date of this Code, or otherwise interfere with the continuance of the nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any object, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted. Notwithstanding the preceding provision of this paragraph, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City Planner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport to be protected thereby.
- D. Construction or alteration of structures near airport runways may require Federal Aviation Administration (FAA) review in accordance with Federal Aviation Regulations Part 77, "Objections Affecting Navigable Airspace."

Sec. 25-19.7. Design Standards.

- A. *Airports.* All airports require a Conditional Use Permit. When approved as a Conditional Use, an airport must comply with all other applicable requirements of the Zoning Code.
- B. *Location Requirements.* Utility runway protection zones as defined in Appendix A.7, Definitions Relating to Air Navigation, of the Zoning Code shall not overlay any residential zones.
- C. *Airport Layout Plan.* A proposed airport layout plan, approved by the FAA, State of Missouri, and the East-West Gateway Coordinating Council, shall be submitted.
- D. *Site Design Standards.* The following design standards shall be met for all airports:
 - 1. *Runways.* Paved runway length shall not exceed three thousand six hundred (3,600) feet between thresholds. Thresholds on paved runways shall be located at least two hundred (200) feet from any property line. Airports shall be required to have legal control of the Runway Protection Zone (RPZ) as defined in current FAA standards. Runways shall be used solely for the operation of aircraft using visual or non-precision approach procedures.
 - 2. *Aircraft Restrictions.* Airports shall be designed with the following restrictions:
 - a. Aircraft approach category shall not exceed Category B as defined in Appendix A.7, Definitions Relating to Air Navigation.
 - b. Airplane design group shall not exceed Group I as defined in Appendix A.7, Definitions Relating to Air Navigation.

3. *Separation Standards:*

- a. Visual runway centerline to parallel runway centerline shall not be less than seven hundred (700) feet.
- b. Visual runway centerline to taxiway/taxilane centerline shall not be less than one hundred fifty (150) feet.
- c. Visual runway centerline to aircraft parking areas shall not be less than one hundred twenty-five (125) feet.

In the event of an amendment to the visual separation distances, the most current FAA standards shall apply.

4. *Building and Structure Requirements:*

- a. *Front Yard Set Back.* Not less than seventy-five (75) feet from any public right-of-way.
- b. *Side and Rear Yard Setback.* Not less than twenty-five (25) feet from any property line.
- c. Fuels and flammables storage shall not be located less than one hundred (100) feet from any property line. Said location and method of storage shall be approved by the applicable fire district.
- d. All tie-down locations, T-hangars, and enclosed hangars shall be shown on the airport layout plan. All structures shall meet the applicable codes as adopted by the city.
- e. All airport buildings shall be limited to the storage and/or maintenance of aircraft and accessory uses as identified in Section 25-9.7.E.7, Accessory Uses.

5. *Height Requirements.* No building or structure shall exceed a height of thirty-five (35) feet. All structures within the airport boundaries shall be limited in height to comply with FAA Part 77 and Advisory Circular 5300-13, Change 13, "Airport Design Criteria," dated June 19, 2008, or later version, and have accomplished FAA Airspace Review utilizing Form 7460.

6. *Performance Standards.*

- a. Temporary outdoor storage or display of aircraft parts and supplies, merchandise, materials, or equipment, except operational aircraft shall be permitted for no more than thirty (30) days.
- b. All repairs shall be done indoors or on designated ramp areas except in the case of emergencies.
- c. All trash containers must be stored in an enclosure.
- d. Runway markings and lighting equipment shall be maintained according to FAA standards.
- e. No taxiways shall be permitted in the required setback.
- f. Flight patterns for all runways shall be conducted to maximize compatibility with existing land uses. Flight patterns shall be submitted to the Planning Commission for review prior to approval of the Conditional Use Permit.

7. *Accessory Uses.* Accessory uses shall be limited to the following:

- a. Classrooms for flight training.
- b. Hobby aircraft construction, repair or storage.

- c. Office uses as related to the airport's operation and maintenance.
 - d. Airport mechanic services; fuel and parts sales.
 - e. Display of vintage aircraft and flight equipment.
 - f. Airport maintenance (i.e., lawn mowing, emergency equipment).
 - g. Restaurants (sit down).
 - h. Wholesale and/or retail sale of aircraft, rental or charter of aircraft or sale of aircraft supplies and related equipment.
8. *Utilities.* All airports shall be served by an approved water supply and an approved sanitary sewer or septic tank facility.
- E. *Control of Transitional Zones.* Airports shall not be required to have legal control of the land underlying transitional zones. However, should an adjacent landowner request a building permit for a structure that would penetrate the transitional zone surface, the airport owner shall enter into an agreement with the landowner to prevent construction of said structure.

ARTICLE 20. BUS SHELTER DESIGN STANDARDS.

Sec. 25-20.1. Bus Shelters.

- A. Bus shelters without advertising may be permitted in any zoning district and shall be exempt from all minimum lot area, yard setback, lot width, and coverage requirements of the Zoning Code. However, no shelter shall be erected without the approval of the City Planner. Each application for zoning approval shall demonstrate that the proposed bus shelter:
1. Does not conflict with any sight-visibility triangles;
 2. Does not screen any sightlines to pre-existing signs or other key identifiers of public or private property;
 3. Does not conflict with existing utilities or other public improvements;
 4. Includes trash receptacles;
 5. Is compatible with existing site improvements and landscaping on adjacent properties;
 6. Is in compliance with ADA design standards;
 7. Is in compliance with the requirements of an Excavation/Special Use Permit as determined by the City Engineer;
 8. Is in compliance with all other regulatory agencies as they apply to a given site; and
 9. Has received written approval of all private property owners upon whose land the shelter is proposed.
- B. All applications for zoning approval shall include a site plan meeting the requirements of Section 25-4.3.D, Bus Shelters.
- C. Bus shelters shall not exceed the following dimensions:
1. *Height* - Nine (9) feet above surrounding grade;
 2. *Frontal view* - Not to exceed fourteen (14) feet, six (6) inches;
 3. *Side view* - Not to exceed five (5) feet, six (6) inches.
- D. Bus shelters that include any advertising shall also meet the following requirements:
1. Bus shelters that incorporate advertising shall not be permitted in any “NU” Non-Urban or “R” Residential zoning district.
 2. Bus shelters located in the “C-1”, “C-2”, “M-1”, “RDC”, “RDM”, “RDMXD”, and “MXD” zoning districts may incorporate advertising into one end of the bus shelter, not exceeding twenty five (25) square feet per face.
 3. No bus shelter that incorporates advertising will be permitted within one quarter mile (1,320 feet), measured in a straight line, of any other bus shelter that incorporates advertising.

ARTICLE 21. EXCURSION GAMBLING BOATS.

Sec. 25-21.1. Purpose and Scope.

The purpose of excursion riverboat gambling is to serve as a catalyst for and complement to land-based development within the City. All excursion gambling boats shall be located in a Planned District, as defined in Section 25-6, Planned Districts, and all regulations governing such districts shall be applicable.

Sec. 25-21.2. Standards.

- A. The minimum site size required for a Planned District to include excursion gambling boats shall be forty (40) acres, and said Planned District shall have a minimum Missouri River frontage of eight hundred fifty (850) feet.
- B. All vessels shall comply with the applicable standards established by the U.S. Coast Guard.
- C. All buildings and permanently moored structures shall comply with the applicable standards established in the City Building Codes.

Sec. 25-21.3. Accessory Uses.

Inclusion of excursion gambling boats in a Planned District shall authorize the following accessory uses:

- A. Boat support facilities.
- B. Docking facilities.
- C. Employee support facilities.
- D. Ground transportation support facilities.
- E. Passenger ticketing and reception.
- F. Parking facilities.
- G. Security facilities.

Sec. 25-21.4. Off Street Parking.

- A. Off-street parking and loading facilities shall be provided as specified in Section 25-14, Parking and Loading Regulations, except that the requirement for accessory parking for an excursion gambling boat and its accessory uses shall be one-and-one-half (1.5) spaces for every two (2) passengers, based on maximum occupancy, plus one (1) space per employee on the maximum shift. The parking requirements for passengers on a continuously docked excursion gambling boat may be reduced by one-third (33.3%) if said boat does not schedule specific times for passengers to board.
- B. Not less than five (5) full-size bus spaces shall be provided.

Sec. 25-21.5. Land Based Development.

- A. The Conceptual Development Plan for a Planned District containing an excursion gambling boat shall include not less than one hundred fifty thousand (150,000) square feet of new land-based permanent structures, exclusive of parking structures, whose uses are compatible with excursion riverboat gambling. No occupancy permit for the accessory uses set forth in this article shall be issued prior to the issuance of occupancy permits for these new land-based permanent structures.
- B. The City Council may approve a temporary certificate of occupancy for said accessory uses for a period of one year, if the required permanent structures are not completed.

Sec. 25-21.6. Application.

- A. In addition to the requirements set forth in Section 25-6, Planned Districts, the applicant shall submit the following:

1. A concept plan demonstrating how all of the requirements of this article will be met, including sufficient information to demonstrate to the satisfaction of the City Engineer where the riverboat will be docked and the conceptual approach for construction of proposed facilities in the floodplain.
 2. A copy of the completed coversheet, feasibility study, detailed statement concerning the proposed riverboat gaming operation, detailed description of all support facilities, and the detailed statement concerning patron access contained within the application to the Missouri Gaming Commission for a license to operate an excursion gambling boat at the proposed location; and a certified check for fifty thousand dollars (\$50,000.00) to cover the minimum application fee to the Missouri Gaming Commission, or a receipt from the Missouri Gaming Commission for said fee. Additionally, the applicant shall provide the city an affidavit or suitable corporate resolution designating Maryland Heights, Missouri as the home dock city of the proposed excursion gambling boat.
 3. Photographs, artists' renderings, or other visual presentations that will assist the City in determining the compatibility of the proposed project with the surrounding area.
 4. A traffic impact analysis, satisfactory to the City Engineer, which includes, but is not limited to, expected access routes, expected traffic volume, peak hours of operation, road improvements and traffic controls necessary to accommodate the proposed uses and traffic volume, and written evidence that the concepts and/or designs for streets and traffic control devices have been approved by the St. Louis County Department of Highways.
 5. A plan for on-site security and disaster response, satisfactory to the chief of police and a plan for fire prevention and response, satisfactory to the fire marshal of the fire protection district in which the Planned District is located.
 6. Evidence of ownership, lease, or control of land within the planned district to be used for excursion riverboat gambling, the required accessory uses, and the proposed new land-based development.
 7. An economic impact analysis which includes, but is not limited to, the benefits to the city of the excursion gambling boat and new land-based development, and the number and types of permanent jobs that would result from the approval of this proposed use.
- B. In addition to all other applicable fees, the applicant shall pay for any actual out-of-pocket costs to the City to review the application.

ARTICLE 22. HOME-BASED BUSINESSES.

Sec. 25-22.1. Purpose.

The purpose of this section is to establish standards for home-based businesses in accordance with Chapter 71 and Chapter 89 of the Missouri Revised Statutes.

Sec. 25-22.2. Intent.

The intent of this section is to:

- A. Recognize the need for some citizens to use their place of residence for limited nonresidential business activities.
- B. Ensure that home-based businesses are accessory and clearly incidental to the residential use of the dwelling.
- C. Protect and maintain the character of residential neighborhoods.
- D. Ensure that home-based businesses do not create excess traffic, activity, noise, or other nuisances.

Sec. 25-22.3. Scope.

This section shall apply to all home-based businesses.

Sec. 25-22.4. Standards.

Home-based businesses shall be permitted as an accessory use to a residential use in any "R", "NU", "PDR" or "RDMXD" zoning district subject to the following:

A. *Appearance of Residence.*

1. The home-based business shall not be visible from the public right-of-way, and shall be conducted in such a manner as not to give an outward appearance of a business.
2. The home-based business shall not result in any structural alterations or additions to the dwelling that will change its primary use.
3. No display of products and/or equipment produced or used by the home-based business may be displayed so as to be visible from outside the dwelling.

B. *Storage.*

1. No outdoor storage, display or sale of materials, commodities, stock in trade or equipment used in the home-based businesses shall be permitted.
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond that normally incidental to residential use is prohibited.

C. *Employees and Customers.*

1. The total number of employees and clients on-site at one time shall not exceed the occupancy limit for the residential dwelling.

D. *Advertising and Signage.* No advertising or business signs are permitted on the premises, with the exception of those painted or otherwise affixed to stock motor vehicles operated by an occupant of the dwelling. However, in no case shall vehicles specifically designed or modified for advertising purposes be permitted.

E. *Automobiles, Trailers, and Parking.*

Parking of commercial vehicles or trailers is not permitted in conjunction with the home-based business except as follows:

1. Stock motor vehicles with signs painted or affixed shall be permitted.
2. One (1) trailer per home-based business may be permitted to park outside an enclosed garage as follows:
 - a. Said trailer shall be less than twenty-two (22) feet in length; and
 - b. Said trailer shall be parked in the driveway. Parking on the lawn or landscaped areas shall not be permitted; and
 - c. If said trailer incorporates business signage, it shall be parked behind the forward-most face of the dwelling or otherwise located to hide the signage from the public right-of-way to the greatest extent practical, as determined by the City Planner.

F. *General Provisions.*

1. Any home-based business shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.
2. A home-based business shall be owned and operated only by the occupants of the dwelling.
3. Retail or wholesale transactions shall be operated in such a manner that the transactions do not generate on-street parking or cause a substantial increase in traffic through the residential area.
4. Home-based businesses shall comply with all local, county, state, or federal regulations pertaining to the activity pursued, and the requirements of this section shall not be constructed as an exemption from such regulations.

Sec. 25-22.5. Prohibited Uses.

The following uses are prohibited:

- A. No equipment shall be used that creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in the line voltage off the premises.
- B. No equipment or process shall be used in a home-based business that creates excessive noise, vibration, glares, fumes, or odors detrimental to the health, safety, peace, comfort, and general welfare of the persons residing in the neighborhood.
- C. The following uses shall not be permitted as home-based businesses due to their adverse impact on neighborhood character:
 1. Animal kennels (LUC #81295).
 2. Food services and drinking places (LUC #722) with the exceptions of foodservice contractors (LUC #72231) and caterers (LUC #72232).
 3. Automotive repair services (LUC #81111-81116).
 4. Marijuana-related businesses (LUC#452998).
 5. Any other use which fails to meet the requirements of this section, as determined by the City Planner.

Sec. 25-22.6. Nonconforming Home-Based Businesses.

A nonconforming home-based business is one as defined by Section 25-7, Nonconforming Lots, Structures, and Uses, of the Zoning Code.

ARTICLE 23. MOTOR VEHICLE ORIENTED BUSINESSES.

Sec. 25-23.1. Conditional Use.

Motor vehicle oriented businesses (MVOB) shall require a Conditional Use Permit in all districts as indicated in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code. When approved as a conditional use, the MVOB must comply with all applicable requirements of this section.

Sec. 25-23.2. Nonconforming Motor Vehicle Oriented Businesses.

Existing MVOBs which do not comply with the regulations and conditions of the Zoning Code shall be considered to be nonconforming and allowed to continue; however, all nonconforming MVOBs shall comply with the following requirements within one (1) year after written notification by the Building Commissioner of items which must be corrected:

1. Whenever an MVOB is located adjacent to a residential district or residential use on the ground floor, appropriate screening, as provided for in Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.
2. All exterior lighting shall conform to the Section 25-18, Lighting Design Standards.
3. All MVOBs shall provide suitable storage of trash within areas, which are so designed and constructed as to allow no view of the trash storage from a street, to prevent waste from blowing around the site or onto adjacent properties or public rights-of-way, and to permit safe, easy removal of trash by truck or hand.
4. All storage of merchandise for sale, including vending machines, shall conform with the requirements of Section 25-23.6.D.1.

Sec. 25-23.3. Location Requirements.

All MVOBs must be a minimum of three hundred (300) feet from other motor vehicle oriented businesses, which distances shall be computed as follows:

- A. For such businesses on the same side of the street, a minimum of three hundred (300) feet shall be provided between the two (2) closest property lines, said minimum distance, however, being subject to the effect of the additional requirements set forth in paragraphs B. and C. of this subsection.
- B. For such businesses on opposite sides of the street, no such business shall be allowed on a lot where a line, drawn from either front corner of said proposed lot across the street and perpendicular to the street right-of-way on which the proposed lot fronts, crosses the right-of-way on the opposite side of the street at a point less than three hundred (300') feet from the closest property corner of an already existing or approved MVOB lot on said opposite side of the street.
- C. For four-corner intersections, only two (2) MVOBs may be allowed at such an intersection but only on diagonally opposite corners, regardless of their distance from one another. For "T" intersections, only two (2) MVOBs may be allowed.
- D. The Planning Commission may waive or reduce the minimum distance requirements set forth above when the MVOB is located in the "M-1", "C-2", "RD-C", "RD-M", or "PD" zoning districts. The Planning Commission shall, prior to deciding on the request for said waiver, receive and review a report from the City Engineer or City's traffic consultant. The report shall include the impact on existing traffic of the waiver of said requirement along with the traffic consultant's recommendations for the mitigation of said impact through the installation of traffic control devices such as turning lanes, shared access drives, traffic signals, and signage.
- E. The City Planner may request that an applicant for a waiver provide, at the applicant's expense, a traffic study to ascertain the project's impact and effect of any proposed traffic control devices. Said study shall be prepared by a registered professional engineer pre-qualified by the City to perform such studies and said study shall be in

accordance with guidelines established by the City.

Sec. 25-23.4. Site Design Standards.

The following site design standards shall be met for all MVOBs except as otherwise noted:

- A. *Minimum Lot Area.* Twenty thousand (20,000) square feet.
- B. *Minimum Lot Width.* The minimum lot width at the building line shall be one hundred fifty (150) feet.
- C. *Yard Requirements:*
 - 1. *Front Yard.* There shall be a front yard having a depth of not less than thirty (30) feet. No accessory building, service island, or other service or pickup facilities shall project beyond the front building setback line except as noted in Section 25-13.5.D, Structural Projections.
 - 2. *Side Yard.* There shall be a side yard on each side of the building of not less than five (5) feet. Said yard requirements shall be twenty-five (25) feet where abutting any Non-Urban or residential zoning district.
 - 3. *Rear Yard.* MVOBs shall maintain the same rear yard requirements as the zoning district in which the business is located.
- D. *Ingress and Egress:*
 - 1. The minimum width of driveways at the property line shall be twenty-four (24) feet, and shall not exceed forty (40) feet.
 - 2. The radius used to increase the driveway opening at the curb or pavement edge shall not be less than ten (10) feet nor more than forty (40) feet. The edges of the opening shall not project beyond the side property line extended normal to the pavement.
 - 3. Driveway openings shall be limited to one (1) drive per two hundred (200) feet of lot frontage. On a corner lot, one (1) entrance from each street shall be permitted and located as far as possible from the street intersection corner.
 - 4. The angle of driveway intersection with the street shall be based upon reasonable criteria for safe traffic movements and subject to the review and approval of the City Engineer.
 - 5. Motor vehicle oriented businesses integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

Sec. 25-23.5. Drive-Thru Lanes Standards.

Except as otherwise noted elsewhere in this section, all drive-thru facilities shall be designed to meet the minimum requirements indicated:

- A. *Storage Length.* If not specifically specified herein, storage length will be determined by the City Planner with the input of the City's traffic consultant and/or City Engineer based upon an evaluation of the company's projected sales for a ten (10) year period and the volume of adjacent street traffic.
- B. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles.
- C. *Lane Width.* The drive-thru lane must be a minimum of twelve (12) feet in width, except that a ten (10) foot wide lane will be permitted within the pick-up/service area to guide motorists adjacent to the drive-up facility.
- D. *Minimum Distance from a Public Roadway.* When the drive-thru lane is oriented parallel to a public roadway,

there must be a minimum distance of fifty (50) feet measured between the public road curb or edge of pavement and the nearest curb or edge of the drive-thru lane.

E. Banking facilities shall meet the following standards:

1. *Storage Length.* All drive-thru facilities shall contain stacking capacity for vehicles in accordance with the following criteria:

a. *Drive-up teller windows* (see Table 23.1, Stacking for Drive-Up Teller Windows).

TABLE 23.1. Stacking for Drive-Up Teller Windows		
NUMBER OF DRIVE-UP WINDOWS	DESIGN STORAGE (vehicle/window)	TOTAL STORAGE (vehicles)
2	10 (220 ft.)	20 (440 ft.)
3	7 (154 ft.)	21 (462 ft.)
4	5 (110 ft.)	20 (440 ft.)
5—6	4 (88 ft.)	20 (440 ft.)
7—8	3 (66 ft.)	21 (462 ft.)
9 or more	2 (44 ft.)	18 (396 ft.)

b. *ATM's.* Three (3) stacking spaces (sixty-six [66] feet) shall be provided for each automatic teller machine (ATM).

2. *Exclusive use.* The drive-thru lane serving each drive-up window or ATM shall be used exclusively for drive-thru vehicles commencing at a point not less than sixty-six (66') feet back from the centerline of and leading to the drive-up window or ATM.

F. Automated car washes shall meet the following standards:

1. *Storage Length.* Stacking spaces equivalent to ten (10) times the capacity of the car wash shall be provided. One (1) stacking space is equal to twenty-two (22) feet of pavement length.
2. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles for a distance equivalent to fifty (50%) percent of the required storage length of the car wash.

G. Fast food restaurants shall meet the following standards:

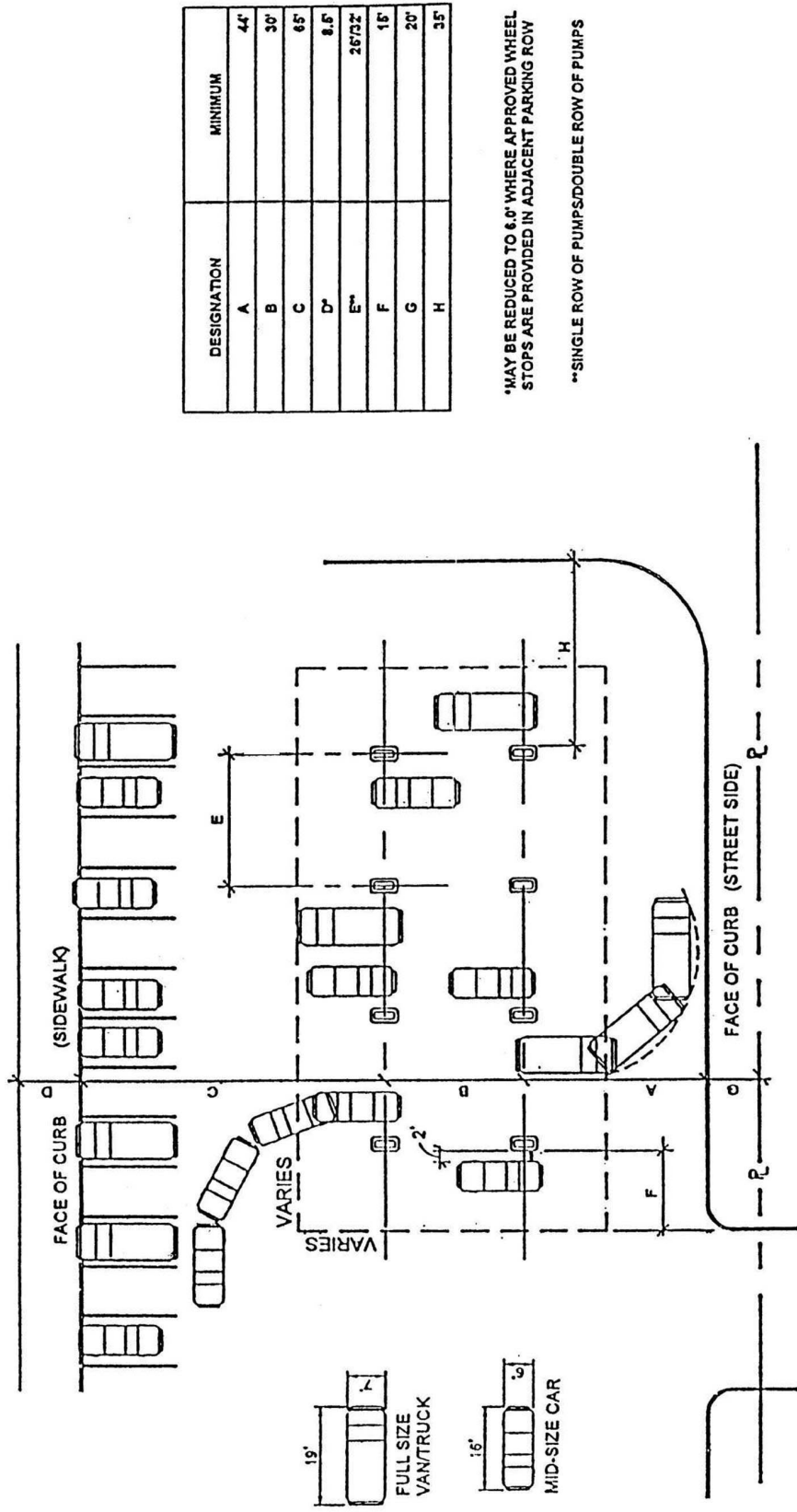
1. *Storage Length.* All drive-thru facilities shall contain stacking capacity for vehicles in accordance with Table 23.2, Stacking for Drive-Thru Lanes. For one (1) drive-thru lane with two (2) windows divide column two (2) requirements by one point three (1.3).

TABLE 23.2. Stacking for Drive-Thru Lanes		
TOTAL PEAK HOUR VEHICLES ENTERING DRIVE-THRU ONLY	TOTAL STORAGE FOR 1 DRIVE-THRU LANE AND 1 WINDOW	TOTAL STORAGE FOR 2 DRIVE-THRU LANES AND 2 WINDOWS
100 or less	17 vehicles (374 ft.)	15 vehicles (330 ft.)
100—150	19 vehicles (418 ft.)	19 vehicles (418 ft.)
150—200	22 vehicles (484 ft.)	22 vehicles (484 ft.)

2. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles from the order board, which is mandatory, to the pick-up window. The distance between the order board and the pick-up window should be sufficient to store four (4) cars (not including the vehicles at the pick-up window and order board).
3. *Delayed Pick-Up Area Provision.* A pick-up area sufficient to store one (1) car shall be provided for each pick-up window.
4. *Escape Lane Provision.* An escape lane is recommended to permit motorists to exit the site after reviewing the menu board.

H. Retail fuel dispensing facilities shall meet the following standards:

1. All businesses with retail fuel dispensing facilities shall be limited to two (2) service islands and three (3) gasoline pumps per island for the minimum size lot. One (1) service island and three (3) gasoline pumps may be added for each additional two thousand (2,000) square feet of site area exceeding the minimum; however, in no case shall more than six (6) service islands be allowed at any one (1) site.
2. *Lane Width.* Except as otherwise noted elsewhere in this section, all fuel dispensing facilities shall be designed to provide the minimum space requirements that are indicated on the following pages in Figures 23.1 and 23.2, Standard Gas Island Dimension.



*MAY BE REDUCED TO 6.0' WHERE APPROVED WHEEL STOPS ARE PROVIDED IN ADJACENT PARKING ROW

** SINGLE ROW OF PUMPS/DOUBLE ROW OF PUMPS

FIGURE 23.1

STANDARD GAS ISLAND DIMENSION
(N.T.S.)

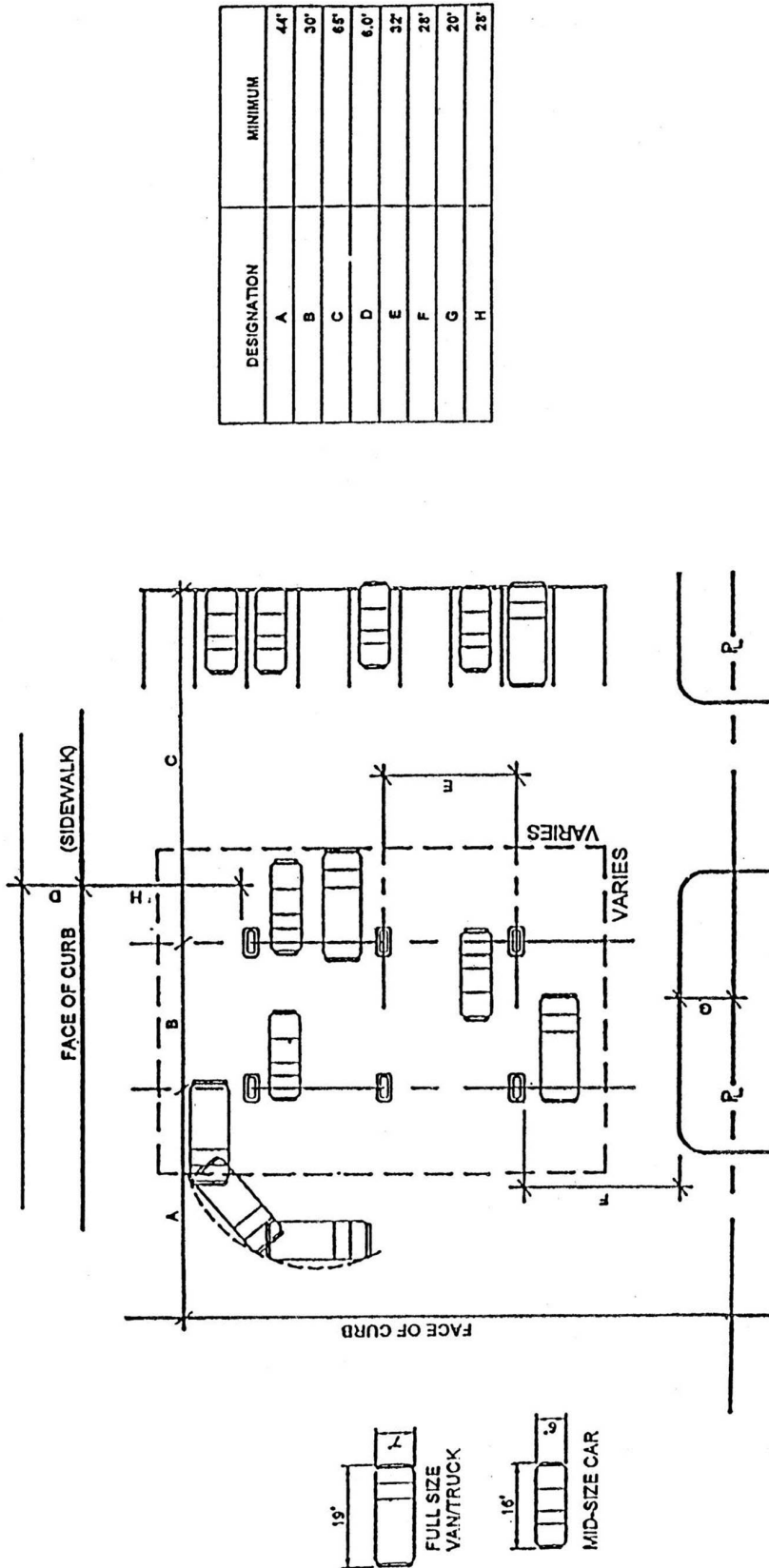


FIGURE 23.2

STANDARD GAS ISLAND DIMENSION
(N.T.S.)

3. The City Planner, upon review by the City Engineer, may specify equivalent dimensions to be used when the desired pump arrangement is not specified.

I. *Retail Pharmacy.* Except as otherwise noted elsewhere in this section, all retail pharmacy drive-thru facilities shall be designed to meet the minimum requirements indicated:

1. *Storage Length.* Stacking spaces equivalent to four (4) times the capacity of each drive-thru window be provided. One (1) stacking space is equal to twenty-two (22) feet of pavement length.
2. *Exclusive Use.* The drive-thru lane shall be used exclusively for prescription pick-up for a distance equivalent to fifty (50%) percent of the required storage length of the drive-thru window.

Sec. 25-23.6. Site Design.

A. *Off-Street Parking:*

1. All MVOBs shall provide for off-street parking in accordance with the requirements of Section 25-14, Parking and Loading Regulations, except as otherwise noted elsewhere.
2. The minimum width of a parking stall shall be ten (10) feet.
3. No internal parking stall, cross drive aisle, or loading space shall be located closer to the street right-of-way than twenty (20) feet or within any side yard setback.

B. *Vehicular Areas:*

1. The entire area used by vehicles for parking, storage, service, etc., shall be paved with concrete or asphaltic concrete.
2. A raised six-inch concrete curb shall be provided at the edge of all pavement.
3. When the rental of equipment, automobiles, trucks, and trailers is to be conducted on an MVOB site, additional land area and paved area shall be provided in addition to the driveway, parking area, and landscape areas required by this section. An additional one thousand (1,000) square feet of site area shall be provided for each five (5) rental units. No parking of rental units shall be permitted on landscaped areas or within driveways. All rental storage areas shall be paved and landscaped as approved by the City Planner. Such rental equipment shall be stored in rear yard except when being picked up by customers.

C. *Performance Standards:*

1. *Outdoor Sales and Display at Gasoline Station Convenience Stores.*
 - a. Outdoor display and sales of merchandise may be permitted along the storefront. All other outdoor storage of materials and displays is specifically prohibited
 - b. *Area.* Said outdoor display shall be limited to twenty-five (25%) percent of total store frontage with a maximum of one hundred (100) square feet (inclusive of vending machines).
 - c. *Height and other dimensions.* The height of any outdoor display may not exceed five (5) feet with the exception of vending machines (and their surrounds) which shall not exceed 8 feet in height, 3 feet in depth, or 6 feet in width.
 - d. *Location.*
 - i. The placement of said display shall not obstruct public access to the building.

- ii. Vending machines shall not be located within three (3) feet of a fire department connection
 - ii. Price signs shall be permitted on outdoor displays. Said price signage shall not exceed two (2) square feet and shall be placed upon the merchandise which it advertises.
 - e. *Parking.* One parking space, in addition to the number of spaces required for the convenience store, shall be provided for video rental and similar vending machines subject to the review and approval of the City Planner.
 - 2. Flammable materials used in the conduct of MVOBs shall be stored according to the Building Code.
 - 3. All lubrication, washing, repair, and service of vehicles shall be conducted entirely within a building. The grease or wash racks, hydraulic hoists, pits, and other equipment used to perform these services shall be contained within a building.
 - 4. The Planning Commission may recommend, and the City Council may require, other conditions which will tend to eliminate or reduce public nuisance caused by noise, heat, odors, smoke, dust, vibration, glare, flooding, and traffic congestion and promote the purpose of the Zoning Code.
 - 5. No service bay and/or loading zone shall face any street right-of-way.
 - 6. All paved and landscaped areas shall, at all times, be kept in good repair in accordance with this and other ordinances of the city and the continuous maintenance of said areas shall be the responsibility of the owners and lessees of the property.
- D. *Utilities.* All utility, power and telephone lines, except those located in designated overhead utility corridors, shall be located underground.

ARTICLE 24. SEXUALLY ORIENTED BUSINESSES.

Sec. 25-24.1. Purpose.

It is the purpose of this section to establish location requirements for sexually oriented businesses as defined in Appendix A, Rules and Definitions, of the Zoning Code.

Sec. 25-24.2. Intent.

It is the intent of this section to:

- A. Mitigate potential adverse secondary effects of sexually oriented businesses on residential and institutional uses.
- B. Mitigate potential adverse secondary effects of a concentration of sexually oriented businesses on the area in which they are concentrated.

Section 25-24.3. Location Requirements.

As measured between the closest property lines, in no case shall a sexually oriented business be located within:

- A. One thousand (1,000) feet of a church, school, park, or dwelling inside or outside the City limits; nor
- B. One thousand (1,000) feet of another sexually oriented business inside or outside the City limits.

ARTICLE 25. TEMPORARY STRUCTURES AND OUTDOOR STORAGE.

Sec. 25-25.1. Scope.

Unless otherwise stated, the regulations hereafter established shall apply within all zoning districts established by this ordinance.

Sec. 25-25.2. Temporary Storage Units.

- A. *Location on Single-Family Residential Properties.* Placement of temporary storage units on single-family residential properties shall meet all of the following provisions:
1. The unit shall be placed in the driveway or other paved surface.
 2. The unit shall not be placed within any public right-of-way including sidewalks.
- B. *Location in Multi-Family Residential Complexes.* Placement of temporary storage units in multi-family residential complexes shall meet all of the following provisions:
1. The unit shall be placed in a parking space.
 2. The unit shall not be placed within any drive aisle or public right-of-way including sidewalks.
- C. *Alternative Location.* At the discretion of the City Planner, the unit may be placed in an alternative location, provided that the alternative location does not create an unsafe condition.
- D. *Duration.* Temporary storage units may be placed on or at a property for a period not to exceed thirty (30) calendar days in a single calendar year, unless in association with ongoing construction activities carried out pursuant to a valid building permit.
- E. Temporary storage units shall be locked and secured by the property owner or tenant at all times when loading or unloading is not taking place.
- F. Storage of hazardous material within temporary storage units is prohibited.
- G. *Signs.* Signage on temporary storage units shall be as per Section 25-15, Sign Regulations.

Sec. 25-25.3. Buildings or Trailers for Temporary or Emergency Use.

- A. A temporary building or trailer may be used as a construction office, field office or for storage of materials to be used in connection with the development of the tract on which the building or trailer is located, provided that:
1. The location of said temporary building or trailer shall meet the following requirements:
 - a. The location shall be reviewed and approved by the City Planner.
 - b. The location shall not interfere with sight distance or on-site circulation.
 - c. The location shall not cause a substantial adverse impact on the public right-of-way or adjoining properties.
 - d. In the event of a disagreement regarding the proper location, such disagreement shall be submitted to the Planning Commission for recommendation to the City Council, which shall make the decision on such disagreement, provided the applicant shall have the right to appeal such decision pursuant to Section 25-9, Variances, of the Zoning Code and to pursue any other available legal or equitable remedy.

2. Signs shall be in accordance with either Section 25-15.10.H, Construction Signs, or Section 25-15.11.L, Construction Signs, as appropriate.
 3. Said temporary building or trailer shall be removed:
 - a. From said tract within forty-five (45) days after completion of the development; or
 - b. Within thirty (30) days after:
 - i. Voluntary suspension of work on the project;
 - ii. Revocation of building permits; or
 - iii. An order by the Building Commissioner upon a finding by him that said temporary structure is deemed hazardous to the public health and welfare.
- B. A temporary sales office may be established in a display dwelling unit or temporary building provided that the office is closed, the operation discontinued, and all temporary structures and facilities removed from the tract:
1. Within thirty (30) days after all lots or dwelling units have been sold, rented, or leased; or
 2. After the passage of thirty (30) days from the date of the last transaction after ninety (90) percent of the development has been sold, rented, or leased.
- C. A trailer may be used as a field office or claims adjusting office in connection with a natural disaster or similar event, provided that:
1. Said occupancy permit shall be valid for a minimum of thirty (30) days and a maximum of ninety (90) days as determined by the City Planner based on information provided by the applicant and the extent of the event.
 2. In the case of extenuating circumstances, an extension to the ninety (90) day occupancy may be granted by the Planning Commission. The applicant shall apply for said extension in writing, thoroughly explaining the circumstances which necessitate the extension.
 3. The location of said trailer shall meet the following requirements:
 - a. The location shall be reviewed and approved by the City Planner.
 - b. The location shall not interfere with sight distance or on-site circulation.
 - c. The location shall not cause a substantial adverse impact on the public right-of-way or adjoining properties.
 - d. In the event of a disagreement regarding the proper location, such disagreement shall be submitted to the Planning Commission for recommendation to the City Council, which shall make the decision on such disagreement, provided the applicant shall have the right to appeal such decision pursuant to Section 25-9, Variances, of the Zoning Code and to pursue any other available legal or equitable remedy.

Sec. 25-25.4. Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

- A. *Purpose.* The purpose of this section is to provide screening requirements for external trash receptacles, recycling storage areas, mechanical equipment, external emergency generators, building mounted utilities, utility boxes and facilities, loading docks, receiving areas, and outdoor storage areas.
- B. *Scope.* These regulations shall apply to all external trash receptacles, recycling storage areas, mechanical equipment, external emergency generators, building mounted utilities, utility boxes and facilities, loading docks,

receiving areas, and outdoor storage areas in the “R-6”, “C”, “M”, “RD”, and “PD” zoning districts except where otherwise indicated.

C. *Trash Receptacles, Dumpsters, and Recycling Storage Areas.*

1. Trash receptacles, dumpsters, and recycling storage areas shall be located so as to result in the minimum visual exposure to the public right-of-way.
2. Trash receptacles, dumpsters, and recycling storage areas shall be screened as follows:
 - a. If visible from any public right-of-way, screening shall consist of a minimum six (6) foot high sight-proof enclosure which meets the following requirements:
 - i. The sight-proof enclosure shall be constructed of materials that are visually compatible with the architecture of the main building;
 - ii. Materials and methods of construction, including earthberming, shall be subject to the review and approval of the City Planner; and
 - iii. Criteria for enclosure approval shall include, but are not limited to, quality of materials, compatibility with the principal structure, security, and ease of access.
 - b. If not visible from any public right-of-way, screening shall consist of a minimum six (6) foot high enclosure which meets the following requirements:
 - i. The enclosure shall be a minimum of seventy-five (75) percent opaque;
 - ii. Materials may include of chain link fencing with slats or fabric, wood, vinyl, masonry, or stone; and
 - iii. Criteria for enclosure approval shall include, but are not limited to, quality of materials, compatibility with the principal structure, security, and ease of access.

D. *Mechanical Equipment and Emergency Generators.*

1. All emergency generators, rooftop mechanical equipment, HVAC, and other ground, wall and roof-mounted accessories (including satellite TV and electronic data dishes and antennae) shall be located so as to result in the minimum visual exposure to the public right-of-way.
2. If a building is situated such that emergency generators, mechanical equipment, or other accessories are visible from any public right-of-way, all such equipment must be hidden from view to the maximum extent possible using an approved screening device that is integral to the character and function of the building.
3. All external emergency generators adjacent to residential districts shall include sound buffering cabinets and enclosures which meet the following requirements:
 - a. The maximum height of the screening enclosure shall be determined by the City Planner.
 - b. Criteria for heights over eight (8) feet shall include, but are not limited to:
 - i. Quality of materials.
 - ii. Compatibility with the principal structure.
 - iii. Security.
 - iv. Sound baffling.
4. *Testing of Emergency Generators.* Where the City Planner determines that adjacent land uses will be substantially impacted by the testing of emergency generators, said testing shall be scheduled during the

times of minimum occupancy of the adjacent uses, and shall not continue for more than thirty (30) minutes.

5. *Operation of Emergency Generators.* The operation of any emergency generator shall not exceed a decibel level of sixty-five (65) decibels outside of a one hundred (100) foot radius of the enclosure or at the property line of any adjacent residential structure.

E. *Building Mounted Utilities.*

1. Building mounted utilities, such as meters and electrical panels, shall be located so as to result in the minimum visual exposure to the public right-of-way.
2. If a building is situated such that building mounted utilities are visible from any public right-of-way, the City Planner shall determine the appropriate method for screening the utilities from public view including:
 - a. Blending or integrating the building mounted utilities into the building façade using enclosures, paint or other finishes; and/or
 - b. *Landscaping.* A screen consisting of plant materials that conforms to Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.

F. *Utility Boxes.*

1. *Scope.* In addition to the general applicability under Section 25-25.4.B, Scope, these requirements shall also apply to utility boxes in new subdivisions in any residential zoning district, other than minor subdivisions and lot consolidations.
2. Utility boxes shall be located so as to result in the minimum visual exposure to the public right-of-way.
3. If a utility box is situated such that it is visible from any public right-of-way, the City Planner shall determine the appropriate screening method which may include:
 - a. Blending the utility box into the surrounding environment or utilizing it for public art using enclosures, paint or other finishes.
 - b. *Fencing or Walls.* Fences or walls shall be:
 - i. Constructed of wood, vinyl, masonry, or stone;
 - ii. Constructed of a compatible material with that of the principal building; and
 - iii. Of a height and width equal to or greater than the utility box.
 - c. *Landscaping.* A screen consisting of plant materials that conforms to Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.
 - d. A combination of any of the above methods.
4. Any screening material shall accommodate maintenance or inspection thereof with the use of appropriate panels, and/or hinged gates if necessary.

G. *Utility Facilities.*

1. Pump stations and other utility facilities in all zoning districts shall be located so as to result in the minimum visual exposure to any public right-of-way or dwelling.

2. If a pump station or other utility facility is situated such that it is visible from any public right-of-way or dwelling, it must be must be appropriately screened using fencing and landscaping as follows:

a. *Fencing or Walls.*

- i. Fencing shall not exceed six (6) feet in height. Where additional height is needed for security, demonstrated need must be submitted to and approved by the City Planner;
- ii. Fencing or walls shall consist of wrought iron, black or dark green vinyl coated chain link, masonry, stone, wood, or vinyl; and
- iii. Barbed wire is prohibited in residential zoning districts.

b. *Landscaping.* An upright evergreen hedge shall be required as follows:

- i. Evergreens shall be planted four (4) feet on center and extend four (4) feet beyond the fence line.
- ii. At the time of planting, plant material shall be six (6) feet in height.
- iii. At the access area the planting shall extend eight (8) feet beyond the fence or two (2) additional plants.
- iv. Six (6) to eight (8) foot high evergreen trees shall be planted on either side of the utility station, three (3) for every twenty-four (24) feet of linear length of the utility station.

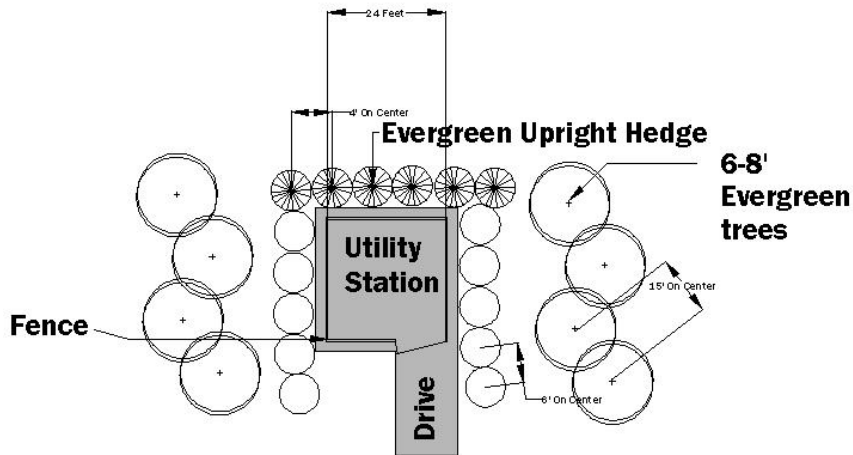


FIGURE 25.1. Example of Required Fencing and Landscaping Around a Typical Utility Facility

c. In lieu of, or in addition to, landscaping and fencing, the utility facility may be placed within an enclosed structure. Said structure shall be integrated into the development, using the same materials and architectural style of the principal building on the site, subject to the review and approval of the City Planner.

H. *Loading Docks and Receiving Areas.*

1. To the maximum extent possible, all loading docks and receiving areas shall be located out of view or visually screened from any public right-of-way or dwelling.

2. If a loading dock or receiving area is situated such that it is visible from any public right-of-way or dwelling, the City Planner shall determine the appropriate screening method which may include one or more of the following:
 - a. *Fencing or Walls.* Fences or walls shall be:
 - i. Constructed of materials that are visually compatible with the architecture of the main building;
 - ii. Chain-link, wire mesh, woven wire, or other wire-based fencing shall be prohibited; and
 - iii. A minimum of six (6) feet in height.
 - b. *Landscaping.* A screen consisting of plant materials that conforms to Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.

I. *Outdoor Storage Areas.*

1. Outdoor storage of materials and equipment, not including outdoor display of merchandise for sale or rent, shall be located so as to result in the minimum visual exposure to any public right-of-way or dwelling.
2. *Screening from the Public Right-of-Way.* Where outdoor storage areas are visible from any public right-of-way, the City Planner shall determine the appropriate screening method to achieve a one hundred (100%) percent opaque screen, which may include one or more of the following:
 - a. *Fencing or Walls.* Fences or walls shall conform to the following requirements:
 - i. Fences or walls shall be a minimum of six (6) feet in height;
 - ii. Fencing or walls may be constructed of wood, vinyl, masonry, or stone; and
 - iii. If security fencing is used, it shall be placed on the interior side of the opaque screen.
 - b. *Landscaping.* A screen consisting of plant materials that conforms to Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.
3. *Screening from the Public Right-of-Way—Exception.* When it is necessary, for security reasons, to grant limited visibility from the right-of-way into the outdoor storage area, the City Planner shall determine the appropriate screening method to achieve a minimum seventy-five (75%) percent opaque screen which may include one or more of the following:
 - a. *Fencing or Walls.* Fences or walls shall conform to the following requirements:
 - i. Fences or walls shall be a minimum of six (6) feet in height; and
 - ii. Fencing or walls may be constructed of chain link fencing with slats or fabric.
 - b. *Landscaping.* A screen consisting of plant materials that conforms to Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.
4. *Buffering and Screening from Dwellings.* Where outdoor storage areas abut any property zoned “NU”, “R”, or “RD-MXD” zoning district (but are not visible from any public right-of-way), a landscaped yard of at least twenty-five (25) feet in width shall be provided along the “NU”, “R”, or “RD-MXD” zoning district property line in accordance with Section 25-16.10 Landscaping Requirements for Buffer Areas and Screening.
5. *Screening from Other Developments.* Where outdoor storage areas abut non-residential developments (but

are not visible from any public right-of-way), the City Planner shall determine the appropriate screening method to achieve a minimum seventy-five (75%) percent opaque screen which may include one or more of the following:

- a. *Fencing or Walls.* Fences or walls shall conform to the following requirements:
 - i. Fences or walls shall be a minimum of six (6) feet in height; and
 - ii. Fencing or walls may be constructed of chain link fencing with slats or fabric, wood, vinyl, masonry, or stone.
- b. *Landscaping.* A screen consisting of plant materials that conforms to Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.

ARTICLE 26. WALKWAYS AND BIKEWAYS.

Sec. 25-26.1. Scope.

The criteria for the location and design of walkways and bikeways shall be applicable to any trail, walkway, path, bike path, sidewalk or equivalent thereto, that is located on private property, including subdivision common ground.

Sec. 25-26.2. Conditional Use.

All walkways and bikeways are designated as a conditional use and subject to the requirements of Section 25-5, Conditional Use Permits.

Sec. 25-26.3. Location.

- A. The minimum separation between a walkway/bikeway and private property shall be measured from the improved edge of the trail to the adjacent property line.
- B. The minimum separation between a walkway/bikeway and private residential property shall be one hundred (100) feet.
- C. Location requirements may be waived if there is an alternative finding by the Planning Commission and City Council that the reduction in the separation will not have a substantial adverse impact on the adjacent property.

Sec. 25-26.4. Elevation.

The maximum elevation of a walkway/bikeway shall not exceed a straight line projected from the main floor of the residential structure to a point six (6) feet above the floor and one-hundred thirty (130) feet from the rear wall measured perpendicularly from said wall. This criteria shall not apply when the separation exceeds two-hundred (200) feet.

Sec. 25-26.5. Width and Clearance.

- A. The minimum tread width shall be not less than five (5) feet.
- B. The minimum clearance height shall be not less than eight (8) feet.

Sec. 25-26.6. Grade.

- A. Walkways
 1. Sustained grades should not exceed ten (10%) percent
 2. Pitch grades of as much as twenty (20%) percent for distances of two-hundred (200) feet or less are acceptable.
 3. Slopes greater than twenty (20%) percent can be exceeded for short distances (less than twenty-five [25] feet) if "easing off" sections with a grade of five (5%) percent or less follow.
- B. Bikeways
 1. Average grades should not exceed five (5%) percent with sustained grades of eight (8%) percent.
 2. Maximum grades should not exceed ten (10%) percent unless level resting areas can be provided.

Sec. 25-26.7. Landscaping.

Walkways and bikeways shall be landscaped in accordance with Section 25-16, Landscaping Requirements for Walkways and Bikeways.

ARTICLE 27. WIRELESS COMMUNICATION REGULATIONS.

Sec. 25-27.1 Purpose.

The purpose of this section is to establish regulations for wireless communication antennas and support structures in accordance with Sections 67.5090 to 67.5125 RSMo., or other applicable state law, as the same may be amended or supplemented.

Sec. 25-27.2 Intent.

The intent of this section is to provide for the appropriate development of wireless communications facilities and related equipment to serve the citizens and businesses of the City of Maryland Heights.

Sec. 25-27.3 Scope.

- A. Except as otherwise noted herein, the requirements of this section apply to all new wireless communications facilities, any portion of which is located within the City of Maryland Heights. Any towers and/or wireless facilities legally existing and in use pursuant to the passage of this section shall be allowed to continue as a nonconforming use. This section shall not preclude the routine maintenance or repair and/or replacement of malfunctioning wireless communication facilities.
- B. Any towers or wireless communication facilities discontinued or no longer in use as defined in Section 25-7.11, Abandonment of Nonconforming Uses, shall not be reestablished. Any improvements to the tower, with the exception of that associated only with the installation of additional antennas and its equipment shall be considered new and will require the tower be brought into full conformity with this article.

Sec. 25-27.4 Prohibited Acts by Authority.

In accordance with Section 67.5094, *Prohibited acts by authority*, RSMo., the following acts shall be prohibited by the City of Maryland Heights:

- A. Require an applicant to submit information about, or evaluate an applicant's business decisions with respect to its designed service, customer demand for service, or quality of its service to or from a particular area or site.
- B. Evaluate an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities, including without limitation the option to co-locate instead of construct a new wireless support structure or for substantial modifications of a support structure, or vice versa; provided, however, that solely with respect to an application for a new wireless support structure, the City may require an applicant to state in such applicant's application that it conducted an analysis of available co-location opportunities existing wireless towers within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis.
- C. Dictate the type of wireless facilities, infrastructure, or technology to be used by the applicant, including, but not limited to, requiring an applicant to construct a distributed antenna system in lieu of constructing a new wireless support structure.
- D. Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application.
- E. With respect to radio frequency emissions, impose environmental testing, sampling, or monitoring requirements or other compliance measures on wireless facilities that are categorically excluded under the Federal Communication Commission's rules for radio frequency emissions under 47 CFR 1.1307(b)(1) or other applicable federal law, as the same may be amended or supplemented.
- F. Establish or enforce regulations or procedures for radio frequency signal strength or the adequacy of service quality.

- G. Establish or enforce regulations or procedures for environmental safety for any wireless communications facility that is inconsistent with or in excess of those required by OET Bulletin 65, entitled Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, Edition 97-01, released August, 1997, and Supplement A: Additional Information for Radio and Television Broadcast Stations.
- H. In conformance with 47 U.S.C. Section 332(c)(7)(b)(4), reject an application, in whole or in part, based on perceived or alleged environmental effects of radio frequency emissions.
- I. Impose any restrictions with respect to objects in navigable airspace that are greater than or in conflict with the restrictions imposed by the Federal Aviation Administration.
- J. Prohibit the placement of emergency power systems that comply with federal and state environmental requirements.
- K. Charge an application fee, consulting fee, or other fee associated with the submission, review, processing, and approval of an application that is not required for similar types of commercial development within the City.
- L. Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused facilities can be removed.
- M. Condition the approval of an application on the applicant's agreement to provide space on or near the wireless support structure for City services at less than the market rate for space or to provide other services via the structure or facilities at less than the market rate for such services.
- N. Limit the duration of the approval of an application.
- O. Discriminate or create a preference on the basis of the ownership, including ownership by authority, of any property, structure, or tower when promulgating rules or procedures for siting wireless facilities or for evaluating applications.
- P. Impose any requirements or obligations regarding the presentation or appearance of facilities, including, but not limited to, those relating to the kind or type of materials used and those relating to arranging, screening, or landscaping of facilities if such regulations or obligations are unreasonable.
- Q. Impose any requirements that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by the City, in whole or in part, or by any entity in which the City has a competitive, economic, financial, governance, or other interest.
- R. Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the City in connection with the City's exercise of its police power-based regulations.
- S. Condition or require the approval of an application based on the applicant's agreement to permit any wireless facilities provided or operated, in whole or in part, by the City or by any entity in which the City has a competitive, economic, financial, governance, or other interest, to be placed at or co-located with the applicant's wireless support structure.
- T. The City may not institute any moratorium on the permitting, construction, or issuance of approval of new wireless support structures, substantial modifications of wireless support structures, or co-locations if such moratorium exceeds six (6) months in length and if the legislative act establishing it fails to state reasonable grounds and good cause for such moratorium. No such moratorium shall affect an already pending application.

Sec. 25-27.5 Permitted Acts by Authority.

In accordance with Section 67.5096, *Permitted acts by authority*, RSMo., the following acts shall be permitted by the City of Maryland Heights:

- A. In regard to the siting of new wireless support structures, the City may continue to exercise zoning, land use, planning, and permitting authority within the City boundaries, subject to the provisions of sections 67.5090 to 67.5103 RSMo., including without limitation Section 67.5094 RSMo., *Prohibited acts by authority*, and subject to federal law.
- B. An applicant proposing to construct a new wireless support structure shall:
 - 1. Submit the necessary copies and attachments of the application. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing the applicant's right to pursue the application.
 - 2. Comply with the applicable local ordinances concerning land use and applicable permitting processes.
- C. Disclosure of records in the possession or custody of City personnel, including but not limited to documents and electronic data, shall be subject to chapter 610 RSMo.
- D. City staff, within one hundred twenty (120) calendar days of receiving an application to construct a new wireless support structure or within such additional time as may be mutually agreed to by an applicant and the City, shall review the application and inform the applicant in writing of its findings.
- E. If the City fails to act on an application to construct a new wireless support structure within the one hundred twenty (120) calendar days' review period mentioned herein or within such additional time as may be mutually agreed to by an applicant and the City, the application shall be deemed approved.
- F. A party aggrieved by the final action of the City, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction within this state.

Sec. 25-27.6 Modifications of Wireless Support Structures.

In accordance with Section 67.5098, *Modification of structures*, RSMo., all applicants for substantial modifications of wireless support structures shall follow all applicable requirements described in Section 25-27.4, Permitted Acts of Authority.

Sec. 25-27.7 Building Permit Requirements.

In accordance with Section 67.5100, *Review for conformity with applicable building permit requirements*, RSMo., the following provisions shall apply to applications for wireless facilities requiring a building permit:

- A. Subject to the provisions of sections 67.5090 to 67.5103, RSMo., including Section 67.5094 RSMo., co-location applications and applications for replacement of wireless facilities shall be reviewed for conformance with applicable building permit requirements, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, but shall not otherwise be subject to zoning or land use requirements, including design or placement requirements, or public hearing review.
- B. The City of Maryland Heights, within forty-five (45) calendar days of receiving a co-location application shall:
 - 1. Review the co-location application or application to replace wireless facilities in light of its conformity with applicable building permit requirements and consistency with sections 67.5090 to 67.5103 RSMo. An application is deemed to be complete unless the City Planner or City Engineer notifies the applicant in writing, within fifteen (15) calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing the applicant's right to pursue the application. Upon receipt of a timely written notice that an application is deficient, an applicant may take fifteen (15) calendar days from receiving such notice to cure the specific deficiencies. If the

applicant cures the deficiencies within fifteen (15) calendar days, the application shall be reviewed and processed within forty-five (45) calendar days from the initial date the application was received. If the applicant requires a period of time beyond fifteen (15) calendar days to cure the specific deficiencies, the forty-five (45) calendar days' deadline for review shall be extended by the same period of time.

2. Make its final decision to approve or disapprove the application.
 3. Advise the applicant in writing of its final decision.
- C. If the City fails to act on an application within forty-five (45) calendar days' review period, the application shall be deemed approved.
- D. The provisions of sections 67.5090 to 67.5103 RSMo., shall not:
1. Authorize the City to mandate, require, or regulate the placement, modification, or co-location of any new wireless facility on new, existing, or replacement poles owned or operated by a utility.
 2. Expand the power of the City to regulate any utility.
 3. Restrict any utility's rights or authority, or negate any utility's agreement, regarding requested access to, or the rates and terms applicable to placement of any wireless facility on new, existing, or replacement poles, structures, or existing structures owned or operated by a utility.
- E. A party aggrieved by the final action of the City, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction within the State of Missouri.

Sec. 25-27.8 Pole Attachment.

In accordance with Section 67.5104, *Pole attachment and pole defined*, RSMo., the following provisions shall apply to wireless facilities attached on utility poles owned or controlled by the City:

- A. As used in this section, "**pole attachment**" means an attachment by an attaching entity, including a video service provider, a telecommunications provider or other communications-related service provider to a pole owned or controlled by the City, but not a wireless antenna attachment or an attachment by a wireless communications provider to a pole. As used in this section, "**pole**" means a utility pole which is owned or controlled by the City, but shall not include poles that are not associated with the transmission or distribution of electric power, communications, broadband, or video services. The City may only deny an attaching entity access to the utility's poles on a nondiscriminatory basis if there is insufficient capacity or for reasons of safety and reliability and if the attaching entity will not resolve the issue. If the City does not find any capacity, safety, or reliability issues, the City shall issue the attaching entity a permit to attach to the City's poles. Nothing in this section shall be construed to prohibit the City from requiring an attaching entity to enter into a pole attachment agreement consistent with this section.
- B. The provisions of this section shall not supersede existing pole attachment agreements established prior to August 28, 2014.
- C. Nothing in this section shall be construed as conferring any jurisdiction or authority to the public service commission or any state agency to regulate either the fees, terms, or conditions for pole attachments, or for any state agency to assert any jurisdiction over attachments to poles regulated by 47 U.S.C. Sec. 224.
- D. The City may, after reasonable written notice and an opportunity to cure, as provided in the applicable pole attachment agreement between the City and an attaching entity, revoke a pole attachment permit granted to an attaching entity and require removal of the attachment with or without fee refund for breach of the pole attachment agreement or permit until the breach is cured, but only in the event of a substantial breach of material terms and

conditions of the pole attachment agreement or permit. A substantial breach by an attaching entity shall be limited to:

1. A material violation of a material provision of the applicable pole attachment agreement or permit.
2. An evasion or attempt to evade any material provision of the applicable pole attachment agreement or permit.
3. A material misrepresentation of fact in the applicable pole attachment agreement or permit application.
4. A failure to complete work by the date and in accordance with the terms specified in the applicable pole attachment agreement or permit, unless an extension is obtained or unless the failure to complete the work is due to reasons beyond the attaching entity's control.
5. A failure to correct, within the time and in accordance with the terms specified by the City of Maryland Heights in the applicable pole attachment agreement or permit, work by the attaching entity that does not conform to applicable national safety codes, industry construction standards, or local safety codes that are not more stringent than national safety codes, upon inspection and notification by the City of the faulty condition. If the time for correction is not specified in the applicable pole attachment agreement or permit, the time for correction shall be reasonable under the particular circumstances, and in no event less than thirty (30) days.
6. Unless otherwise provided for in an applicable pole attachment agreement, in the event of an imminent threat to the public health, life, or safety, the City shall, upon notice to the attaching entity, request the attaching entity rearrange, relocate, or remove a pole attachment from a pole or absent action from the attaching entity, have the authority to rearrange, relocate, or remove a pole attachment consistent with industry practices. The attaching entity shall be notified as soon as practicable upon the cessation of the threat to public health, life, or safety, or upon restoration of the attachment by the City.

Sec. 25-27.9 New Freestanding Towers.

- A. *On Residentially Zoned Lots.* No freestanding towers of any kind shall be permitted in a residential zoning district except towers erected on property for health, safety, or other purposes, subject to the criteria of Section 25-5, Conditional Uses and Section 25-27.10, Submittal Requirements for New Freestanding Towers.
- B. Towers authorized as conditional uses shall conform to the following requirements:
 1. All towers must be designed and certified by a professional engineer to be structurally sound and, at minimum, in conformance with the Building Code and the structural requirements set forth in EIA-222-F, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures", or its successors.
 2. *Screening.* All towers shall be surrounded by a landscape strip of not less than ten (10) feet in width, and planted with materials which will provide a visual barrier of a minimum height of six (6) feet tall, and deciduous trees at least two and one-half-inch in caliper, at the time of planting. Said landscape strip shall be exterior to any security fencing. In lieu of the required landscape strip, a minimum six (6) foot high decorative fence or wall may be approved by the City Planner upon demonstration by the applicant that an equivalent degree of visual screening is achieved.
 3. All parcels upon which a tower is erected shall provide paved access and a minimum of two (2) parking spaces within a reasonable distance of the tower.
 4. All towers shall be maintained and kept in good condition so as to not endanger or menace the property of any person.
 5. All tower sites must contain adequate drainage facilities, subject to the review and approval of the City Engineer or the Metropolitan Saint Louis Sewer District (MSD).

Sec. 25-27.10 Submittal Requirements for New Freestanding Towers.

Applications for a Conditional Use Permit allowing construction of a tower shall include the following in addition to the requirements of Section 25-27.9, New Freestanding Towers:

- A. *New Freestanding Towers.* The following submittal requirements shall be submitted for review and approval by the City Planner:
1. A site plan drawn to scale specifying the location and height of tower(s), transmission structures, communications support cabinets buildings and structures, parking areas and access drives, landscaping, fences and zoning districts of adjacent properties as well as the subject property.
 2. Site development and tower construction plans prepared by an engineer licensed in the State of Missouri.
 3. Evidence that the antenna mounted on the proposed tower cannot be accommodated on an existing structure. This evidence shall consist of:
 - a. The names, addresses, and telephone numbers of all owners of other towers or useable wireless support structures which are capable of providing a location to construct the communications facilities that are planned to be housed or located on the tower within a one (1) mile radius of the proposed new tower site, including city-owned properties.
 - b. Written documentation that the applicant made diligent, but unsuccessful efforts for permission to install or co-locate the applicant's wireless facility on an existing tower or useable wireless support structure. Said documentation shall include the following:
 - i. Whether the applicant's communications facilities are technically capable of being installed or co-located on another telecommunication tower or useable wireless support structure.
 - ii. If the applicant asserts that its communications facilities are technically infeasible of being installed or co-located on another telecommunication tower or useable wireless support structure, a written statement from the applicant setting forth in detail the reason(s) with regard to each telecommunication provider contacted, why such installation is technically infeasible, or why permission from the owner of said tower or useable antenna support structure cannot be obtained.
 - iii. "Technically Infeasible" for the purpose of this subsection means that the co-location or installation of the applicant's communication facilities on another person's tower would not comply with sound engineering principles, would materially degrade or unreasonably impair the use.
 4. City staff, within one hundred twenty (120) calendar days of receiving an application to construct a new wireless support structure or within such additional time as may be mutually agreed to by an applicant and the City, shall:
 - a. Review the application in light of its conformity with applicable local zoning regulations. An application is deemed to be complete unless the City notifies the applicant in writing, within thirty (30) calendar days of submission of the application, of the specific deficiencies in the application, which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty (30) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within thirty (30) calendar days, the application shall be reviewed and processed within one hundred twenty (120) calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty (30) calendar days to cure the specific deficiencies, the one hundred twenty (120) calendar days' deadline for review shall be extended by the same period of time.
 - b. Make a final decision to approve or disapprove the application.

- c. Advise the applicant in writing of its final decision.
5. If the City fails to act on an application to construct a new wireless support structure within the one hundred twenty (120) calendar days' review period mentioned herein or within such additional time as may be mutually agreed to by an applicant and the City, the application shall be deemed approved.
6. A party aggrieved by the final action of the City, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction within this state.

B. *Additional Limitations.*

1. Unless expressly exempted by a Conditional Use Permit, no such permit shall be effective until the approved application shall have satisfied all requirements for obtaining a Conditional Use Permit including those provisions in this subsection.
2. *Planned Districts.* In a Planned District, all towers and associated communications equipment must, at a minimum, comply with all of the conditions of this section.

Sec. 25-27.11 Small Wireless Facilities.

In accordance with the *Uniform Small Wireless Facility Deployment Act*, Sections 67.5110 to 67.5125 RSMo., the following provisions shall apply to small wireless facilities.

- A. The provisions of this section shall apply only to activities of a wireless provider within the right-of-way to deploy small wireless facilities and associated poles.
- B. The City shall not enter into an exclusive arrangement with any person for use or management of the right-of-way for the co-location of small wireless facilities or the installation, operation, marketing, modification, maintenance, management, or replacement of utility poles.
- C. Subject to provisions of sections 67.5110 to 67.5121 RSMo., the City shall permit a wireless provider, as a permitted use not subject to zoning review or approval, to co-locate small wireless facilities and install, maintain, modify, operate, and replace utility poles along, across, upon, and under the right-of-way, except that the placement in the right-of-way of new or modified utility poles in single-family residential or areas zoned as historic as of August 28, 2018, remains subject to any applicable zoning requirements that are consistent with sections 67.5090 to 67.5103 RSMo. Small wireless facilities co-located outside the right-of-way in property not zoned primarily for single-family residential use shall be classified as permitted uses and not subject to zoning review or approval. Such small wireless facilities and utility poles shall be installed and maintained as not to obstruct or hinder the usual travel or public safety on such right-of-way or obstruct the legal use of such right-of-way by authorities or other authorized right-of-way users. Nothing in this section shall grant any wireless provider the power of eminent domain.
- D. Nothing in sections 67.5110 to 67.5121 RSMo., shall prevent the City or applicable authorities, on a nondiscriminatory basis, from requiring a permit, with reasonable conditions, for work in a right-of-way that will involve excavation, affect traffic patterns, obstruct traffic in the right-of-way, or materially impede the use of a sidewalk.
- E. Each new, replacement, or modified utility pole installed in the right-of-way shall not exceed the greater of ten (10) feet in height above the tallest existing utility pole in place as of January 1, 2019, located within five hundred (500) feet of the new pole in the same right-of-way, or fifty (50) feet above ground level. New small wireless facilities in the right-of-way shall not extend more than ten (10) feet above an existing utility pole in place as of August 28, 2018, or for small wireless facilities on a new utility pole, above the height permitted for a new utility pole under this section. A new, modified, or replacement utility pole that exceeds these height limits shall be subject to any applicable zoning requirements that apply to other utility poles and are consistent with sections 67.5090 to 67.5103 RSMo.

- F. A wireless provider shall be permitted to replace decorative poles when necessary to co-locate a small wireless facility, but any replacement pole shall reasonably conform to the design aesthetics of the decorative pole or poles being replaced, subject to the review and approval of the City Planner.
- G. The City, in the exercise of its administration and regulation related to the management of the right-of-way, shall be competitively neutral with regard to other users of the right-of-way, including that terms shall not be unreasonable or discriminatory and shall not violate any applicable law. Nothing in sections 67.5110 to 67.5121 RSMo., shall in any way be construed to modify or otherwise affect the rights, privileges, obligations, or duties, existing prior to August 28, 2018, of an electrical corporation, as defined in section 386.020 RSMo.
- H. Small wireless facility co-locations completed on or after August 28, 2018, shall not interfere with or impair the operation of existing utility facilities, or City or third-party attachments. The City may require a wireless provider to repair all damage to the right-of-way directly caused by the activities of the wireless provider in the right-of-way and to return the right-of-way to its functional equivalence before the damage under the competitively neutral, reasonable requirements and specifications of the City. If the wireless provider fails to make the repairs required by the City within a reasonable time after written notice, the City may make those repairs and charge the applicable party the reasonable, documented cost of such repairs.
- I. *Small Wireless Facilities in Residential Districts.* The following submittal requirements shall be submitted for review and approval by the City Planner:
 - 1. A site plan drawn to scale specifying the location and height of the facility.
 - 2. Small cell facility elevations, renderings, illustrations, or photographs.
 - 3. Additional requirements may be imposed on the deployment where it is determined, based on a review of the site plan by the City Planner, and in accordance with applicable state statutes, that the additional requirements are necessary to fulfill the objectives described herein.

Sec. 25-27.12 Co-Location Requirements.

In accordance with Section 67.5113 RSMo., the following provisions shall apply to the co-location of small wireless facilities:

- A. The provisions of this section shall apply to the permitting of small wireless facilities by a wireless provider in or outside the right-of-way and to the permitting of the installation, modification, and replacement of utility poles by a wireless provider inside the right-of-way.
- B. The City shall not prohibit, regulate, or charge for the co-location of small wireless facilities, except as provided under sections 67.5110 to 67.5121 RSMo.
- C. The City may require an applicant to obtain one or more permits to co-locate a small wireless facility or install a new, modified, or replacement utility pole associated with a small wireless facility as provided in subsection 3 of section 67.5112 RSMo., provided such permits are of general applicability and do not apply exclusively to wireless facilities. The City shall receive applications for, process, and issue such permits subject to the following requirements:
 - 1. The City shall not directly or indirectly require an applicant to perform services or provide goods unrelated to the permit, such as in-kind contributions to the City, including reserving fiber, conduit, or pole space for the City.
 - 2. An applicant shall not be required to provide more information to obtain a permit than communications service providers that are not wireless providers, provided that an applicant may be required to include construction and engineering drawings and information demonstrating compliance with the criteria

mentioned in this section and an attestation that the small wireless facility complies with the volumetric limitations in subdivision 19 of section 67.5111, RSMo.

3. The City shall not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole.
4. The City shall not limit the placement of small wireless facilities by minimum horizontal separation distances.
5. The City may require a small wireless facility to comply with reasonable, objective, and cost-effective concealment or safety requirements adopted by the City.

Sec. 25-27.13 Submittal Requirements for Co-Locations.

- A. Within fifteen (15) days of receiving an application, the City shall determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the City shall specifically identify the missing information in writing. The processing deadline in mentioned below is tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information. That processing deadline may also be tolled by agreement of the applicant and the City.
- B. An application for co-location shall be processed on a nondiscriminatory basis and deemed approved if the City fails to approve or deny the application within forty-five (45) days of receipt of the application. An application for installation of a new, modified, or replacement utility pole associated with a small wireless facility shall be processed on a nondiscriminatory basis and deemed approved if the City fails to approve or deny the application within sixty (60) days of receipt of the application.
- C. The City may deny a proposed co-location of a small wireless facility or installation, modification, or replacement of a utility pole that meets the requirements in subsection 3 of section 67.5112, RSMo., only if the action proposed in the application could reasonably be expected to:
 1. Materially interfere with the safe operation of traffic control equipment or City-owned communications equipment.
 2. Materially interfere with sight lines or clear zones for transportation, pedestrians, or non-motorized vehicles.
 3. Materially interfere with compliance with the Americans with Disabilities Act, 42 U.S.C. Sections 12101 to 12213, or similar federal or state standards regarding pedestrian access or movement.
 4. Materially obstruct or hinder the usual travel or public safety on the right-of-way.
 5. Materially obstruct the legal use of the right-of-way by the City utility, or other third party.
 6. Fail to comply with reasonable and nondiscriminatory spacing requirements of general application adopted by ordinance or regulations promulgated by the state highways and transportation commission that concern the location of ground-mounted equipment and new utility poles. Such spacing requirements shall not prevent a wireless provider from serving any location and shall include a waiver, zoning, or other process that addresses wireless provider requests for exception or variance and does not prohibit granting of such exceptions or variances.
 7. Fail to comply with applicable codes, including nationally recognized engineering standards for utility poles or wireless support structures.
 8. Fail to comply with the reasonably objective and documented aesthetics of a decorative pole and the applicant does not agree to pay to match the applicable decorative elements.
 9. Fail to comply with reasonable and nondiscriminatory undergrounding requirements contained in local ordinances as of January 1, 2018, or subsequently enacted for new developments, that require all utility

facilities in the area to be placed underground and prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval, provided that such requirements include a waiver or other process of addressing requests to install such utility poles and do not prohibit the replacement or modification of existing utility poles consistent with this section or the provision of wireless services.

- D. The City shall document the complete basis for a denial in writing, and send the documentation to the applicant on or before the day the City denies an application. The applicant may cure the deficiencies identified by the City and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The City shall approve or deny the revised application within thirty (30) days. Any subsequent review shall be limited to the deficiencies cited in the denial.
- E. An applicant seeking to co-locate small wireless facilities within City boundaries shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the co-location of multiple small wireless facilities; provided, however, the denial of one (1) or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same batch. The following provisions shall apply to an application for the co-location of multiple small wireless facilities:
 - 1. An application may include up to twenty (20) separate small wireless facilities, provided that they are for the same or materially same design of small wireless facility being co-located on the same or materially the same type of utility pole or wireless support structure, and geographically proximate.
 - 2. If the City receives individual applications for approval of more than fifty (50) small wireless facilities or consolidated applications for approval of more than seventy-five (75) small wireless facilities within a fourteen (14) day period, whether from a single applicant or multiple applicants, the City may, upon its own request, obtain an automatic thirty (30) day extension for any additional co-location or replacement or installation application submitted during the fourteen (14) day period or in the fourteen (14) day period immediately following the prior fourteen (14) day period. The City shall promptly communicate its request to each and any affected applicant.
 - 3. In rendering a decision on an application for multiple small wireless facilities, the City may approve the application as to certain individual small wireless facilities while denying it as to others based on applicable requirements and standards, including those identified in this section. The City's denial of any individual small wireless facility or subset of small wireless facilities within an application shall not be a basis to deny the application as a whole.
- F. Installation or co-location for which a permit is granted under this section shall be completed within one (1) year after the permit issuance date unless the City and the applicant agree to extend this period, or the applicant notifies the City that the delay is caused by a lack of commercial power or communications transport facilities to the site. Approval of an application authorizes the applicant to:
 - 1. Undertake the installation or co-location.
 - 2. Operate and maintain the small wireless facilities and any associated utility pole covered by the permit for a period of not less than ten (10) years, which shall be renewed for equivalent durations so long as they are in compliance with the criteria set forth herein, unless the applicant and the City agree to an extension term of less than ten (10) years. The provisions of this paragraph shall be subject to the right of the City to require, upon adequate notice and at the facility owner's own expense, relocation of facilities as may be needed in the interest of public safety and convenience, and the applicant's right to terminate at any time.
- G. The City shall not institute, either expressly or de facto, a moratorium on filing, receiving, or processing applications or issuing permits or other approvals, if any, for the co-location of small wireless facilities on the installation, modification, or replacement of utility poles to support small wireless facilities. Notwithstanding the foregoing, the City may impose a temporary moratorium on applications for small wireless facilities and the co-location thereof for the duration of a federal or state-declared natural disaster plus a reasonable recovery period, or for no more than thirty (30) days in the event of a major and protracted staffing shortage that reduces the

number of personnel necessary to receive, review, process, and approve or deny applications for the co-location of small wireless facilities by more than fifty (50) percent.

- H. Nothing in this section precludes the City from adopting reasonable rules with respect to the removal of abandoned small wireless facilities.
- I. In determining whether sufficient capacity exists to accommodate the attachment of a new small wireless facility, the City shall grant access subject to a reservation to reclaim such space, when and if needed, to meet the pole owner's core utility purpose or documented authority plan projected at the time of the application pursuant to a bona fide development plan, or if the state highways and transportation commission is the relevant authority and determines, in its sole discretion, that attachment of the small wireless facility will affect the safety of the public using the right-of-way.
- J. In emergency circumstances that result from a natural disaster or accident, the City may require the owner or operator of a wireless facility to immediately remove such facility if the wireless facility is obstructing traffic or causing a hazard on the City's roadway. In the event that the owner or operator of the wireless facility is unable to immediately remove the wireless facility, the City is authorized to remove the wireless facility from the roadway or other position that renders the wireless facility hazardous. Under these emergency circumstances, the City shall not be liable for any damage caused by removing the wireless facility and may charge the owner or operator of the wireless facility the City's reasonable expenses incurred in removing the wireless facility.
- K. The City shall not require an application for:
 - 1. Routine maintenance on previously permitted small wireless facilities.
 - 2. The replacement of small wireless facilities with small wireless facilities that are the same or smaller in size, weight, and height.
 - 3. The installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between utility poles, in compliance with applicable codes.
 - 4. For work described in subsections K.1 and K.2, that involves different equipment than that being replaced, the City may require a description of such new equipment so that the City may maintain an accurate inventory of the small wireless facilities at that location.
- L. No approval for the installation, placement, maintenance, or operation of a small wireless facility under this section shall be construed to confer authorization for the provision of cable television service, or installation, placement, maintenance, or operation of a wireline backhaul facility or communications facility, other than a small wireless facility, in the right-of-way.
- M. Except as provided in section 67.5110 to 67.5121 RSMo., the City may not adopt or enforce any ordinances or requirements that require the holder of a franchise or video service authorization as defined under section 67.2677, RSMo., and that could be required to pay a video service provider fee to a franchise entity under section 67.2689 RSMo., to obtain additional authorization or to pay additional fees for the provision of communications service over such holder's communications facilities in the right-of-way.
- N. A municipal electric utility shall not require an application for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between utility poles, in compliance with applicable codes.
- O. The City may require an applicant that is not a wireless services provider to provide evidence of agreements or plans demonstrating that the small wireless facilities will be operational for use by a wireless services provider within one (1) year after the permit issuance date, unless the City and the applicant agree to extend this period or if delay is caused by lack of commercial power or communications transport facilities to the site and the applicant notifies the City thereof. The City may require an applicant that is a wireless services provider to provide the information required by this subdivision by attestation.

Sec. 25-27.14 Limitations of Authority.

In accordance with section 67.5118, *Authority may exercise certain authority, limitations*, RSMo., and subject to the provisions of sections 67.5110 to 67.5121 RSMo., and applicable federal law, the City shall continue to exercise zoning, land use, planning, and permitting authority within its territorial boundaries, including with respect to wireless support structures and utility poles, except that the City shall not have or exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of any small wireless facility located in an interior structure or upon the site of any campus, stadium, or athletic facility not owned or controlled by the City, other than to comply with applicable codes. Nothing in sections 67.5110 to 67.5121 RSMo. authorizes the state or any political subdivision, including the City of Maryland Heights, to require wireless facility deployment or to regulate wireless services.

Sec. 25-27.15 Expiration.

In accordance with section 67.5122, *Expiration date, exception*, RSMo., sections 67.5110 to 67.5121 RSMo. shall expire on January 1, 2025, except that for small wireless facilities already permitted or co-located on poles prior to such date, the rate set forth in RSMo section 67.5116 for co-location of small wireless facilities on poles shall remain effective for the duration of the permit authorizing the co-location.

Sec. 25-27.16 Regulatory Compliance.

All antennas and support structures shall meet or exceed current standards and regulations of the FAA, FCC, and other state or federal agencies with the authority to regulate communications antennas and support structures. Should such standards or regulations be amended, then the owner shall bring such devices and structures into compliance with the revised standards and regulations within six (6) months of the effective date of the revision unless an earlier date is mandated by the controlling agency.

Sec. 25-27.17 Security.

All antennas and support structures shall be protected from unauthorized access by appropriate security devices. A description of the proposed security measures shall be provided as part of any application to install, build, or modify antennas or support structures. No barbed wire shall be used on security fences. Additional measures may be required as a condition of the issuance of a Conditional Use Permit by the City Council upon recommendation of the Planning Commission.

Sec. 25-27.18 Obsolete Antenna Support Structures.

Any antenna support structure, which is occupied by inactive antennas for a period of twelve (12) months shall be considered a nuisance and be removed at the owner's expense.

Sec. 25-27.19 Leasing.

- A. Encouraging applicants to request construction of new wireless support structures on public lands and to increase local revenues is prohibited, however the following leasing requirements shall apply:
 - 1. The City may not charge a wireless service provider or wireless infrastructure provider any rental, license, or other fee to locate a wireless facility or wireless support structure on City owned property in excess of the current market rates for rental or use of similarly situated property. If the applicant and the City do not agree on the applicable market rate for any such public land and cannot agree on a process by which to derive the applicable market rate for any such public land, then the market rate will be determined by a state-certified general real estate appraiser licensed under chapter 339, RSMo., mutually agreed upon by the parties at the applicant's cost. The appraisal process shall be concluded within ninety (90) calendar days from the date the applicant first tenders its proposed lease rate to the City. In the event either party is dissatisfied with the value determined by the appraiser, such party may bring an action for review in any court of competent jurisdiction. The court shall rule on any such petition for review in an expedited manner. Nothing in this paragraph shall bar an applicant and the City from agreeing to reasonable, periodic reviews and adjustments of current market

rates during the term of a lease of contract to use the City's property.

2. The City may not offer a lease or contract to use public lands to locate a wireless support structure on the City's property that is less than fifteen (15) years in duration unless the applicant agrees to accept a lease or contract of less than fifteen (15) years in duration.
- B. Notwithstanding sections 67.1830 to 67.1846 RSMo., any pole attachment fees, terms, and conditions, including those related to the granting or denial of access, demanded by the City shall be nondiscriminatory, just, and reasonable and shall not be subject to any required franchise authority or government entity permitting, except as provided in this section. A pole attachment rental fee shall be calculated on an annual, per-pole basis. Such rental fee shall be considered nondiscriminatory, just, and reasonable if it is agreed upon by the parties or, in the absence of such an agreement, based on cost but in no such case shall such fee so calculated be greater than the fee which would apply if it were calculated in accordance with the cable service rate formula referenced in 47 U.S.C. Sec. 224(d) as applied by the Federal Communications Commission. In addition, a municipal pole owner may be authorized to exceed the rate of return cost components of the FCC formula referenced in this section if necessary to comply with Article X of the Missouri Constitution. In the event of a dispute between the parties, either party may bring an action for review in any court of competent jurisdiction. The court shall rule on any such petition for review in an expedited manner by moving the petition to the head of the docket consistent with subsection 2 of this section. Nothing shall deny any party the right to a hearing before the court.
- C. Where no pole attachment agreement exists between an attaching entity and the City, and a dispute between the City and an attaching entity exclusively concerns the per-pole fee or any requirement or issue not directly related to pole attachments consistent with this section or both, then the attaching entity may proceed with its attachments during the pendency of the dispute under the agreed-upon terms and conditions. The attaching entity shall comply with applicable and reasonable engineering, safety and reliability standards and shall hold the municipal pole owner or the City harmless for any liabilities or damages incurred that are caused by the attaching entity.

Sec. 25-27.20 Appeals.

Appeals to the Board of Adjustment may be taken by any person or company aggrieved or by any office, department, or board of the City affected by any decision of the City Planner, in accordance with Section 25-9, Variations.

ARTICLE 28. ITINERANT MERCHANTS.

Sec. 25-28.1. Purpose.

The purpose of this section is to set forth regulations for itinerant merchants operating on private property.

Sec. 25-28.2 Intent.

It is the intent of this section to:

- A. Permit limited temporary sales of food and seasonal produce within the City of Maryland Heights.
- B. Maintain neighborhood character by limiting the location and extent of temporary sales.
- C. Protect the rights of private property owners and businesses.
- D. Protect the safety of the traveling public.

Sec. 25-28.3. Scope.

- A. These regulations shall apply to itinerant merchants operating on private property.
- B. Itinerant merchants operating in the public right-of-way shall be subject to the applicable provisions of Chapter 19, Peddlers and Solicitors, of the Municipal Code.

Sec. 25-28.4. Regulations for All Itinerant Merchants Operating on Private Property.

- A. *Types.* Itinerant merchants operating on private property shall be limited to:
 - 1. Food truck, trailers, or carts; or
 - 2. Seasonal produce trucks, trailers, or carts.
- B. *Licensing.* Itinerant merchants shall be subject to the licensing and application requirements of Chapter 19, Peddlers and Solicitors, of the Municipal Code.
- C. *Location and Extent.*
 - 1. Itinerant merchants shall be permitted throughout the City, regardless of zoning district, subject to the provisions of this Section and Chapter 19, Peddlers and Solicitors, of the Municipal Code. However, in no case, shall an itinerant merchant operate or be located within or upon:
 - a. Properties which are currently unoccupied.
 - b. Properties developed with single-family or multi-family residential dwellings.
 - c. Designated fire lanes or “no parking” zones.
 - d. Landscaped areas of the property.
 - 2. The location and extent of itinerant merchants, including all appurtenances and other related items, shall be subject to the review and approval of the City Planner based upon the site plan and other information submitted by the applicant. In determining the appropriateness of the location and extent, the City Planner shall consider the following:
 - a. Sufficient on-site parking to accommodate both the primary use and the itinerant merchant.
 - b. Sufficient on-site circulation for both vehicles and pedestrians.
 - c. Potential adverse impacts on the public right-of-way and/or adjoining properties.
- D. *Drive-Through Facilities.* Drive-through facilities shall not be permitted in conjunction with itinerant

merchants.

- E. *Maintenance.* The area in and around the itinerant merchant shall be kept clean and orderly. A trash receptacle shall be provided. The merchant is responsible to clean up all trash, litter, spills, etc. within a minimum twenty-foot radius.
- F. *Code Compliance.* Itinerant merchants shall comply with all other pertinent City, Federal, State of Missouri, and St. Louis County requirements.

Sec. 25-28.5. Food Trucks, Trailers, or Carts.

- A. *Duration.* The food truck, trailer, or cart may operate year-round, subject to the limitations on hours of operation.
- B. *Hours of Operation.* The truck, trailer, or cart shall not operate, park, or otherwise be located upon a property beyond the hours of operation of the primary establishment on that property or twelve (12) hours per day, whichever is less.
- C. *Signs.*
 - 1. Signs shall be limited to those attached, affixed, or applied to the truck, trailer, or cart.
 - 2. No freestanding signs shall be permitted.
 - 3. No signs contained in Section 25-15.6, Prohibited Signs, of the Zoning Code shall be permitted.
- D. *Appurtenances and other items.*
 - 1. Canopies, awnings, or umbrellas attached to the truck, trailer, or cart shall be permitted.
 - 2. Tables, chairs, or other customer seating shall not be permitted in conjunction with the food truck, trailer, or cart.

Sec. 25-28.6. Seasonal Produce Trucks, Trailers, or Carts.

- A. *Duration.* Seasonal produce trucks, trailers, or carts shall be permitted between April 1st and November 1st each year, subject to the hours of operation.
- B. *Hours of Operation.* The truck, trailer, or cart shall not operate, park, or otherwise be located upon a property beyond the hours of operation of the primary establishment on that property or twelve (12) hours, whichever is less.
- C. *Signs.*
 - 1. Signs shall be limited to:
 - a. Those attached, affixed, or applied to the truck, trailer, or cart.
 - b. Price/product information signs (price tags) shall be permitted, provided they are sized in the context of a typical retail operation and intended for the readability of shoppers within close proximity, not for advertising purposes directed to the public right-of-way. No other freestanding signs shall be permitted.
 - 3. No signs contained in Section 25-15.6, Prohibited Signs, of the Zoning Code shall be permitted.
- D. *Appurtenances and other items.*

1. Canopies, awnings, or umbrellas attached to the truck, trailer, or cart shall be permitted.
2. Tables and other displays shall be permitted, provided they are:
 - a. Attached or placed directly against the truck, trailer, or cart; and/or
 - b. Placed under a canopy, awning, or umbrella attached to the truck, trailer, or cart.

Sec. 25-28.7. Rights of Appeal.

In the event of a disagreement regarding the City Planner's interpretation of these provisions, such disagreement shall be submitted to the Planning Commission for recommendation to the City Council, which shall make the decision on such disagreement, provided the applicant shall have the right to appeal such decision pursuant to Section 25-9, Variances, of the Zoning Code and to pursue any other available legal or equitable remedy.

Sec. 25-28.8. Enforcement.

Penalties for noncompliance with the regulations contained in this section shall be in accordance with those established in Section 25-10.4, Penalties.

ARTICLE 29. SHORT-TERM RENTAL.

Sec. 25-29.1. Purpose.

The purpose of this section is to establish standards for short-term rental of single-family dwellings and townhouses (attached single-family dwellings) in accordance with Chapter 89 and Chapter 71 of the Missouri Revised Statutes.

Sec. 25-29.2. Standards.

Short-term rental of single-family dwellings and townhouses shall be permitted, subject to the following limitations:

A. *Limitations on Intensity and Appearance.*

1. Short-term rental shall be limited to rental of the entire dwelling; rental of individual rooms shall be prohibited.
2. Short-term rental shall be restricted to the dwelling unit. The use of accessory buildings for living space shall be prohibited.
3. Short-term rental shall not result in any structural alterations or additions to the dwelling that will change its primary use as a single-family dwelling, subject to the review of the City Planner and Building Commissioner.
4. Any short-term rental shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.
5. *Parking.* The short-term rental shall be operated in such a manner that does not generate increased on-street parking that adversely impacts traffic flow in residential areas.
6. *Advertising signage.* No on-site advertisement of any kind indicating short-term rental is present shall be permitted.

B. *Limitations on Renters.*

1. *Maximum Occupancy.* The number of rental occupants per short-term rental shall not exceed the number of maximum allowable occupants of the dwelling in accordance with the limitations of Chapter 6, Buildings and Building Regulations, of the Municipal Code.
2. *Rental Period.* The rental period for short-term rental shall not exceed thirty (30) days for one individual or group of individuals. However, at his/her discretion the Building Commissioner may allow the rental period to exceed thirty (30) days in the case of extenuating circumstances.
3. *Age Limitations.* The minimum age of the renter shall be twenty-one (21) years old and shall be confirmed via a provided state-issued identification, government issued Passport Book, or government issued Passport Card. The aforementioned identification shall be provided to the owner, manager, or booking service of the short-term rental at the time of booking, or prior to the start of the rental period.

C. *Limitations on Owners and Managers.*

1. *Occupancy Permit Required.* The owner of the dwelling shall obtain an occupancy permit in accordance with Chapter 6, Buildings and Building Regulations, of the Municipal Code. Additionally, the dwelling shall be required to undergo an annual inspection by the Building Commissioner or his/her assigns. Said annual inspection shall typically occur at twelve (12) month intervals after the initial occupancy inspection. At the discretion of the Building Commissioner, an inspection performed for work under a building permit may serve as the required annual occupancy inspection.

2. The owner of the dwelling shall not be required to live on the premises at the time of rental or at times when the dwelling is not being rented. However, the owner of the dwelling or manager of the short-term rental shall live within close proximity of the dwelling in question, and shall respond to the property within one (1) hour if requested by law enforcement, fire and rescue personnel, and/or a representative of the City of Maryland Heights. If the owner is not within close proximity or is unable to respond, the owner shall designate an individual that can respond and/or act on behalf of the owner.
3. *Fees.* The owner of the dwelling or manager of the short-term rental shall be responsible for all residential inspection fees, as well as any applicable fees in accordance with the fees set forth in the Municipal Code, to include the 0.50% tourism tax and any subsequent adjustment thereto.
4. *Records.* The owner of the dwelling, manager of the short-term rental, or booking service shall be required to maintain a record of the name, address, and telephone number of renters for at least two (2) years, and produce those records, if requested by the City of Maryland Heights.
5. *Compliance with other Agencies.* Short-term rental shall comply with all local, county, state, and federal regulations pertaining to the activity pursued, and the requirements of this section shall not be construed as an exemption from such regulations.

Sec. 25-29.3. Enforcement.

Enforcement of this section shall generally be in accordance with Section 25-10, Administration and Enforcement, of the Zoning Code. Additionally:

- A. *Nuisances.* Nuisances shall be enforced by the Police Department in accordance with Section 17-202, Criminal Nuisances, of the Municipal Code.
- B. *Noncompliance.*
 1. The City Council shall have the authority to revoke an occupancy permit for short-term rental for violation of the regulations contained within this section upon written notice of said violations to the owner of the dwelling. The aforesaid may within thirty (30) days of said notice request a hearing before the City Council. The burden of proof of said violation shall be upon the City.
 2. In addition to the City Council's authority above, the Building Commissioner may cause a summons to be issued to the owner of the dwelling for violations of this section to appear in the Municipal Court of Maryland Heights to answer as in any other violations of this Zoning Code as specified in section 25-10.2, Violation(s) of Zoning Code.

APPENDIX A. RULES AND DEFINITIONS.

A.1. Rules of Construction.

For the purpose of this ordinance, certain rules of construction apply to the text, as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The terms "shall" and "must" are always mandatory and not discretionary; the words "may" or "should" are permissive.
- C. For the purpose of this ordinance, certain words and phrases are herein defined. Words and phrases defined herein shall be given the defined meaning. Words and phrases which are not defined shall be given their usual meaning except where the context clearly indicates a different or specified meaning.
- D. The word "person" includes a firm, organization, association, partnership, trust, company, or corporation, as well as an individual.

The words "use or occupy" shall include the words "intended" "designed," or "arranged" to be used or occupied.

A.2. General Definitions.

The following words, terms and phrases, where used in the Zoning Code, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning.

Abutting: To physically touch or border upon; to share a common property line but not overlap. For the purposes of this ordinance, a zoning lot line shall be considered to abut a zoning district line even though it may be separated therefrom by a street, parkway, sidewalk, public way, alley, waterway, railroad right-of-way or portion thereof. "Adjacent," "adjoining" and "contiguous" shall have the same meaning as "abutting."

Accessory use: A use incidental to, and on the same lot as, a principal use.

Accessory structure: A subordinate structure detached from but located on the same lot occupied by the main building, the use of which is customarily incidental and subordinate to the main building or use.

Administrative office: An office establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal, and sales activities, performed in a single location or building for other branches or divisions of the same company.

Aisle: The traveled way by which cars enter and depart parking spaces.

Alteration: As applied to a building or structure means a change or re-arrangement in the structural parts; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

Arbor: See definition in A.4, Definitions Relating to Landscaping Design.

Artwork: An original creation of art that involves the application of skill and taste to production of tangible objects, according to aesthetic principles, including but not limited to: sculpture, murals, mosaic, and fountains. These categories may be realized through such mediums as steel, bronze, stained glass, concrete, wood, ceramic tile and stone, as well as other suitable materials.

Athletic field: Outdoor recreational facilities often requiring equipment, designed for formal athletic competition in field sports, such as football, soccer, baseball, softball, and track and field.

Automobile (automotive): As used herein, the term includes passenger cars, motorcycles, vans, pickup trucks, and recreational vehicles.

Automobile sales: The use of any building, land area, or other premise for the display and sale of new or used automobiles, including light trucks or vans. Any automotive repair garage may be conducted as an accessory use to automotive sales.

Automobile service station: Any premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; light maintenance activities, such as engine tune-ups, lubrication, minor engine repairs are conducted; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Automobile wrecking yard: An establishment that cuts up, compresses, or otherwise disposes of motor vehicles.

Automotive garage, repair: Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicle is conducted or rendered.

Awning: A structure that is constructed of fabric or non-rigid materials on a supporting framework projecting from and supported by the exterior wall of a building or structure to which it is attached.

Banking services: Commercial banks as defined in Section 362.010 RSMo, savings and loan as defined in Chapter 369, RSMo, credit unions as defined in Chapter 370 RSMo, and personal loan businesses governed by Sections 408.500 and/or 408.510 RSMo, excluding financial activities as defined in Chapter 367 RSMo.

Bar/tavern (drinking establishment): Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption by the general public. Food and packaged liquors and beverages may be served or sold only as accessory to the primary use.

Basement: A floored and walled substructure of a building at least fifty (50) percent below the average finished grade of the building.

Bikeway: A bikeway is a path, trail, or paved surface designed for and used by non-motorized bicyclists.

Block: A unit of land within a subdivision bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

Block face: One side of a block. A "block face" includes the portion of a block that abuts a street up to the nearest intersecting street.

Board of Adjustment: An officially constituted body established in accordance with Chapter 89 of the Missouri Revised Statutes whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the Zoning Code.

Buildable area: The area of a lot remaining after the minimum yard and open space requirements of the Zoning Code have been met.

Building: Any structure used or intended to support or house any use or occupancy.

Building Commissioner: The officially designated City employee charged with the responsibility for the interpretation, administration, and enforcement of the Building Code and Property Maintenance Codes, the enforcement of the Zoning Code, and other responsibilities specified by the Municipal Code.

Building coverage: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

Building line: A line parallel to a street right-of-way line, edge of a stream, or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such

building line and right-of-way, streambank, or other property line.

Building, main or principal: A structure in which the principal use of the lot is conducted.

Building, temporary: A building without any foundation or footings that is intended to be placed or affixed temporarily and which will be removed when the designated time period, activity, or use for which it was erected has ceased.

Buffer strip: Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

Bus shelters: A small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

Canopy: A structure that is constructed of rigid materials attached to a building and requiring additional support other than the attachment to the building, or a freestanding structure, with one (1) or more supports, meant to provide shelter from weather elements.

Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides. A carport may be either attached to or detached from a principal structure.

Church: A building used principally for religious worship, but the word church shall not include or mean an undertaker's chapel or funeral building, a religious educational institution or parochial school, or day care center.

Cemetery: A place for burial of the dead, including crematory facilities as an accessory use.

City: The City of Maryland Heights, Missouri.

City Council: The officially elected Mayor and City Council of the City of Maryland Heights; the term may be abbreviated in this Code as the Council.

City Engineer: The officially designated or appointed engineer of the City.

City Planner: The officially designated city employee charged with the responsibility for the interpretation and administration of the Zoning Code, and other land development ordinances adopted by the City, including the issuance of zoning permits and other responsibilities specified in Section 25-8, City Planner.

Commercial vehicle: Any vehicle used for commercial purposes (see Section 25-14.8, Off-Street Parking Restrictions, for restrictions on the parking of commercial vehicles on residential lots).

Community care facility for the elderly: A residential facility that provides residential and personal care services for the elderly and typically includes room, board, supervision and assistance in daily living, such as housekeeping services.

Community/government facility: A building or structure owned, operated or occupied by governmental agency to provide a governmental service to the public.

Comprehensive Marijuana Dispensary: A facility licensed by the Missouri Department of Health and Senior Services, or its successor agency, to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient or primary caregiver, or to a consumer, anywhere on the licensed property, to a comprehensive facility, a marijuana testing facility, or a medical facility. Transactions may be received by the consumer in person, over the phone, or via the internet (including a third party). The facility's authority to process marijuana shall include the creation of prerolls. All sales must collect the tangible personal property sales tax, in addition to any applicable local tax.

Comprehensive Plan: A comprehensive land use plan made and adopted by the Planning Commission for the City of Maryland Heights which through any combination of text, charts, and maps sets forth proposals for general locations for various land uses, streets, parks, schools, public buildings, utilities and for the physical development of the City.

Condominium: A form of property ownership under the Uniform Condominium Act, Chapter 448, Missouri State Revised Statutes, as amended.

Consumption Lounge: A permitted premises where cannabis goods and products may be brought for on-site consumption, and consumed by persons twenty-one (21) years of age and over, subject to State regulations as they may change over time.

Convenience store: Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

Convent/monastery: A dwelling owned by a religious order in which no more than five (5) members of that religious order live under strict religious vows and to whom communal living is a substantial component of their religious order and who themselves are engaged in the management or work of health care, residential care, educational or other benevolent institutions.

Data and record storage facility: A building used primarily for the storage of files and records in various forms (paper, tape media, microfilm, computer discs) and available to the general public for a fee.

Day care center: A place which provides shelter and personal care on a regular basis for five (5) or more children who are not related within the third degree computed according to civil law to the operator, for four (4) or more hours per day, whether such place be organized or operated for profit or not. The term "day care center" includes child care facility, kindergarten, nurseries or any other facility that falls within the scope of the definitions set forth above, regardless of auspices.

Dedication: The transfer of property or interest thereto by the owner to another party. Dedication may be affected by formal deeds of conveyance, or by any other method recognized by the laws of the state.

Density, gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Density, net: The total number of dwelling units divided by the net project area. In determining net density, all land area associated with and accessory to the dwelling unit, including private streets and driveways, off-street parking facilities and common open space and recreational facilities, shall be included in the calculation. Net density calculations exclude rights-of-way of publicly dedicated streets and nonresidential structures, land uses and accessory facilities.

Developer: Any person or government agency undertaking any development as defined in this ordinance. The term developer includes such commonly used references as subdivider, owner, and proprietor.

Development: Any subdivision of land as herein defined or any material change in the use or appearance of any parcel of land subject to provisions of this ordinance, or the act of building structures and/or installing site improvements.

Director of Community Development: The officially designated City employee serving as head of the Department of Community Development or his/her designee.

Director of Public Works: The officially designated City employee serving as head of the Department of Public Works or his/her designee.

District: A section or sections of the city for 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 uniform.

Domestic animals: Animals kept exclusively for the personal enjoyment of the occupants of a principal building and

including those animals normally kept as pets such as dogs, cats, birds, guinea pigs, etc.

Driveway: An improved access strip of land providing a vehicular connector between the right-of-way of the street and the parking space(s) or garage of a private or public property, in conformance with Section 25-14.6.A, Required Parking Surface.

Dwelling: A building or portion thereof designed exclusively for residential occupancy.

Dwelling area: The area of a dwelling composed of those rooms designed for and exclusively used for residential purposes, including bedrooms, kitchen, dining room, den, library, bathrooms, family and living rooms, and hallways connecting these rooms.

Dwelling, multiple-family: A building or portion thereof, arranged, intended or designed for occupancy by three (3) or more families.

Dwelling, single-family detached: A detached building arranged, intended, or designed for occupancy by one (1) family with the total number of occupants limited by the International Property Maintenance Code as adopted.

Dwelling, single-family attached: Two (2) or more single-family dwellings sharing common wall areas, each on its own individual lot.

Dwelling, two family: A building designed for two (2) families living independently of each other, and being located on a single lot.

Dwelling unit: A room or group of rooms located within a dwelling forming a habitable unit for one (1) family.

Elderly housing, age-restricted: A residential facility containing either single-family or multi-family dwellings designed for and principally occupied by persons fifty-five (55) years or older. Such facilities may include social and recreational amenities, but not meal or health care services.

Elderly housing, assisted living facility: A residential facility that is staffed 24-hours-a-day that provides primarily nonmedical resident services to elderly persons in need of personal assistance essential for sustaining the activities of daily living, such as bathing, walking, eating and taking medications. These facilities may also provide other services, such as recreational activities, financial services, and transportation.

Elderly housing, lifecare or continuing care facility: An age-restricted residential facility that provides a continuum of accommodations and care, from independent living, assisted living, and/or nursing home care.

Elderly housing, independent living facility: A residential facility designed for and principally occupied by the elderly that includes a congregate meals program in a common dining area, as well as services such as housekeeping and transportation, but excludes institutional care such as skilled nursing care.

Façade: The exterior side of a building. The façade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

Family: One (1) or more persons occupying a dwelling and living as a single housekeeping unit. This definition shall also include up to eight (8) individuals with disabilities with up to two (2) caretakers in accordance with the Fair Housing Act. This definition shall not include any civic and social organization nor shall it include any group of individuals whose association is transient similar to a boarding house, motel, or hotel.

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

Fence: An artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected to enclose, screen or separate areas.

Flood base: The flood elevation having a one (1) percent chance of being equaled or exceeded in any given year.

Floodway: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor area, gross: The sum of the gross horizontal area of all floors of a building including basement areas, as measured from the interior perimeter of exterior walls. Such area shall not include the following: interior loading and parking areas, atriums except the first floor area, rooftop mechanical equipment enclosures, and the open mall walkway areas of shopping centers.

Food truck, trailer, or cart: An itinerant merchant engaged in preparing and selling food for immediate consumption from a mobile truck, trailer, or cart.

Frontage: The length of the property abutting on one (1) side of a street measured along the dividing line between the property and the right-of-way.

Garage: A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

Garage, private customer and employee: A structure that is accessory to a nonretail commercial or manufacturing establishment, building, or use and is primarily for the parking and storage of vehicles operated by the customers, visitors, and employees of such building and that is not available to the general public.

Garage, private residential: A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

Garage, public: A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

Gazebo: See definition in A.4, Definitions Relating to Landscaping Design.

Golf course: A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways and hazards. A golf course including a clubhouse and shelters as accessory uses.

Grade: The inclination from the horizontal of a road, unimproved land, etc. and expressed by stating the vertical rise or fall as a percent of the horizontal distance.

Greenway: A linear open space established along a natural corridor, such as a riverfront, stream, valley, or ridgeline that connects two or more geographical points. A greenway does not contain any improved walkways or bikeways.

Group home for the elderly: A facility providing twenty-four (24) consecutive hour care for three (3) or more persons who by reason of aging require services furnished by a facility that provides shelter, board, storage and distribution of medicines, and protective oversight, including care during short-term illness or recuperation.

Height, building or structure: The vertical distance from finished grade to the highest point of the roof of a building or highest point of any permanent part of a structure other than a building. Height measurements shall be taken from the average elevation of the finished grade at the front of a building or structure, except that where no front is specified or evident, such measurement shall be taken from the average elevations of the surrounding finished grade.

Heliport: An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

Hospital: An institution providing medical and surgical care for humans only on an overnight basis, for both in and out patients, including medical service, training, and research facilities.

Hotel, Extended Stay: A facility offering temporary lodging accommodations to the general public (primarily for periods of one week or more) that includes guest rooms with kitchens.

Hotel, Full Service: A facility offering temporary lodging accommodations to the general public that includes additional facilities and services such as restaurants, meeting rooms, personal services, and/or recreational facilities as accessory uses.

Hotel, Limited Service: A facility offering temporary lodging accommodations to the general public.

Impervious surface: Any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas.

Improvement plans: The engineering drawings showing the construction details and the types of materials for the physical structures and facilities, excluding dwelling units, and other site-related amenities to be installed in conjunction with the development of a project.

Indoor recreation center: A permanent structure containing facilities for recreational activities, such as tennis, platform games, swimming, exercise rooms, handball, and similar activities.

Institutional use: A nonprofit, religious, or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure, or land used for public purpose.

Interchange: The system of interconnecting ramps between two (2) or more intersecting guideways, rail lines, highways, and so on that are grade separated.

Interior property line: Property lines other than those forming a dedicated public right-of-way.

Intersection: The point at which two or more guideways or roadways meet.

Itinerant merchant: Any person, whether as owner, agent, consignee or employee, who engages in a temporary business for any period of time and who for the purpose of conducting such business uses a vehicle parked on premises where said person does not have the exclusive right of possession under ownership, lease or rental agreement, or any other nonpermanent location or other place within the City for the purpose of offering to distribute or sell such goods, wares, and merchandise.

Exclusions: The aforesaid definition shall not apply to:

1. The mere transportation of goods, wares, and merchandise and chattels of every description.
2. Persons using motor vehicles for the transportation of goods, wares and merchandise for delivery to an established list of customers or clientele, or to an established place of business.
3. Merchants operating under a Special Event License in accordance with Chapter 13 of the Municipal Code.

Kennel: The use of land or buildings for the purpose of selling, breeding, boarding, or training dogs or cats or both, or the keeping of four (4) or more dogs over four (4) months of age, or the keeping of six (6) or more cats over four (4) months of age, or the keeping of more than five (5) dogs and cats. The word "selling" as herein used shall not be construed to include the sale of animals four (4) months of age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined.

Land surveyor: A land surveyor registered in the State of Missouri.

Loading space: A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks.

Lot: A designated parcel, tract or other area of land established by a plat as permitted by law and intended to be used,

developed, or built upon as a unit under single ownership.

Lot area: The horizontal surface area within the boundaries of a lot exclusive of any area designated for street right-of-way purposes.

Lot, corner: A lot having frontage on two (2) intersecting streets. On corner lots, a building line shall be observed along each frontage and both frontages shall meet the minimum front yard requirement. The street frontage where the main entry into the principal building is located shall be designated as the front yard and the yard opposite the designated front shall be considered the rear yard. The yard opposite the other frontage shall be considered a side yard and shall meet the minimum side yard requirement.

Lot coverage: The percentage of the horizontal area of a lot within the outside of the exterior walls of the ground floor of all principal and accessory buildings on the lot. Open porches, decks, patios, canopies, fire escapes, driveways, parking lots, sheds and swimming pools shall not be included.

Lot depth: The horizontal distance measured from the midpoint of the front-lot line to the midpoint of the rear-lot line.

Lot, double frontage: A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

Lot, interior: A lot other than a corner lot.

Lot lines: The lines bounding a lot as defined herein.

Lot line, front: The boundary between a lot and the street on which it fronts.

Lot line, rear: The boundary line or lines opposite and most distant from the front street line; except that in the case of uncertainty the City Planner shall determine the rear line.

Lot line, side: Any lot boundary line not a front or rear line thereof; a side line may be a party lot line.

Lot of record: A lot which is part of a subdivision, the plat of which has been legally approved and recorded in the Office of the Recorder of Deeds of St. Louis County, or a parcel of land which was legally approved and the deed recorded in the office of the recorder of deeds prior to the adoption of this ordinance.

Lot width: The horizontal distance between the side lot lines of a lot, measured at right angles to its depth along a line parallel to the front lot line at the minimum required front building line.

Maryland Park Lake District: The area designated in the Comprehensive Plan as the Maryland Park Lake District.

Material improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "material improvements" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the national register of historic places or a state inventory of historic places.

Motel: An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Motor vehicle oriented business (MVOB): Any commercial business which, by design, type of operation, or nature of business, has as one (1) of its functions, the provision of services to a number of motor vehicles or its occupants in a short time span, or the provision of services to the occupants of motor vehicles while they remain in a vehicle. Businesses included in this category shall have one (1) or more of the following facilities: One (1) or more pump

islands for retail sale of gasoline; or, one or more drive-thru lanes/service windows for distribution of products or other transactions; or, an automated car wash facility.

Nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is permitted.

Nonconforming lot: A lot lawfully existing on the effective date of the Zoning Code, or subsequent amendment thereto, which fails to meet the minimum lot size, width, and/or depth requirements of the zoning district in which it is located.

Nonconforming structure: A structure lawfully existing on the effective date of the Zoning Code, or subsequent amendment thereto, which has been lawfully maintained but is not in conformance with the requirements of the zoning district in which it is located.

Nonconforming use: A use that lawfully occupied a building or land on the effective date of the Zoning Code, or subsequent amendment thereto, which has been lawfully continued but does not conform to the use regulations of the zoning district in which it is located.

Open space: Land dedicated to, or reserved for use by the general public or for use by residents of the subdivision, or land held out of development and retained in its natural conditions, or improved landscaped area, with or without public access. Open space includes, but is not limited to, parks, parkways, playgrounds, stream corridors, wildlife or plant life preserves, and nature study areas.

Outdoor storage: Storage of any material, merchandise or goods on the ground or platform outside of a building.

Parcel (tract) of land: A separately designed area of land delineated by identifiable legally recorded boundary lines.

Park: A tract of land, either publicly or privately owned, designated and used by the public for recreation. Such facilities include, but are not limited to, neighborhood parks, community parks, regional parks, and pocket parks, all as described in the open space and parks element of the Comprehensive Plan.

Parking space: A permanently reserved area provided for the parking of a motor vehicle. The dimensions, layout and construction of parking spaces shall be in accordance with the requirements of Section 25-14, Parking and Loading.

Pave (pavement): The act or result of applying portland cement concrete or asphaltic concrete to any ground surface in such manner as to present a uniform surface over a large area.

Pavilion: A structure used for shelter with a covered roof and not more than four (4) open sides, constructed of wood, metal, or vinyl. A pavilion shall not be considered a carport (defined separately).

Pergola: See definition in A.4, Definitions Relating to Landscaping Design.

Planned District: A development of land that is under unified control and is planned and developed as a whole in a single development operation or in phases of development. Said development shall be of a harmonious relationship between all project elements including, but not limited to, landscaping, buildings, signage, and other site features.

Planning Commission: The Planning and Zoning Commission of the City of Maryland Heights.

Plat: A subdivision of land legally approved and recorded by the St. Louis County recorder.

Plaza: A landscape, paved or hard-surfaced area reserved for pedestrians and surrounded on at least two sides by buildings, and on at least one side by a public or private street. A plaza does not include or abut parking areas.

Potable water supply: Water suitable for drinking or cooking purposes, the source of which is either an on-site well approved by the Department of Natural Resources as mandated by law or a water service extending to the site and connected to facilities of a public water system regulated by the Missouri Public Service Commission.

Property line: The legally recorded boundary of a lot, tract, or other parcel of land.

Public utility facility, local: A public utility facility serving a local area only, including but not limited to electrical substations, telephone switching center, water or gas pumping stations.

Pump station: A structure that is used for lifting or forcing wastewater through the use of pumps and periodic minimal storage.

Recreation, community: A private recreation facility for use solely by the residents and guests of a particular residential development or subdivision, including indoor and outdoor facilities, located within or adjacent to a residential development or subdivision.

Recreation, passive: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicing, hiking, and observation.

Recreation facility: A place designed and equipped for the conduct of sports and leisure-time activities.

Recreation facility, commercial: A recreation facility owned and operated by a private individual or company open to the public for a fee or on a membership basis.

Recreation facility, municipal: A recreation facility operated by a government agency open to the general public.

Recreational vehicle: A temporary dwelling for travel, recreational, and vacation use, which is self-propelled, mounted on, or pulled by another vehicle. Examples include travel trailers, truck campers, motor homes, vans, fifth-wheel trailers, camping trailers, and other trailers with integral living quarters.

Residential health care facility: Residences usually occupied by the frail elderly that provide rooms, meals, personal care, and health monitoring services under the supervision of a professional nurse and that may provide other services, such as recreational, social, and cultural activities, financial services, and transportation.

Residential proximity slope: A plane projected upward and outward from any private property in residential districts. Specifically, the slope is projected from the line formed by the intersection of:

1. The vertical plane extending through the lot line of the residential property; and
2. The grade of the restricted building or structure.

The angle of projection of the residential proximity slope is forty-five (45) degrees.

Restaurant: An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Restaurant, entertainment: An establishment where food and drink are prepared, served, and consumed within a structure that includes, as an integral component of the facility, electronic or mechanical games of skill, simulation and virtual reality play areas, video arcades or similar uses, billiards, and other forms of amusement.

Restaurant, fast food: An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.

Restaurant, micro-brewery/winery: An establishment where food and drink are prepared, served, and consumed within a structure that includes, as an accessory use, the on-site brewing or fermentation of either beer or wine for consumption on the same premises, but not for distribution or sale outside the licensed premises. The accessory use shall not exceed twenty-five (25) percent of the total floor area of the establishment.

Restaurant, take-out: An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant and where ordering and pickup of food may take place from an automobile.

Retail sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail sales, outdoor: The display and sales of products and services primarily outside of a building or structure, including vehicles, garden supplies, gas, tires and motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscaping materials, and lumber yards.

Retail services: Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational, and social services, museums, and galleries.

Retaining wall: A structure constructed and erected between lands of different elevations to protect structures and/or prevent erosion by retaining or restraining lateral forces of soil or other materials.

Right-of-way: A strip of land reserved or acquired by dedication, prescription, condemnation, gift, purchase, eminent domain, or any other legal means occupied or intended to be occupied by a street, sidewalk, railroad, utility, sewer; or other similar use.

Seasonal produce truck, trailer, or cart: An itinerant merchant engaged in retailing fresh fruits, vegetables, and home processed food products such as jams, jellies, pickles, sauces, or baked goods from a mobile truck, trailer, or cart.

Self-service storage facility: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Setback: The distance between the required minimum building line and any lot line as measured by a line that is usually parallel to the front, side, or rear lot line established by the minimum space to be provided as the front, side, or rear yard.

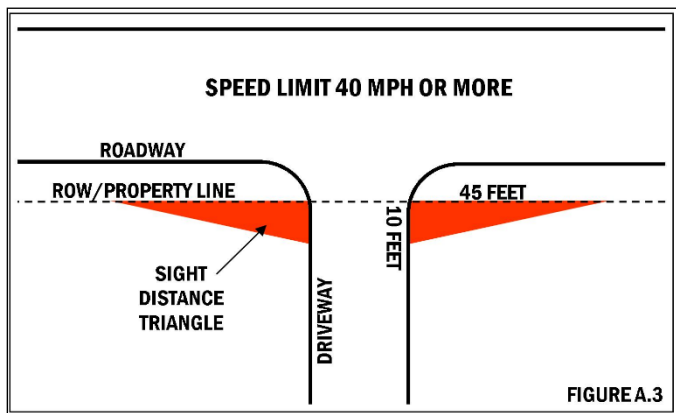
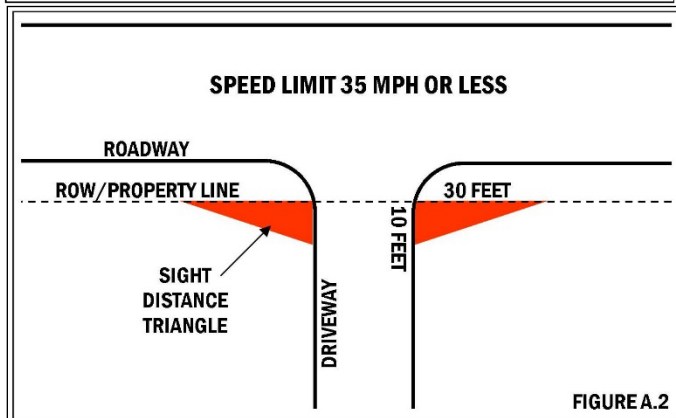
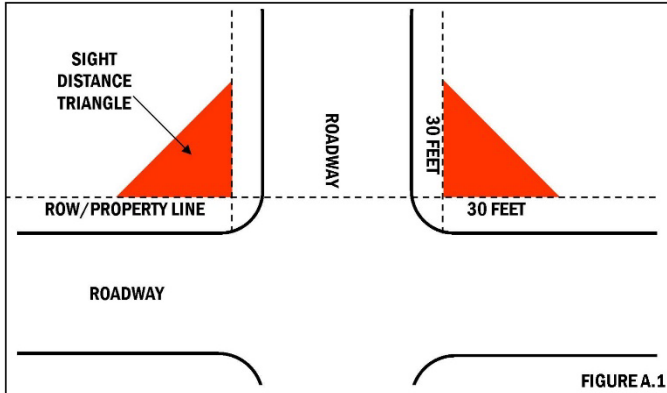
Sexually Oriented Business: Any establishment that meets one or more of the following criteria:

1. More than twenty-five (25) percent of its merchandise offered for sale or rent consists of items which are distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; and/or objects designed or marketed as useful primarily in the performance of a sexual act or to enhance or entice sexual stimulation or gratification. Such objects include any item which has no substantial non-sexual related utility, such as erotic undergarments and artificial sex organs, but not including devices primarily intended for protection of health or prevention of pregnancy; or
2. Offers services which constitute exhibitions, either live or by recorded media, of human male or female genitals, pubic area or buttocks with less than full, opaque fabric covering of any portion thereof, or female breast(s) with less than a full, opaque fabric covering of any portion thereof below the top of the nipple.

Shopping center: A building containing four (4) or more shops, stores, and other places of business, and providing off-street parking facilities in common for all of the businesses and their customers.

Short-Term Rental: Rental of a single-family dwelling or townhouse (attached single-family dwelling) for a period of time generally limited to a maximum of thirty (30) days, subject to the limitations of Section 25-29, Short-Term Rental.

Sight distance triangle: The area of a corner lot bounded by the right-of-way lines and a line connecting the two (2) points on the property lines thirty (30) feet from the intersection of the property lines (see Figure A.1). Also, the triangular area formed by a diagonal line connecting a point on a right-of-way line and a point on the curb or edge of a driveway. For a driveway accessing a street having a speed limit of thirty-five (35) miles per hour or less, sight distance triangles of ten (10) feet by thirty (30) feet are required on each side of the driveway with the longer dimension along the right-of-way (see Figure A.2). For a driveway accessing a street having a speed limit of forty (40) miles per hour or more, sight distance triangles of ten (10) feet by forty-five (45) feet are required on each side of the driveway with the longer dimension along the right-of-way (see Figure A.3).



Site coverage: The percentage of total site area occupied by structures (building coverage), paving for vehicle use, and all other impervious surfaces. Paving coverage includes areas necessary for the ingress, egress, outdoor parking, and circulation of motor vehicles.

Site plan: An accurately scaled drawing, or set of drawings, that illustrates all of the relevant existing conditions on a land parcel as well as depicting details of a proposed development. Specific site plan requirements are stated in section 25-4.3, Site Plan Requirements.

Skilled nursing facilities: A residential facility licensed by the State of Missouri that provides 24-hour care and nursing for persons who need nursing care and medical service, but do not require intensive hospital care.

Story: That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half story when between fifty (50) and seventy-five (75) percent of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air.

Street: A general term denoting a public or private way which affords the principal means of vehicular access of abutting property. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, court but shall not include an alley or pedestrian way.

Street, collector: Streets which move traffic from major streets, which distribute traffic regionally, to minor streets, which distribute traffic to individual lots, parcels, and uses within subdivision, area, or neighborhood. Collector streets also may serve individual lots, parcels, and uses as a secondary or additional function.

Street, cul-de-sac: A short, independent, minor street terminating in a circular turnaround.

Street, frontage or service: A minor street generally parallel to and adjacent to arterial streets and highways, which provides access to abutting properties and protection from through traffic.

Street, loop: A short, independent street which usually terminates along the same collector street of its origin.

Street, major (arterial): A street utilized for high vehicular speeds or for heavy volumes of traffic on a continuous route.

Street, minor: Streets which serve a local neighborhood and may be in the form of a cul-de-sac or loop street; provided, however, that any combination of loop and cul-de-sac streets may be utilized without the streets being designated as collector streets, provided that such an arrangement serves the same function and also that maximum fronting lots do not exceed the total which would be allowed within provisions of the street specifications matrix.

Street private: A private way which affords the principal means of vehicular access to abutting property and is owned by the abutting property owners or in common by a group of property owners.

Structure: That which is built or constructed, including without limitation because of enumeration, buildings for occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground. For the purposes of this ordinance, items such as basketball goals and uprights, bird baths, and play structures shall not be considered an accessory structure for the purpose of yard requirements.

Structures, landscaping-related: Structures of a decorative or ornamental nature which shall include arbors, benches, gazebos, pergolas, statuary, trellises, yard lighting, and landscaping timbers used to define yard areas.

Subdivision: A distinct area of land divided into lots.

Substantial construction, development or work: Except as noted elsewhere in this ordinance, substantial construction, development or work shall include:

1. *Project involving structures.* The completion of excavations for footings and foundations of the principal building.
2. *Project with no structures or insignificant structures.* The completion of site grading.

Temporary Storage Unit (Portable On Demand Storage): A transportable box-like container intended for the purpose of storing household goods and other personal property that is intended to be filled, refilled, or emptied while located outdoors on a residential property for a limited period of time.

Temporary structure: A structure without any foundation or footing that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Transmit: The communication of a decision to an applicant by one of the following means:

1. By registered mail or certified mail, in which case the communication is shall deemed transmitted as of the date shown on the United States post office records of such registration or certification and mailing; or
2. Electronic Facsimile Transmission (Fax), in which case the document is deemed filed at the time the applicant receives the fax, as evidenced by a printed confirmation page that displays the applicant's facsimile number and the date and time that the fax was sent, or
3. Electronic mail (Email), in which case the document is deemed transmitted on the day that the City Planner receives an electronic delivery receipt or confirmation of delivery from the applicant's electronic mail address (email address).

If the City Planner does not receive confirmation by using options (2) or (3), the communication is not deemed transmitted unless option (1) is used.

Trellis: See definition in A.4, Definitions Relating to Landscaping Design.

Use: The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

Utility, above ground: Any Pump Station, Utility Box, or Utility Facility, any part of which is located above the finished ground surface.

Utility box: Any above-ground structure, cabinet, electric meter, and any other appurtenance installed for or servicing telecommunication or utility purposes above surrounding grade in the public rights-of-way. For the purpose of reviewing allowable utility boxes as part of any Preliminary Development Plan, all structures, cabinets, electric meters, and any other appurtenance that share a common structural foundation shall be defined as one utility box. All structures, cabinets, electric meters, and other appurtenances that are required to operate a facility, but that do not share a common structural foundation, are considered a separate utility box installation.

Utility facility: Any building, structure, plant, equipment or use for the provision and operation of utility services including, but not limited to water, sewage disposal, telephone service, telegraph service, communications services, telecommunications or cable television.

Variance: Relief from or variation of the provisions of these regulations, as applied to a specific piece of property, granted by the board of adjustment.

Walkway: A walkway is a path, trail, or sidewalk, designed for, and used exclusively by pedestrians.

Warehouse: A structure for use as a storage place for goods, materials, or merchandise.

Warehousing, general (storage facilities): A building used primarily for the storage of goods and materials, not produced, manufactured or assembled within that structure, and/or available to the general public for a fee.

Wholesale trade: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesales; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

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.

Yard, depth of: 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 a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street, all yards abutting said street shall be measured from the street right-of-way.

Yard, front: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, side: A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

Yard, rear: A yard between the rear lot line and the rear line of the main building and the side lot lines.

Zoning Code: The duly approved, enacted, and amended ordinance which controls and regulates land use in the City.

A.3. Definitions Relating to Signs.

Banner: A temporary sign made of fabric, vinyl, or other light pliable material, not enclosed in a rigid frame.

Building face or wall: All window and wall areas of a building in one plane or elevation.

Copy: Any text, graphic, symbol, logo, or combination thereof intended to identify, notify, or advertise.

Electronic message center: A sign that utilizes computer generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.

Erect: To build, construct, re-construct, attach, hang, re-hang, alter, place, affix, enlarge, move or relocate and includes the painting and repainting of existing sign structures.

Flag: A piece of fabric (most often rectangular or quadrilateral) with a distinctive design that is used as a symbol, a signaling device, or a decoration, but for purposes of this sign code, does not include flags used for a commercial promotion or as an advertising device.

Logo: A letter, character, or symbol used to represent a person, corporation or business enterprise.

Premises: All contiguous lands, structures, places, used in connection with any business conducted on such site, including the interior of the establishment and the contiguous exterior walls under common ownership, control, or possession.

Property: A designated parcel, tract, or other area of land established by a plat as permitted by law and intended to be used, developed, or built upon as a unit under single ownership.

Sign: Any feature, device, structure, or fixture that incorporates graphics, symbols, written copy, or any part or combination thereof, which provides visual information, identification, direction, advertisement and/or attracts the attention of the public, which is visible from any public place or is located on private property and exposed to the public. The term "sign" shall not include the flag of any governmental unit, nor shall it include any item of merchandise normally displayed within a show window. For the purpose of removal, signs shall also include all sign structures.

Sign, abandoned: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.

Sign, animated: Any sign which includes action or motion. For purposes of this ordinance, this term does not refer to flashing or changing, all of which are separately defined.

Sign area, net: The area of the sign face which can be viewed at one time.

Sign area, gross: The total area of a sign (including the face and structure) which can be viewed at one time.

Sign, attached: A sign erected or placed upon the wall of any building with the plane of the face parallel to the plane of the wall below the roof line.

Sign, automated teller machine: A sign that is painted or otherwise permanently affixed to a canopy whose principal function is to provide shelter to and identification of an automated teller machine (ATM).

Sign, awning: A sign that is painted or otherwise permanently affixed to an awning.

Sign background: The portion of a sign face, on which text typically appears, which consists of a different color than the wall behind where the sign is attached or placed, the window behind or in front of the sign, or the sign structure immediately behind the text, symbol, or logo.

Sign, canopy: A sign that is painted or otherwise permanently affixed to a canopy.

Sign, changeable copy (manual): A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

Sign, changing (automatic): A sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Sign, double-faced: A sign which has two sides, parallel to each other, facing in exact opposite directions.

Sign face: The part of the sign that displays the message, including the sign copy and sign background.

Sign, flashing: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are not defined as "flashing signs."

Sign, fluttering: A sign which flutters and includes banners, flags, pennants, or other flexible material which moves with the wind or by some artificial means.

Sign frame: The part of the sign surrounding the sign face but excluding the base, supports, uprights, or bracing.

Sign, freestanding: A sign anchored to the ground by a base, pole, or other supports which is not attached to or dependent on support from any building.

Sign, government: A sign erected, owned, leased, or maintained by any city or county, the state, or federal government for the purpose of discharging any government function.

Sign height: The vertical distance measured from the surrounding grade to the highest point of a sign.

Sign, illegal: A sign which contravenes this ordinance, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.

Sign, illuminated: Any sign which is illuminated by light source mounted on or in the sign or at some other location.

Sign, neon: A sign utilizing neon tubing formed into letters, shapes, or images.

Sign, nonconforming: A sign legally erected prior to this ordinance, but which does not conform to the provisions of this Code.

Sign, obscene: A sign of any description or presentation, in whatever form. When it predominately appeals to the prurient, shameful, or morbid interests of minors in sex; is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and taken as a whole, lacks serious literary, artistic, political, or scientific value.

Sign, off-premises: A sign relating its subject matter to premises other than the premises on which it is located or to products, accommodations, services, or activities available on premises other than the premises on which the sign is located.

Sign, outline lighting: A form of sign utilizing neon tubing, fluorescent tubes or other illuminating device around the perimeter of a sign, window, door, building or other architectural element or portions thereof. Such signs may or may not include any text or images.

Sign, permanent: A sign permanently affixed to a building or structure or to the ground.

Sign, political: A sign with a message in support of or in opposition to a person seeking elected office or a ballot measure, as further defined by the Missouri Revised Statutes.

Sign, portable: A sign which has a supporting structure intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse, e.g., A-frame or sandwich board signs.

Sign, real estate: A sign pertaining only to the prospective rental, lease, or sale of the property upon which it is located, as further defined by the Missouri Revised Statutes.

Sign structure: The base, supports, uprights, bracing, or framework of or around a sign.

Sign supports: All structures by which a sign is held up, including, for example, poles, braces, guys, and anchors.

Sign, temporary: Any sign intended for a limited or intermittent period of display, such as real estate signs, political signs, or signs displayed during special events. Temporary signs are those signs that are not intended or not constructed for permanent placement pursuant to the requirements of the Sign Regulations, as well as the City's Building and Property Maintenance Codes. Holiday or seasonal decorations shall not be considered temporary signs.

Sign, vehicle: Any lettering or graphic depiction painted on, magnetically attached to, or otherwise visible on or in a vehicle of any nature.

Sign, window: A temporary or permanent sign affixed to the interior or exterior of a window, placed immediately behind or within three (3) feet of a window pane. For the purposes of this ordinance, glass doors are considered windows.

Sign, yard: A temporary sign constructed of corrugated plastic or similar material mounted to a metal post placed in the ground.

Standard outdoor advertising structure and/or billboard: Any sign intended to attract general public interest concerning a commercial enterprise, product, service, industry, or other activity not conducted, sold or offered on the premises upon which the sign is erected. This includes billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights on braces on the ground. Real estate signs and political signs are excluded from this definition.

Surrounding grade: For the purposes of sign regulation, the mean average grade as measured at the base of the sign.

A.4. Definitions Relating to Landscaping Design.

Arbor: An open freestanding structure which serves as an entranceway to a yard or garden, on which climbing plants are typically trained to grow.

Berm: A mound of soil, either natural or man made, used to screen and visually separate in part or entirely, one area, site or property from the view of another area.

Bioswale: A shallow vegetated basin designed to store and infiltrate stormwater runoff at a specified rate, consisting of a combination of native vegetation, amended soil, sand, and other aggregate materials designed to filter and convey stormwater to a natural or engineered drainage system.

Building development area: The limit of construction activity around structures as measured fifteen (15) feet from the exterior edge of the footing of a non-residential structure and ten (10) feet from the exterior edge of the footing of a residential structure.

Caliper: Caliper of the trunk shall be taken six inches above the ground for and up to and including four-inch caliper size, and 12 inches above the ground for larger sizes.

Clearing: Includes, but is not limited to, the removal of trees, understory shrubbery, bush, ground cover and or topsoil from any part of the land but does not include maintenance mowing.

Critical Root Zone (CRZ): A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. For the purposes of this ordinance, the critical root zone shall be considered as one (1) foot of radial distance for every inch of the DBH, with a minimum of eight (8) feet.

Diameter-at-Breast Height (DBH): Diameter-at-Breast-Height is tree trunk diameter measured in inches at the height of 4.5 feet above ground.

Disturbance: Related to tree preservation, disturbance is the intentional or unintentional removal, destruction, or killing of any tree or causing the loss of more than twenty (20%) percent of the tree canopy coverage or critical root zone of such tree.

Drip Line (DL): The area under a tree, which is defined as a vertical line extending from the edge of the tree's outer most branches to the ground.

Gazebo: An ornamental structure, with a covered roof and five (5) or more sides (all of which are open), constructed of wood, metal, or vinyl.

Groundcover: Low growing plants are defined as plants that cover the ground, used instead of turf. Plants that do not exceed eighteen (18) inches in height are classified as groundcover.

Height, planting material: Height shall be defined as the measurement taken from grade to the average uppermost point of growth of the plant. Sizes shall be listed in one (1) foot increments to eight (8) feet and two (2) foot increments thereafter. Shrub heights shall be given in one-foot increments. On shrubs with spreading habits, the size given shall refer to the spread of the plant and not the height.

Pavers: Blocks designed for use as a walking, driving, or parking surface, installed with cavities to minimize impervious surface and reduce runoff.

Pergola: An open freestanding or attached structure comprised of columns supporting a roof of trelliswork on which climbing plants are typically trained to grow.

Site development area: The limit of construction activity as measured two (2) feet from the edge of a residential or commercial driveway, parking lot or loading/unloading area, or street.

Stormwater management area: Any area required by the city or MSD to retain, detain, store or convey stormwater runoff so that flooding is mitigated.

Street tree: Any tree planted within the public right-of-way, or directly adjacent to public and/or private driveways where the public will encounter the plant material.

Tree, canopy/overstory: A single stem tree that has a roof-like mass of shading limbs and foliage. At maturity, such tree is typically taller than fifty (50) feet in height.

Tree, evergreen: A tree that retains its foliage year round.

Tree, ornamental/understory: A single or multiple stem tree that is smaller by nature than a canopy tree and usually has an interesting flower or other characteristic. At maturity, such tree is typically less than thirty-five (35) feet in height.

Tree preservation area: This area shall apply to residential development only. It shall be a minimum of fifteen (15) feet as measured from the exterior property line of the development, encompassing the entire property.

Trellis: A frame of small boards (lattice) designed to train or support plants.

A.5. Definitions Relating to Lighting.

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

Fixture: The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

Fluorescent lamp or tube: Electric-discharge lighting utilizing glass tubing manufactured to standard lengths.

Footcandle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Glare: Direct light emitted by a luminaire that causes reduced vision or momentary blindness.

Illuminance: The level of light measured at a surface.

Lamp: The component of a luminaire that produces the light.

Light-emitting diode (LED): A p-n junction solid-state diode whose radiated output is a function of its physical construction, material used, and exciting current. The output can be in the infrared or in the visible region.

Light pollution: General sky glow caused by the scattering of artificial light in the atmosphere, much of which is caused by poorly-designed luminaires.

Light shield: Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.

Light trespass: Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

Lumen: A unit of measure of luminous flux.

Luminaire: The complete lighting system, including the lamp and the fixture.

Luminaire full cutoff: A luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.

Neon tubing: Electric discharge, cold cathode tubing manufactured into shapes that form letters, parts of letters, skeleton tubing, outline lighting, and other decorative elements or art forms, in various colors and diameters and filled with inert gases.

Outdoor light fixture: Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.

Shielded: A light fixture whose output is controlled in such a manner that a direct view of the light emitting surface from an adjacent property is either minimized or prevented. This control could be as a result of the fixture housing, external or internal control devices (louvers, shields, barn doors, etc.), placement of the luminaire on the subject property, or any combination of these elements. Shielding may either be full or partial.

Shielded-fully: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane passing through the lowest point of the fixture from which the light is emitted as certified by a photometric test report.

Shielded-partially: Outdoor light fixtures shielded or constructed so that the lower edge of the shield is at or below the centerline of the light source or lamp so as to minimize light emissions above the horizontal plane.

Temporary outdoor lighting: The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of no more than thirty (30) days, with at least one hundred eighty (180) days passing before being used again.

A.6. Definitions Relating to Wireless Communications. In accordance with Sections 67.5090 to 67.5125 RSMo., or other applicable state law, as the same may be amended or supplemented, the following terms shall mean:

Accessory equipment: any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.

Antenna: communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

Applicable codes: uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to such codes enacted to prevent physical property damage or reasonably foreseeable injury to persons to the extent not inconsistent with sections 67.5110 to 67.5121 RSMo.

Applicant: any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application.

Application: a request submitted by an applicant to an authority to construct a new wireless support structure, for the substantial modification of a wireless support structure, for co-location of a wireless facility or replacement of a wireless facility on an existing structure, for co-location of small wireless facilities on a utility pole or wireless support structure, or to approve the installation, modification, or replacement of a utility pole.

Authority: each state, county, and municipal governing body, board, agency, office, or commission authorized by law and acting in its capacity to make legislative, quasi-judicial, or administrative decisions relative to zoning or building permit review of an application. The term shall not include state courts having jurisdiction over land use,

planning, or zoning decisions made by an authority. Additionally, the term shall not include municipal electric utilities or state courts having jurisdiction over an authority.

Authority pole: a utility pole owned, managed, or operated by or on behalf of an authority, but such term shall not include municipal electric utility distribution poles or facilities.

Authority wireless support structure: a wireless support structure owned, managed, or operated by or on behalf of an authority.

Base station: a station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics, and includes a structure that currently supports or houses an antenna, a transceiver, coaxial cables, power supplies, or other associated equipment.

Building permit: a permit issued by an authority prior to commencement of work on the co-location of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any new wireless support structure, solely to ensure that the work to be performed by the applicant satisfies the applicable building code.

Co-location: the placement or installation of a new wireless facility on a structure that already has an existing wireless facility, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. For deployment of small cell facilities, co-location shall mean to install, mount, maintain, modify, operate, or replace small wireless facilities on or immediately adjacent to a wireless support structure or utility pole, provided that the small wireless facility antenna is located on the wireless support structure or utility pole.

Communications facility: the set of equipment and network components, including wires, cables, and associated facilities used by a cable operator, as defined in 47 U.S.C. Section 522(5); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); a provider of information service, as defined in 47 U.S.C. Section 153(24); or a wireless services provider; to provide communications services, including cable service, as defined in 47 U.S.C. Section 522(6); telecommunications service, as defined in 47 U.S.C. Section 153(53); an information service, as defined in 47 U.S.C. Section 153(24); wireless communications service; or other one-way or two-way communications service.

Communications service provider: a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); or a wireless provider.

Decorative pole: an authority pole that is specially designed and placed for aesthetic purposes.

Electrical transmission tower: an electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.

Equipment compound: an area surrounding or near a wireless support structure within which are located wireless facilities.

Existing structure: a structure that exists at the time a request to place wireless facilities on a structure is filed with an authority. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with applicable building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole.

Fee: a one-time, nonrecurring charge.

Historic district: a group of buildings, properties, or sites that are either listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C, or are otherwise located in a district made subject to special design standards adopted by a local ordinance or under state law as of January 1, 2018, or subsequently enacted for new developments.

Micro wireless facility: a small wireless facility that meets the following qualifications:

- a. Is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height; and
- b. Any exterior antenna no longer than eleven (11) inches.

Permit: a written authorization required by an authority to perform an action or initiate, continue, or complete a project.

Person: an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

Rate: a recurring charge.

Replacement: includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate co-location and includes the associated removal of the preexisting wireless facilities or wireless support structure.

Right-of-way: the area on, below, or above a public roadway, highway, street, sidewalk, alley, or similar property used for public travel, but not including a federal interstate highway, railroad right-of-way, or private easement.

Small wireless facility: a wireless facility that meets both of the following qualifications:

- a. Each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and
- b. All other equipment associated with the wireless facility, whether ground or pole mounted, is cumulatively no more than twenty-eight cubic feet in volume, provided that no single piece of equipment on the utility pole shall exceed nine cubic feet in volume; and no single piece of ground-mounted equipment shall exceed fifteen cubic feet in volume, exclusive of equipment required by an electric utility or municipal electric utility to power the small wireless facility.
- c. The following types of associated ancillary equipment shall not be included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs and related conduit for the connection of power and other services.

Substantial modification: the mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed:

- a. Increases the existing vertical height of the structure by:
 1. More than ten (10%) percent; or

2. The height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; or
 - b. Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty (20) feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);
 - c. Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four (4) new equipment cabinets; or
 - d. Increases the square footage of the existing equipment compound by more than one thousand two hundred fifty (1,250) square feet.

Technically feasible: by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility or its design or site location can be implemented without a reduction in the functionality of the small wireless facility.

Utility: any person, corporation, county, municipality acting in its capacity as a utility, municipal utility board, or other entity, or department thereof or entity related thereto, providing retail or wholesale electric, natural gas, water, waste water, data, cable television, or telecommunications or internet protocol-related services.

Utility pole: a pole or similar structure that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, or for the co-location of small wireless facilities; provided, however, such term shall not include wireless support structures, electric transmission structures, or breakaway poles owned by the state highways and transportation commission.

Water tower: a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

Wireless communications service: includes the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the Communications Act of 1934, 47 U.S.C. Section 301.

Wireless facility: equipment at a fixed location that enables wireless communications between user equipment and a communications network, including equipment associated with wireless communications and radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include:

- a. The structure or improvements on, under, or within which the equipment is co-located;
- b. Coaxial or fiber-optic cable between wireless support structures or utility poles;
- c. Coaxial or fiber-optic cable not directly associated with a particular small wireless facility; or
- d. A wireline backhaul facility;

Wireless infrastructure provider: any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment or wireless facilities but that is not a wireless services provider.

Wireless provider: a wireless infrastructure provider or a wireless services provider.

Wireless services: any services using licensed or unlicensed spectrum, including the use of wifi, whether at a fixed location or mobile, provided to the public using wireless facilities.

Wireless services provider: a person who provides wireless services.

Wireless support structure: an existing structure, such as a monopole or tower, whether guyed or self-supporting, designed to support or capable of supporting wireless facilities; an existing or proposed billboard; an existing or proposed building; or other existing or proposed structure capable of supporting wireless facilities, other than a structure designed solely for the co-location of small wireless facilities. Such term shall not include a utility pole.

Wireline backhaul facility: a physical transmission path, all or part of which is within the right-of-way, used for the transport of communication data by wire from a wireless facility to a network.

A.7. Definitions Relating to Air Navigation.

Airplane design group: A grouping of airplanes based on wingspan. The groups are as follows in Table A.7.1.

TABLE A.7.1. Airplane Design Groups	
GROUP I:	Up to but not including 49 feet (15m).
GROUP II:	49 feet (15m) Up to but not including 79 feet (24m).
GROUP III:	79 feet (24m) Up to but not including 118 feet (36m).
GROUP IV:	118 feet (36m) Up to but not including 171 feet (52m).
GROUP V:	171 feet (52m) Up to but not including 214 feet (65m).
GROUP VI:	214 feet (65m) Up to but not including 262 feet (80m).

Airport boundaries: All real property in which an airport has acquired an easement, leasehold or fee interest.

Airport: An area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

Airport approach category: A grouping of aircraft based on one and three-tenths (1.3) times their stall speed in their landing configuration at their maximum certificated landing weight. The categories are as follows in Table A.7.2.

Table A.7.2. Airport Approach Categories	
CATEGORY A:	Speed less than 91 knots.
CATEGORY B:	Speed 91 knots or more but less than 121 knots.
CATEGORY C:	Speed 121 knots or more but less than 141 knots.
CATEGORY D:	Speed 141 knots or more but less than 166 knots.
CATEGORY E:	Speed 166 knots or more.

Airport boundaries: All real property in which an airport has acquired an easement, leasehold or fee interest.

Airport elevation: The highest point of an airport's usable landing area measured in feet from sea level.

Approach surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Conical surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

Displaced threshold: The portion of pavement behind a displaced threshold may be available for takeoffs in either direction and landings from the opposite direction.

Hazard to air navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height: For the purpose of determining the height limits in all zones set forth in the ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal surface: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Object: A structure, including a mobile structure, constructed or installed by man, or a product of nature, including but without limitation: buildings, towers, cranes, smokestacks, earth formations, trees, overhead transmission lines, and utility poles.

Person: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or similar representative of any of them.

Primary surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway.

Relocated threshold: The portion of pavement behind a relocated threshold is not available for takeoff or landing. It may be available for taxiing of aircraft.

Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Runway protection zone: The RPZ is trapezoidal in shape and centered about the extended runway centerline. It begins two hundred (200) feet beyond the end of the area usable for takeoff or landing. The definition herein is intended to and will be consistent with the definition as given in Advisory Circular 150/5300-13, dated September 29, 1989, or the most recent definition as provided by the Federal Aviation Administration.

Threshold: The beginning of that portion of the runway available for landing. When the threshold is located at a point other than at the beginning of the pavement, it is referred to as either a displaced threshold or a relocated threshold depending on how the pavement behind the threshold may be used.

Transitional surfaces: Those surfaces extending outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extending a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline.

Tree: Any object of natural growth.

Utility runway: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures.

A.8. Definitions Relating to Excursion Gaming.

Dock: The location where an excursion gambling boat is continuously docked or where an excursion gambling boat moors for the purpose of embarking passengers for and disembarking passengers from a gambling excursion.

Excursion gambling boat or floating facility: A boat, vessel, ferry, or other floating facility built or originally built as a boat, ferry or barge licensed by the Missouri Gaming Commission on which gambling games are allowed.

APPENDIX B. LAND USE AND REQUIRED PARKING MATRIX.

The terminology used in this appendix is based on the coding and classification of land use contained in North American Industry Classification System, prepared by the Department of Commerce's National Technical Information Service in 2007. The coding and classification system has also been modified in certain instances to clarify terminology.

North American Industry Classification System contains additional descriptive information that could be helpful in the interpretation of a particular use and should be used as a reference document to support these regulations. A copy of this manual is available for review in the Department of Community Development.



Appendix B - Land Use and Required Parking Matrix

City of Maryland Heights Zoning Code

Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking		
AGRICULTURE	111	CROP PRODUCTION																
	111191	Oilseed and Grain Combination Farming	P														NONE	
	111192	Oilseed and Grain Farming - Accessory Structure	P															
	111419	Food Crops Grown Undercover	P									P		P		None in the "NU" Non-Urban District, 1 space for each employee on the max. shift in other districts		
	111421	Nursery and Tree Production	P														NONE	
	111998	All Other Miscellaneous Crop Farming	P															
	111999	Agricultural Related Activities	P															
	112990	All Other Animal Production	C															
	11511	Support Activities for Crop Production	P															
HOUSING	150	RESIDENTIAL USES																
	1510	Dwelling, Single Family Detached	P	P	P	P	P	P	P								4 spaces, at least 2 of which shall be within an enclosed garage	
	1511	Dwelling, Single Family Detached - Farm Residence	P															
	1520	Dwelling, Single Family Attached							P							P		
	1530	Dwelling, Two-family							P								2.5 spaces per unit	
	1540	Dwelling, Multi-Family							P								1.5 spaces per one-bedroom unit plus 1 additional space for each additional bedroom	
	1554	Elderly Housing, Age Restricted		C	C	C	C	C	P								C	1 space per unit + 1 space for each employee on the max. shift
	1555	Elderly Housing, Independent Living Facility		C	C	C	C	C	P								C	
	1556	Accessory Structure - Residential		P	P	P	P	P	P								P	



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UTILITIES	221	UTILITIES															
	221122	Electric Power Generation, Transmission, and Distribution	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1 space per employee on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises
	221210	Natural Gas Distribution	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1 space per employee on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises
	221211	Petroleum Pressure Control and Pumping Stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	221310	Water Supply and Irrigation Systems	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	221311	Water Storage Tanks and Reservoirs	C										C				
	221312	Water Treatment Plants	C										C				
	221313	Water Pressure Control and Pumping Stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	221320	Sewage Treatment Facilities	C										C				
	221321	Sewage Pressure Control and Pumping Stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
CONSTRUCTION	236	BUILDING & DEVELOPMENT															
	236000	Outdoor Storage of Materials and Equipment											C	C	C	C	3 spaces per 1,000 sf of floor area
	236010	Building and General Contractor											C		C		
	236011	Land Development Contractor											C		C		
	236012	Building and General Contractor – Administrative Office											P		P		4 spaces per 1,000 sf of floor area
	23611	Residential Building Construction											C		C		3 spaces per 1,000 sf of floor area
	236118	Residential Remodelers											C		C		
	236210	Industrial Building Construction											C		C		



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CONSTRUCTION	236220	Commercial and Institutional Building Construction									C		C			3 spaces per 1,000 sf of floor area	
	237	HEAVY AND CIVIL ENGINEERING CONSTRUCTION															
	237110	Water and Sewer Line and Related Structures Construction									P		P				
	237120	Oil and Gas Pipeline and Related Structures Construction									C		C				
	237130	Power and Communication Line and Related Structures Construction									C		C				
	237310	Highway, Street, and Bridge Construction									C		C				
	237320	Public Streets and Roads Garage										C		C			NONE
	237990	Other Heavy and Civil Engineering Construction										C		C			3 spaces per 1,000 sf of floor area
	237991	Other Heavy and Civil Engineering Construction - Administrative Office										P		P			4 spaces per 1,000 sf of floor area
	238	SPECIAL TRADE CONTRACTORS															
	238110	Poured Concrete Foundation and Structure Contractors										P		P	P		3 spaces per 1,000 sf of floor area
	238120	Structural Steel and Precast Concrete Contractors										C		C	P		
	238130	Framing Contractors										P		P			
	238140	Masonry Contractors										P		P			
	238150	Glass and Glazing Contractors										P		P	C		
	238160	Roofing Contractors										P		P			
	238170	Siding Contractors										P		P			
	238190	Other Foundation, Structure, and Building Exterior Contractors										P		P			



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MANUFACTURING	311111	Animal Food Manufacturing									C		C			1 space per employee on the max. shift	
	311230	Breakfast Cereal Manufacturing									C		C				
	311314	Sugar Manufacturing									C		C				
	31135	Chocolate and Confectionary Manufacturing									C		C				
	31141	Frozen Food Manufacturing									C		C				
	311421	Fruit and Vegetable Canning									C		C				
	311422	Specialty Canning									C		C				
	311423	Dried and Dehydrated Food Manufacturing										C		C			
	3115	Dairy Product Manufacturing										C		C			
	31161	Meat Processing										C		C			
	311710	Seafood Product Preparation and Packaging										C		C			
	3118	Bakeries and Tortilla Manufacturing									C	P		P	C		
	31191	Snack Food Manufacturing										C		C			
	311920	Coffee and Tea Manufacturing										C		C			
	311930	Flavoring Syrup and Concentrate Manufacturing										C		C			
	31194	Seasoning and Dressing Manufacturing										C		C			
	311991	Perishable Prepared Food Manufacturing										C		C			
312	BEVERAGE & TOBACCO PRODUCT MANUFACTURING																
31211	Soft Drink, Water, and Ice Manufacturing										C		C			1 space per employee on the max. shift	



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MANUFACTURING	312120	Breweries									C		C	C		1 space per employee on the max. shift	
	312130	Wineries									C		C	C			
	312140	Distilleries									C		C	C			
	313	TEXTILE MILLS															
	3131	Fiber, Yarn, and Thread Mills									P		P			1 space per employee on the max. shift	
	314	TEXTILE PRODUCT MILLS															
	3141	Textile Finishing Mills									P		P			1 space per employee on the max. shift	
	315	APPAREL MANUFACTURING															
	3151	Apparel Knitting Mills									P		P			1 space per employee on the max. shift	
	3152	Cut and Sew Apparel Manufacturing									P		P				
	315990	Apparel Accessories and Other Apparel Manufacturing									P		P				
	316	LEATHER AND ALLIED PRODUCT MANUFACTURING															
	316110	Leather and Hide Tanning and Finishing										P		P			1 space per employee on the max. shift
	316210	Footwear Manufacturing									P		P				
	316992	Women's Handbag and Purse Manufacturing									P		P				
	316998	All Other Leather Good and Allied Product Manufacturing									P		P				
	321	WOOD PRODUCT MANUFACTURING															
	3212	Veneer, Plywood, and Engineered Wood Product Manufacturing										C		C			1 space per employee on the max. shift
32191	Millwork										C		C				



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking	
MANUFACTURING	321911	Wood Window and Door Manufacturing									C		C			1 space per employee on the max. shift	
	321912	Cut Stock, Resawing Lumber, and Planing									C		C				
	321920	Wood Container and Pallet Manufacturing									C		C				
	321992	Prefabricated Wood Building Manufacturing									C		C				
	321999	All Other Miscellaneous Wood Product Manufacturing									C		C				
	322	PAPER MANUFACTURING															
	32212	Paper Mills										C		C			1 space per employee on the max. shift
	322130	Paperboard Mills										C		C			
	32221	Paperboard Container Manufacturing										C		C			
	322220	Paper Bag and Coated and Treated Paper Manufacturing										C		C			
	322230	Stationery Product Manufacturing										C		C			
	322291	Sanitary Paper Product Manufacturing										C		C			
	323	PRINTING & RELATED SUPPORT ACTIVITIES															
	323111	Commercial Printing (except Screen and Books)										P		P			1 space per employee on the max. shift
	323113	Commercial Screen Printing								P	P	P		P	C	C	
	323117	Books Printing										P		P			
	323120	Support Activities for Printing								C	C	P		P	C	C	4 spaces per 1,000 sf of floor area
	324	PETROLEUM AND COAL PRODUCT MANUFACTURING															
	324121	Asphalt Paving Mixture and Block Manufacturing										C	C	C			1 space per employee on the max. shift



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking	
MANUFACTURING	331110	Iron and Steel Mills and Ferroalloy Manufacturing									C		C			1 space per employee on the max. shift	
	332	FABRICATED METAL PRODUCT MANUFACTURING															
	33211	Forging and Stamping									C		C				
	33221	Cutlery and Handtool Manufacturing									C		C				
	332312	Fabricated Structural Metal Manufacturing									C		C				
	332321	Metal Window and Door Manufacturing									C		C				
	332322	Sheet Metal Work Manufacturing									C		C				
	332323	Ornamental and Architectural Metal Work Manufacturing									C		C				
	33243	Metal Can, Box, and Other Metal Container Manufacturing									C		C			1 space per employee on the max. shift	
	332510	Hardware Manufacturing									C		C				
	33261	Spring and Wire Product Manufacturing									C		C				
	332710	Machine Shops									C		C				
	332721	Precision Turned Product Manufacturing									C		C				
	332722	Bolt, Nut, Screw, Rivet, and Washer Manufacturing									C		C				
	33281	Coating, Engraving, Heat Treating, and Allied Activities									C		C				
	33299	All Other Fabricated Metal Product Manufacturing									C		C			1 space per employee on the max. shift	
	333	MACHINERY AND EQUIPMENT															
	33311	Agricultural Implement Manufacturing										C		C			1 space per employee on the max. shift
	333120	Construction Machinery Manufacturing										C		C			



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking	
MANUFACTURING	333131	Mining Machinery and Equipment Manufacturing									C		C			1 space per employee on the max. shift	
	33324	Industrial Machinery Manufacturing									C		C				
	33331	Commercial and Service Industry Machinery Manufacturing									C		C				
	33341	Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing									C		C				
	33351	Metalworking Machinery Manufacturing									C		C				
	33361	Engine, Turbine, and Power Transmission Equipment Manufacturing									C		C				
	33391	Pump and Compressor Manufacturing									C		C				
	33392	Material Handling Equipment Manufacturing									C		C				
	33399	All Other General Purpose Machinery Manufacturing									C		C				
	334	COMPUTER AND ELECTRONIC PRODUCT MANUFACTURING															
	33411	Computer and Peripheral Equipment Manufacturing										C		C			1 space per employee on the max. shift
	3342	Communications Equipment Manufacturing										C		C			
	33431	Audio and Video Equipment Manufacturing										C		C			
	33441	Semiconductor and Other Electronic Component Manufacturing										C		C			
33451	Navigational, Measuring, Electromedical, and Control Instruments Manufacturing										C		C			1 space per employee on the max. shift	
334519	Watch, Clock, and Related Part Manufacturing										P		P				
334613	Blank Magnetic and Optical Recording Media Manufacturing										C		C				
334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing										P		P				



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking		
MANUFACTURING	335	ELECTRICAL EQUIPMENT, APPLIANCE, AND COMPONENT MANUFACTURING																
	335110	Electric Lamp Bulb and Part Manufacturing											C		C		1 space per employee on the max. shift	
	33512	Lighting Fixture Manufacturing											C		C			
	335210	Small Electrical Appliance Manufacturing											C		C			
	33522	Major Appliance Manufacturing											C		C			
	33531	Electrical Equipment Manufacturing											C		C			
	33591	Battery Manufacturing											C		C			
	335921	Fiber Optic Cable Manufacturing											C		C			
	33593	Wiring Device Manufacturing											C		C			
	33599	All Other Electrical Equipment and Component Manufacturing											C		C			
	336	TRANSPORTATION EQUIPMENT MANUFACTURING																
	3361	Motor Vehicle Manufacturing												C		C		1 space per employee on the max. shift
	33621	Motor Vehicle Body and Trailer Manufacturing												C		C		
	3363	Motor Vehicle Parts Manufacturing												C		C		
	33641	Aerospace Product and Parts Manufacturing												C		C		1 space per employee on the max. shift
	336991	Motorcycle, Bicycle, and Parts Manufacturing												C		C		
	337	FURNITURE & RELATED PRODUCTS																
	337110	Wood Kitchen Cabinet and Countertop Manufacturing												P		P		1 space per employee on the max. shift
33712	Household and Institutional Furniture Manufacturing												P		P			



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking
MANUFACTURING	33721	Office Furniture Manufacturing									P		P			1 space per employee on the max. shift
	337212	Custom Architectural Woodwork and Millwork Manufacturing									P		P			
	337215	Showcase, Partition, Shelving, and Locker Manufacturing									P		P			
	337910	Mattress Manufacturing									P		P			
	337920	Blind and Shade Manufacturing									P		P	C		
	339	MISCELLANEOUS MANUFACTURING														
	339112	Surgical and Medical Instrument Manufacturing										P		P		
	339113	Surgical Appliance and Supplies Manufacturing									C	P		P		
	339114	Dental Equipment and Supplies Manufacturing										P		P		
	339115	Ophthalmic Goods Manufacturing										P		P		
	339116	Dental Laboratories										P		P	P	
	339910	Jewelry and Silverware Manufacturing										P		P		
	339920	Sporting and Athletic Goods Manufacturing										P		P		
	339930	Doll, Toy, and Game Manufacturing								C	C	P		P	C	
	339940	Office Supplies (except Paper) Manufacturing										P		P		
	339950	Sign Manufacturing										C		C		
	339992	Musical Instrument Manufacturing								C	C	P		P	C	
	339993	Fastener, Button, Needle, and Pin Manufacturing										P		P		
339994	Broom, Brush, and Mop Manufacturing										P		P			



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking
	339995	Burial Casket Manufacturing									P		P			1 space per employee on the max. shift
WHOLESALE TRADE	423	DURABLE GOODS MERCHANT WHOLESALERS														
	4231	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers									P		P			4 spaces per 1,000 sf of floor area devoted to office use, + .5 spaces per 1,000 sf of floor area devoted to warehousing & storage use
	423130	Tire and Tube Merchant Wholesalers									P		P			
	423210	Furniture Merchant Wholesalers									P		P	C		
	423220	Home Furnishing Merchant Wholesalers									P		P	C		
	423310	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers									P		P	C		
	423320	Brick, Stone, and Related Construction Material Merchant Wholesalers									C		C	C		
	423330	Roofing, Siding, and Insulation Material Merchant Wholesalers									C		C	C		
	423410	Photographic Equipment and Supplies Merchant Wholesalers										P		P	P	
	423420	Office Equipment Merchant Wholesalers										P		P	P	
	423430	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers										P		P	P	
	423440	Other Commercial Equipment Merchant Wholesalers										P		P	P	
	423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers										P		P	P	
	423460	Ophthalmic Goods Merchant Wholesalers										P		P	P	
	423490	Other Professional Equipment and Supplies Merchant Wholesalers										P		P	P	
423510	Metal Service Centers and Other Metal Merchant Wholesalers										P		P			
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers										P		P			



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking
WHOLESALE TRADE	4241	Paper and Paper Product Merchant Wholesalers									P		P	C		4 spaces per 1,000 sf of floor area devoted to office use, + .5 spaces per 1,000 sf of floor area devoted to warehousing & storage use
	424130	Disposable Plastics Products Merchant Wholesalers									P		P			
	424210	Drugs and Druggists' Sundries Merchant Wholesalers									P		P	P		
	4243	Apparel, Piece Goods, and Notions Merchant Wholesalers									P		P	C		
	424340	Footwear Merchant Wholesalers									P		P	C		
	424410	General Line Grocery Merchant Wholesalers									P		P	C		
	424420	Packaged Frozen Food Merchant Wholesalers									P		P	C		
	424430	Dairy Product (except Dried or Canned) Merchant Wholesalers									P		P	C		
	424440	Poultry and Poultry Product Merchant Wholesalers									P		P	C		
	424450	Confectionery Merchant Wholesalers									P		P	C		
	424460	Fish and Seafood Merchant Wholesalers									P		P	C		
	424470	Meat and Meat Product Merchant Wholesalers									P		P	C		
	424480	Fresh Fruit and Vegetable Merchant Wholesalers									P		P	C		
	424491	Pet Supplies and Related Products Merchant Wholesalers									P		P	C		
	4246	Chemical and Allied Products Merchant Wholesalers									C		C			
	4247	Petroleum and Petroleum Products Merchant Wholesalers									C		C			
	424810	Beer and Ale Merchant Wholesalers									P		P	C		
	424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers									P		P	C		
424910	Farm Supplies Merchant Wholesalers									P		P	C			



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking	
RETAIL TRADE	445110	Supermarkets and Other Grocery (except Convenience) Stores							C	P	C		C	P	C	5 spaces per 1,000 sf of floor area	
	445120	Convenience Stores							C	C	C		C	C	C	5.5 spaces per 1,000 sf of floor area	
	445210	Meat Markets							P	P	P		C	P	P		
	445220	Fish and Seafood Markets							P	P	P		C	P	P		
	445230	Fruit and Vegetable Markets	C						P	P	P		C	P	C		
	445291	Baked Goods Stores							P	P	P		C	P	C		
	445292	Confectionery and Nut Stores							P	P	P		C	P	C		
	445299	All Other Specialty Food Stores							P	P	P		C	P	P		
	445310	Beer, Wine, and Liquor Stores							C	P	C		C	P	C		
	446	HEALTH AND PERSONAL CARE															
	446110	Pharmacies and Drug Stores								C	C	C			C	C	4.5 spaces per 1,000 sf of floor area
	446111	Pharmacies and Drug Stores with Drive Through Services									C			C	C		4 spaces per 1,000 sf of floor area
	446120	Cosmetics, Beauty Supplies, and Perfume Stores								P	P	P		P	P	C	4.5 spaces per 1,000 sf of floor area
	446130	Optical Goods Stores								P	P	P		P	P	C	
	446191	Food (Health) Supplement Stores								P	P				P	C	
	446199	All Other Health and Personal Care Stores								P	P	P		P	P	C	4.5 spaces per 1,000 sf of floor area
	447	GASOLINE STATIONS															
	447110	Gasoline Stations with Convenience Stores								C	C	C				C	2 spaces per service bay, + 1 space per employee on the max. shift, + 5 spaces per 1,000 sf of floor area devoted to retail space



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking	
RETAIL TRADE	45411	Electronic Shopping and Mail-Order Houses									C	P		P	P	1 space per employee on the max. shift, + one space per vehicle customarily used in operation of the use or stored on the premises	
	454210	Vending Machine Operators										P		P	P		
	454310	Fuel Dealers										C		C			
	454390	Other Direct Selling Establishments									C	P		P	P		
	454391	Seasonal Produce Truck, Trailer, or Cart	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See Article 28 of the Zoning Code
TRANSPORT SERVICES	481	AIR TRANSPORTATION															
	481111	Scheduled Passenger Air Transportation	C									C		C		2 spaces per 3 employees on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises, + one space per 200 sf of lobby area	
	481112	Scheduled Freight Air Transportation	C									C		C			
	481211	Nonscheduled Chartered Passenger Air Transportation	C									C		C			
	481212	Nonscheduled Chartered Freight Air Transportation	C									C		C			
	481213	Aircraft Hanger - Non-Commercial (Private Plane)	C										C		C	2 spaces per 3 employees on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises, + one space per 200 sf of lobby area	
	481214	Heliport Landing & Takeoff Pads	C										C		C		
	484	SURFACE TRANSPORTATION															
	4841	General Freight Trucking											C		C		2 spaces per 3 employees on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises, + one space per 200 sf of lobby area
	4842	Specialized Freight Trucking											C		C		
	484210	Used Household and Office Goods Moving											C		C		
	485	TRANSIT AND GROUND PASSENGER TRANSPORTATION															
	485111	Mixed Mode Transit Systems	C										C		C		NONE



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking	
TRANSPORT SERVICES	485112	Commuter Rail Systems	C								C		C			NONE	
	485113	Bus and Other Motor Vehicle Transit Systems	C								C		C				NONE
	485210	Interurban and Rural Bus Transportation	C								C		C				
	485310	Taxi Service									C		C			1 space for each employee on the max. shift	
	485320	Limousine Service									C		C				1 space for each employee on the max. shift
	485991	Special Needs Transportation									C		C				
	488	TRANSPORTATION SUPPORT SERVICES														1 space for each employee on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises	
	48811	Airport Operations										C		C	C		1 space for each employee on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises
	488210	Support Activities for Rail Transportation										C	C	C	C		
	488410	Motor Vehicle Towing										C		C		4 spaces per 1,000 sf of floor area	
	488491	Administrative Offices - Transportation Services										P		P			4 spaces per 1,000 sf of floor area
	488492	Fueling Dispensers - Transportation Services										C		C			
	488493	Other Support Activities for Road Transportation										C		C		1 space for each employee on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises	
	488510	Freight Transportation Arrangement										C		C			1 space per 1.5 employees, but with a minimum of .5 spaces per 1,000 sf of floor area
488991	Packing and Crating										C		C		1 space per 1.5 employees, but with a minimum of .5 spaces per 1,000 sf of floor area		
491	POSTAL SERVICES															4 spaces per customer service station, + 2 spaces per 3 employees on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises	
491110	Postal Service										P		P	P			4 spaces per customer service station, + 2 spaces per 3 employees on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises
492110	Couriers and Express Delivery Services									P	P		P	P	4 spaces per customer service station, + 2 spaces per 3 employees on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises		
492210	Local Messengers and Local Delivery									P	P		P	P			



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking			
STORAGE FACILITIES	493	WAREHOUSING & STORAGE																	
	493110	General Warehousing and Storage												C		P	1 space per 1.5 employees, but with a minimum of .5 spaces per 1,000 sf of floor area		
	493120	Refrigerated Warehousing and Storage												C		C			
	493130	Farm Product Warehousing and Storage												C		C			
INFORMATION SERVICES	511	PUBLISHING INDUSTRIES (EXCEPT INTERNET)																	
	511110	Newspaper Publishers												P		P	C	4 spaces per 1,000 sf of floor area	
	511120	Periodical Publishers												P		P	C		
	511130	Book Publishers												P		P	C		
	511140	Directory and Mailing List Publishers												P		P	C		
	511191	Greeting Card Publishers												P		P	C		
	511210	Software Publishers												P		P	C	4 spaces per 1,000 sf of floor area	
	512	MOTION PICTURE & SOUND RECORDING INDUSTRIES																	
	512110	Motion Picture and Video Production													P		P	C	4 spaces per 1,000 sf of floor area
	512120	Motion Picture and Video Distribution													P		P	C	1 space per 1.5 employees, but with a minimum of .5 spaces per 1,000 sf of floor area
	51213	Motion Picture and Video Exhibition												C	C		C	C	1 space per 3.5 seats
	512210	Record Production													P		P	C	4 spaces per 1,000 sf of floor area
	512230	Music Publishers													P		P	C	
	512240	Sound Recording Studios													P		P	C	



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking		
FINANCIAL	522	BANKING SERVICES																
	522110	Commercial Banking								C	P	P		P	P		4.5 spaces per 1,000 sf of floor area (excluding areas under canopy)	
	522111	Commercial Banking with Drive Through Services									C	C		C	C			
	522113	Automated Teller Machines (Freestanding)									C	C		C	C		NONE	
	522120	Savings Institutions									C	P	P		P	P	4.5 spaces per 1,000 sf of floor area (excluding areas under canopy)	
	522121	Savings Institutions with Drive Through Services										C	C		C	C		
	522130	Credit Unions									C	P	P		P	P		
	522131	Credit Unions with Drive Through Services										C	C		C	C		
	522210	Credit Card Issuing										C	P		P	C	4 spaces per 1,000 sf of floor area	
	522220	Sales Financing										P	P		P	P		
	522291	Consumer Lending										P	P		P	P		
	522299	Personal Loan Businesses									C							
	522310	Mortgage and Nonmortgage Loan Brokers									P	P	P		P	P		C
	522320	Financial Transactions Processing, Reserve, and Clearinghouse Activities										P	P		P	C		
	523	SECURITIES, COMMODITY CONTRACTS, AND OTHER FINANCIAL INVESTMENTS AND RELATED ACTIVITIES																
	5231	Securities and Commodity Contracts Intermediation and Brokerage									P	P	P		P	P		4 spaces per 1,000 sf of floor area
	5239	Other Financial Investment Activities									P	P	P		P	P	C	



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FINANCIAL	524	INSURANCE CARRIERS															
	5241	Insurance Carriers								P	P	P		P	P		4 spaces per 1,000 sf of floor area
	524210	Insurance Agencies and Brokerages								P	P	P		P	P		
	524291	Claims Adjusting									P	P		P	P		
	525120	Health and Welfare Funds									P	P		P	P		
	525190	Other Insurance Funds								P	P	P		P	P		
REAL ESTATE	531	REAL ESTATE															
	5311	Lessors of Real Estate								P	P	P		P	P	C	4 spaces per 1,000 sf of floor area
	531210	Offices of Real Estate Agents and Brokers								P	P	P		P	P	C	4 spaces per 1,000 sf of floor area
	53131	Real Estate Property Managers								C	P	P		P	P	C	
	531320	Offices of Real Estate Appraisers								P	P	P		P	P	C	
	531390	Other Activities Related to Real Estate								P	P	P		P	P	C	
RENTAL SERVICES	532	RENTAL & LEASING SERVICES															
	532000	Outdoor Display of Rental Equipment									C	C		C	C		NONE
	53211	Passenger Car Rental and Leasing										C		C	C		2.5 spaces per 1,000 sf of floor area
	532120	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing										C		C	C		
	532210	Consumer Electronics and Appliances Rental								P	P	P			P		3.5 spaces per 1,000 sf of floor area
	532220	Formal Wear and Costume Rental								P	P	P			P		4.5 spaces per 1,000 sf of floor area



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking	
RENTAL SERVICES	532230	Video Tape and Disc Rental							P	P	P			P	C	4.5 spaces per 1,000 sf of floor area	
	532291	Home Health Equipment Rental							C	P	P		P	P		3.5 spaces per 1,000 sf of floor area	
	532292	Recreational Goods Rental							C	C	P		P	C			
	532299	All Other Consumer Goods Rental								C	P		P	C			
	532310	General Rental Centers								C	C	P		P	C		
	5324	Commercial and Industrial Machinery and Equipment Rental and Leasing									C	P		P	C		
PROFESSIONAL	541	PROFESSIONAL & TECHNICAL SERVICE															
	5411	Legal Services							P	P	P		P	P	C	4 spaces per 1,000 sf of floor area devoted to office use, + .5 spaces per 1,000 sf of floor area devoted to laboratory, warehousing, and storage use (including data storage)	
	54121	Accounting, Tax Preparation, Bookkeeping, and Payroll Services							P	P	P		P	P	C		
	541310	Architectural Services							C	P	P		P	P	C		
	541320	Landscape Architectural Services							C	P	P		P	P	C		
	541330	Engineering Services							C	P	P		P	P	C		
	541340	Drafting Services							C	P	P		P	P	C		
	541350	Building Inspection Services							C	P	P		P	P	C		
	541360	Geophysical Surveying and Mapping Services							C	P	P		P	P	C		
	541380	Testing Laboratories									P		P	P	C		
	541410	Interior Design Services								P	P	P		P	P		C
	541420	Industrial Design Services									P	P		P	P		C



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking
PROFESSIONAL	541430	Graphic Design Services							P	P	P		P	P	C	4 spaces per 1,000 sf of floor area devoted to office use, + .5 spaces per 1,000 sf of floor area devoted to laboratory, warehousing, and storage use (including data storage)
	541511	Custom Computer Programming Services							P	P	P		P	P	C	
	541512	Computer Systems Design Services								C	P		P	P	C	
	541513	Computer Facilities Management Services								P	P		P	P	C	
	541611	Administrative Management and General Management Consulting Services								P	P		P	P	C	
	541612	Human Resources Consulting Services								P	P		P	P	C	
	541613	Marketing Consulting Services								P	P		P	P	C	
	541620	Environmental Consulting Services								P	P		P	P	C	
	541690	Other Scientific and Technical Consulting Services								P	P		P	P	C	
	541711	Research and Development in Biotechnology								P	P		P	P	C	
	541712	Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology)								P	P		P	P	C	
	541810	Advertising Agencies								P	P		P	P	C	
	541820	Public Relations Agencies								P	P		P	P	C	
	541830	Media Buying Agencies								P	P		P	P	C	
	541840	Media Representatives								P	P		P	P	C	
	541850	Outdoor Advertising									C		C			
	541860	Direct Mail Advertising								P	P		P	P		
541870	Advertising Material Distribution Services								P	P		P	P			



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking	
PROFESSIONAL	541890	Other Services Related to Advertising								P	P		P	P		4 spaces per 1,000 sf of floor area devoted to office use, + .5 spaces per 1,000 sf of floor area devoted to laboratory, warehousing, and storage use (including data storage)	
	541910	Marketing Research and Public Opinion Polling								P	P		P	P			
	541921	Photography Studios, Portrait								P	P	P		P	P		C
	541922	Commercial Photography								P	P	P		P	P		
	541930	Translation and Interpretation Services								P	P	P		P	P		
	541940	Veterinary Services	C							C	C	C		C	C		
	541990	All Other Professional, Scientific, and Technical Services									C	C		C	C		C
MANAGEMENT	551	MANAGEMENT OF COMPANIES AND ENTERPRISES															
	551111	Offices of Bank Holding Companies									P	P		P	P	4 spaces per 1,000 sf of floor area	
	551112	Offices of Other Holding Companies									P	P		P	P		
	551114	Corporate, Subsidiary, and Regional Managing Offices									P	P		P	P		
ADMINISTRATION	561	ADMINISTRATIVE & SUPPORT SERVICES															
	561110	Office Administrative Services								P	P	P		P	P	4 spaces per 1,000 sf of floor area	
	561311	Employment Placement Agencies									C	P		P	P		
	561410	Document Preparation Services									P	P		P	P		
	561421	Telephone Answering Services									C	P		P	P		
	561422	Telemarketing Bureaus and Other Contact Centers									C	P		P	P		



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking	
ADMINISTRATION	561431	Private Mail Centers								P	P		P	P		4 spaces per customer service station, + 2 spaces per 3 employees on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises	
	561439	Other Business Service Centers (including Copy Shops)							P	P	P		P	P		4 spaces per 1,000 sf of floor area	
	561440	Collection Agencies								P	P		P	P			
	561450	Credit Bureaus									P	P		P	P		
	561491	Repossession Services										C		C			
	561492	Court Reporting and Stenotype Services									P	P		P	P		
	561510	Travel Agencies								P	P	P		P	P		4 spaces per 1,000 sf of floor area
	561611	Investigation Services										P		P			
	561612	Security Guards and Patrol Services										P		P			1 space per employee on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises
	561613	Armored Car Services										P		P			
	561621	Security Systems Services (except Locksmiths)										P		P			4 spaces per 1,000 sf of floor area
	561622	Locksmiths										P		P			1 space per employee on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises
	561710	Exterminating and Pest Control Services										P		P	C		
	561720	Janitorial Services										P		P	P		
	561730	Landscaping Services	C									C		C	C		
	561740	Carpet and Upholstery Cleaning Services										P		P	P		



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking	
ADMINISTRATION	561791	Pool Management and Service Companies									C		C	C		1 space per employee on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises	
	561792	Snow Plowing Driveways and Parking Lots (not combined with any other service)	C								C		C	C			
	561793	Building Exterior Cleaning Services									P		C				
	561910	Packaging and Labeling Services								P	P		P	P			
	561920	Convention and Trade Show Organizers									P		P				
	562	WASTE MANAGEMENT AND REMEDIATION SERVICES															
	562110	Waste Management Services - Administrative Offices										P	C	P			4 spaces per 1,000 sf of floor area
	562111	Solid Waste Collection											C				1 space per employee on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises
	562112	Hazardous Waste Collection											C				
	562211	Hazardous Waste Treatment and Disposal											C				
	562212	Solid Waste Landfill											C				
	562219	Other Nonhazardous Waste Treatment and Disposal											C				1 space per employee on the max. shift, + 1 space per vehicle customarily used in operation of the use or stored on the premises
	562910	Remediation Services											C				
	562920	Materials Recovery Facilities										C	C	C			
562991	Septic Tank and Related Services										C	C	C				
611	EDUCATIONAL SERVICES																



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking
EDUCATION	611110	Elementary and Secondary Schools	C	C	C	C	C	C	C	P	P	P	P	P	P	1 space per 4 students, + safe & convenient loading & unloading of students
	611210	Junior Colleges								P*	P*	P*		P*	P*	*See Section 25-14.14, Parking for Educational Uses , of the Zoning Code
	611310	Colleges, Universities, and Professional Schools								P*	P*	P*		P*	P*	
	611410	Business and Secretarial Schools								P*	P*	P*		P*	P*	
	611420	Computer Training								P*	P*	P*		P*	P*	
	611430	Professional and Management Development Training								P*	P*	P*		P*	P*	
	61151	Technical and Trade Schools								P*	P*	P*		P*	P*	*See Section 25-14.14, Parking for Educational Uses , of the Zoning Code
	611512	Flight Training								P*	P*	P*		P*	P*	
	611610	Fine Arts Schools								P*	P*	P*		P*	P*	
	611620	Sports and Recreation Instruction								P*	P*	P*		P*	P*	
	611630	Language Schools								P*	P*	P*		P*	P*	
	611691	Exam Preparation and Tutoring								P*	P*	P*		P*	P*	*See Section 25-14.14, Parking for Educational Uses , of the Zoning Code
	611692	Automobile Driving Schools								P*	P*	P*		P*	P*	
	611710	Educational Support Services								P*	P*	P*		P*	P*	
HEALTH CARE	621	AMBULATORY HEALTH CARE SERVICES														
	621111	Offices of Physicians								P	P	P		P	P	4.5 spaces per 1,000 sf of floor area, or 4 spaces per doctor & 1 space per additional employee on the max. shift, whichever is greater
	621112	Offices of Mental Health Specialists								P	P	P		P	P	
	621210	Offices of Dentists								P	P	P		P	P	



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking
HEALTH CARE	621310	Offices of Chiropractors							P	P	P		P	P	C	4.5 spaces per 1,000 sf of floor area, or 4 spaces per doctor & 1 space per additional employee on the max. shift, whichever is greater
	621320	Offices of Optometrists							P	P	P		P	P	C	
	621340	Offices of Physical, Occupational and Speech Therapists, and Audiologists							P	P	P		P	P	C	
	621391	Offices of Podiatrists							P	P	P		P	P	C	
	621410	Family Planning Centers								P	P		P	P	C	
	621420	Outpatient Mental Health and Substance Abuse Centers									P		P	P		
	621491	HMO Medical Centers								C	P		P	P		
	621492	Kidney Dialysis Centers								C	P		P	P		
	621493	Freestanding Ambulatory Surgical and Emergency Centers								C	P		P	P		1 space for each bed, + 1 space per staff doctor & employee on the max. shift
	621498	All Other Outpatient Care Centers								C	P		P	P	C	4.5 spaces per 1,000 sf of floor area, or 4 spaces per doctor & 1 space per additional employee on the max. shift, whichever is greater
	621511	Medical Laboratories								C	P		P	P		
	621512	Diagnostic Imaging Centers									P		P	P		
	621610	Home Health Care Services									P		P	P		
621910	Ambulance Services										C		P			1 space per employee on the max. shift, 1 space per service bay, & 1 space per vehicle customarily used in operation of the use



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking	
HEALTH CARE	621991	Blood and Organ Banks											P		P	4.5 spaces per 1,000 sf of floor area, or 4 spaces per doctor & 1 space per additional employee on the max. shift, whichever is greater	
	621999	All Other Miscellaneous Ambulatory Health Care Services											P		P	C	
	622	HOSPITALS															
	622110	General Medical and Surgical Hospitals											C		C		
	622210	Psychiatric and Substance Abuse Hospitals											C		C		
	622310	Specialty Hospitals											C		C	C	
	623	NURSING AND RESIDENTIAL CARE FACILITIES															
	623110	Nursing Care Facilities (Skilled Nursing Facilities)		C	C	C	C	C	C								1 space per 2 beds, + 1 space per staff doctor & employee on the max. shift
	623311	Continuing Care Retirement Communities		C	C	C	C	C	C								1 space per employee, + 1 space per 10 attendees, + stacking requirements
	623312	Assisted Living Facilities for the Elderly		C	C	C	C	C	C								
	623313	Community Care Facilities for the Elderly		C	C	C	C	C	C								
	623314	Homes for the Elderly		C	C	C	C	C	C								
	624	SOCIAL ASSISTANCE															
	624110	Child and Youth Services									C	C	P		P	P	4.5 spaces per 1,000 sf of floor area, or 4 spaces per doctor & 1 space per additional employee on the max. shift, whichever is greater
624120	Services for the Elderly and Persons with Disabilities									C	C	P		P	P		



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking	
HEALTH CARE	624190	Other Individual and Family Services							C	C	P		P	P		4.5 spaces per 1,000 sf of floor area, or 4 spaces per doctor & 1 space per additional employee on the max. shift, whichever is greater	
	624310	Vocational Rehabilitation Services								C	P		P	P			
	624410	Child Day Care Services		C	C	C	C	C	C	C	C				C	C	1 space per employee, + 1 space per 10 attendees, + stacking requirements
ARTS & RECREATION	711	PERFORMING ARTS & SPECTATOR SPORTS AND RELATED INDUSTRIES															
	7111	Performing Arts Companies							C	P	P		P	P	C	1 space per 4 seats , + 1 space per 50 sf of open seating area when there is not fixed seating	
	711140	General Cultural and Entertainment Programs							C	C	C		C	C		3.5 spaces per 1,000 sf of floor area	
	711150	Auditoriums								C	C		C	C		1 space per 4 seats , + 1 space per 50 sf of open seating area when there is not fixed seating	
	711160	Exhibition Halls and Conference Centers									C		C	C		1 space per 4 persons based on design capacity of building, or 5 spaces per 1,000 sf of floor area, whichever is greater	
	711170	Fairgrounds	C														NONE
	711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities									C	P		P	C		4 spaces per 1,000 sf of floor area
	711410	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures									P	P		P	P		
	712	MUSEUMS, HISTORICAL SITES, AND SIMILAR INSTITUTIONS															
	712110	Museums									C	C					3.5 spaces per 1,000 sf of floor area



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking
HOSPITALITY	722000	Outdoor Restaurant Seating							C	C	C		C	C	C	1 space per 3 seats to be provided in areas allocated to table seating, + 2 spaces per 3 employees on the max. shift, + 1 space per 12 sf allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, & areas allocated to order taking & delivery), + all applicable standards for areas of the establishment which are allocated to bar areas
	722310	Food Service Contractors									P		P			1 space per employee, + one space per vehicle customarily used in operation of the use or stored on the premises
	722320	Caterers							C	C	P		P			
	722329	Banquet Facilities								C	C					1 space per 4 persons based on design capacity of the building, or 5 spaces per 1,000 sf of floor area, whichever is greater
	722330	Food Truck, Trailer, or Cart	P	P	P	P	P	P	P	P	P	P	P	P	P	P



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking
HOSPITALITY	722410	Bars and Taverns (Drinking Places)							C	C	C		C	C		1 space per 2 seats provided in areas allocated to table seating, + 2 spaces per 3 employees on the max. shift, + 1 space per 4 lineal feet of bar frontage, + 1 space per 4 lineal feet of bar rail applied along interior walls or columns, + 1 space per standing-type cocktail table, + 1 space per 12 sf of open area where patrons may stand, + 1 space per 12 sf allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, & areas allocated to order taking & delivery
	722511	Full-Service Restaurants							C	C	C		C	C	C	1 space per 3 seats to be provided in areas allocated to table seating, + 2 spaces per 3 employees on the max. shift, + 1 space per 12 sf allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, & areas allocated to order taking & delivery), + all applicable standards for areas of the establishment which are allocated to bar areas
	722513	Take Out Restaurants							C	C	C		C	C	C	
	722514	Cafeterias, Grill Buffets, and Buffets								C	C		C	C		
	722515	Snack and Nonalcoholic Beverage Bars							P	P	P		C	P	C	
	722516	Fast Food Restaurants								C	C	C		C	C	



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Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking
HOSPITALITY	722517	Fast Food Restaurants with Drive Through Services								C	C		C	C		1 space per 2 seats to be provided in areas allocated to table seating + 2 spaces per three employees on the max. shift, + 1 space per 12 sf of floor area allocated to order taking, delivery areas & food service waiting lines. Stacking spaces shall be as required in MVOB
	722518	Entertainment Restaurants							C	C	C		C	C	C	1 space per 3 seats to be provided in areas allocated to table seating, + 2 spaces per 3 employees on the max. shift, + 1 space per 12 sf allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, & areas allocated to order taking & delivery), + all applicable standards for areas of the establishment which are allocated to bar areas
	722519	Microbreweries/Wineries							C	C	C		C	C	C	



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HOSPITALITY	722521	Consumption Lounges							C	C	C			C	C	1 space per 2 seats provided in areas allocated to table seating, + 2 spaces per 3 employees on the max. shift, + 1 space per 4 lineal feet of bar frontage, + 1 space per 4 lineal feet of bar rail applied along interior walls or columns, + 1 space per standing-type cocktail table, + 1 space per 12 sf of open area where patrons may stand, + 1 space per 12 sf allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, & areas allocated to order taking & delivery
	722520	Night Clubs									C		C	C		
PERSONAL SERVICES	811	REPAIR SERVICES AND MAINTENANCES														
	811111	General Automotive Repair and Maintenance							C	C	C		C	C		1 space per employee on the max. shift, 2 spaces per service bay, & 1 space per vehicle customarily used in operation of the use
	811112	Automotive Exhaust System Repair and Maintenance									C		C			
	811113	Automotive Transmission Repair and Maintenance									C		C			
	811121	Automotive Body, Paint, and Interior Repair and Maintenance									C		C			1 space per employee on the max. shift, 2 spaces per service bay, & 1 space per vehicle customarily used in operation of the use
	811122	Automotive Glass Replacement Shops									C		C			
	811191	Automotive Oil Change and Lubrication Shops									C	C	C	C		
	811192	Car Washes										C		C	C	See Article 23 of the Zoning Code



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PERSONAL SERVICES	811193	Automobile and Truck Detailing							C		C		C	C		1 space per employee on the max. shift, 3 spaces per service bay, & 1 space per vehicle customarily used in operation of the use	
	81121	Electronic and Precision Equipment Repair and Maintenance							C	P	P		P	P		3.5 spaces per 1,000 sf of floor area	
	811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance									C		C				
	811311	Commercial and Industrial Machinery and Equipment Repair and Maintenance - Administrative Offices										P	P				
	811312	Miscellaneous Engine Repair							C	C	C						
	811411	Home and Garden Equipment Repair and Maintenance							C	C	C		C	C			
	811412	Appliance Repair and Maintenance									P		P				
	811420	Reupholstery and Furniture Repair							C	P	P		P	P			
	811430	Footwear and Leather Goods Repair							P	P	P		P	P	C		
	811490	Other Personal and Household Goods Repair and Maintenance							C	C	C		C	C	C		
	811491	Watch, Clock, and Jewelry Repair							P	P	P		P	P	C		
	811492	Tailoring Services							P	P	P		P	P	C	5 spaces per 1,000 sf of floor area	
	812	PERSONAL & LAUNDRY SERVICES															
	812111	Barber Shops								P	P	P		P	P	C	3 spaces per chair
	812112	Beauty Salons								P	P	P		P	C		
812113	Nail Salons								P	P	P		P	C			
812191	Diet and Weight Reducing Centers								P	P	P		P			5 spaces per 1,000 sf of floor area	



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ORGANIZATIONS	813110	Places of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1 space per 4 seats, (one seat equals 2 feet of bench length) + 1 space per vehicle customarily used in operation of the use or stored on the premises	
	813111	Religious Organization Administrative Offices		C	C	C	C	C	C	P	P	P		P	P	C	4 spaces per 1,000 sf of floor area	
	813112	Convents/Monasteries		C	C	C	C	C	C	C	C	P		P	C	C	1 space per 4 persons based on design capacity of the building, or 5 spaces per 1,000 sf of floor area, whichever is greater	
	813210	Grantmaking Foundations									C	C		C	C	C	4 spaces per 1,000 sf of floor area	
	813211	Grantmaking Foundations - Administrative Offices									P	P		P	P	P		
	813212	Voluntary Health Organizations									P	P		P	P	C	1 space per 4 persons based on design capacity of the building, or 5 spaces per 1,000 sf of floor area, whichever is greater	
	81331	Environmental and Natural Resource Preservation Advocacy Organizations*									P	P		P	P	C		
	81332	Animal Rights and Welfare Organizations and Humane Societies										C		C	C	C		
	81333	Animal Rights and Welfare Organizations and Humane Societies Administrative Office										P	P		P	P	P	4 spaces per 1,000 sf of floor area
	813410	Civic and Social Organizations										C	P		P	P	C	1 space per 4 persons based on design capacity of the building, or 5 spaces per 1,000 sf of floor area, whichever is greater
	813910	Business Associations										P	P		P	P	C	
	813920	Professional Organizations										P	P		P	P	C	1 space per 4 persons based on design capacity of the building, or 5 spaces per 1,000 sf of floor area, whichever is greater
	813930	Labor Unions and Similar Labor Organizations											C		C	C	C	
	813940	Political Organizations									C	P	P		P	P	P	
921	EXECUTIVE, LEGISLATIVE, AND OTHER GENERAL GOVERNMENT SUPPORT																	
92111	Governmental Offices										P	P		P	P	C	NONE	



Appendix B - Land Use and Required Parking Matrix

City of Maryland Heights Zoning Code

Category		NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking				
PUBLIC ADMINISTRATION	922	JUSTICE & PUBLIC SAFETY																		
	922110	Courts											P		P	P	NONE			
	922120	Police Protection									P	P	P		P	P		C		
	922160	Fire Protection	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1 space per employee on the max. shift		
	922190	Other Justice, Public Order, and Safety Activities												P	P		P	P	C	4 spaces per 1,000 sf of floor area
	924110	Administration of Environmental Quality Programs												P	P		P	P	C	NONE
	925120	Administration of Urban Planning and Community and Rural Development												P	P		P	P	C	4 spaces per 1,000 sf of floor area
	926120	Highway Department - Administrative Office												P			P	P	C	
	926121	Streets and Roads Garages												P			P	P	C	NONE

APPENDIX C. RESOURCES, GUIDES, AND INDUSTRY STANDARDS.

The following publications have been determined by the City Planner to be consistent with the Comprehensive Plan for the City, and consistent with the Purpose, Intent, and Design Goals of these regulations. They may be used as aids to interpret, design, and implement the standards of these regulations, except they shall not be used to alter, conflict with, or in any way modify the standards in these regulations. At least one copy shall be kept on file in the Department of Community Development.

General Standards:

Missouri Revised Statutes

St. Louis County Revised Ordinances

Airports:

Advisory Circular, 150/5300-13, *Airport Design*
Federal Aviation Administration
June 19, 2008

Federal Aviation Regulations, Part 77, *Objections Affecting Navigable Airspace*
Federal Aviation Administration
March 1993

Landscaping:

American Standard for Nursery Stock
American Nursery and Landscape Association
2004

Land Use:

North American Industry Classification System
Executive Office of the President—Office of Management and Budget
Bernan, 2007

Lighting:

HB-9-00, *IESNA Lighting Handbook—9th Edition*
Illuminating Engineering Society of North America
2000

RP-6-01, *Recommended Practice for Sports and Recreational Area Lighting*
Illuminating Engineering Society of North America
2001

Signage:

Missouri Standard Specifications for Highway Construction (Section 903)
Missouri Highways and Transportation Commission
1999

Driver Information Load
United States Sign Council
2007

Sign Legibility
United States Sign Council
2007

Guideline Code for Regulation of On-Premise Signs
United States Sign Council
2007

Best Practices Standards for On-Premise Signs
United States Sign Council
2007

Towers:

TIA/EIA-222-F, *Structural Standards For Steel Antenna Towers and Antenna Supporting Structures*
Telecommunications Industry Association
1996

APPENDIX D. CITY STREETS BY FUNCTIONAL CLASSIFICATION.

The following is a list of City streets by functional classification as they pertain to the regulations of the Zoning Code:

MARYLAND HEIGHTS STREETS BY FUNCTIONAL CLASSIFICATION			
STREET	FROM	TO	CLASSIFICATION
I-270	City Limits	City Limits	Freeway/Expressway
I-70	City Limits	City Limits	Freeway/Expressway
Page Avenue	Bennington Place	Lindbergh Boulevard	Freeway/Expressway
Earth City Expressway/City of Maryland Heights Expressway*	City Limits	Route 364	Freeway/Expressway
Missouri Route 364*	Bennington Place	City Limits	Freeway/Expressway
Lindbergh Boulevard	City Limits	City Limits	Major Arterial
Creve Coeur Mill Road*	Southern City Limits	Marine Avenue	Minor Arterial
Creve Coeur Mill Road*	Prichard Farm	Northern City Limits	Minor Arterial
Prichard Farm Road	Earth City Expressway	Creve Coeur Mill	Minor Arterial
Marine Avenue	Creve Coeur Mill Road	Westport Plaza Drive	Minor Arterial
Dorsett Road	Marine Avenue	Lindbergh Boulevard	Minor Arterial
Bennington Place	City Limits	Marine Avenue	Minor Arterial
McKelvey Road	Marine Avenue	Bennington Place	Minor Arterial
Bennington Place	McKelvey Road	Ameling Road	Minor Arterial
Westport Plaza Drive	Marine Avenue	Lackland Road	Minor Arterial
Craig Road	Lackland Road	City Limits	Minor Arterial
Fee Fee Road	Westport Plaza Drive	Schuetz Road	Minor Arterial
Ameling Road	Bennington Place	McKelvey Road	Minor Arterial
Schuetz Road	City Limits	Dorsett Road	Minor Arterial
Westline Industrial Drive	Westport Plaza Drive	Grissom Drive	Minor Arterial
Lackland Drive	Craig Road	Concourse Drive	Minor Arterial
Concourse Drive	Page Avenue	Lackland Road	Minor Arterial
Grissom Drive	Westline Industrial	Page Avenue	Minor Arterial
Fee Fee Road	Dorsett Road	City Limits	Minor Arterial
Grissom Drive	Westline Industrial	Fee Fee Road	Collector
Hog Hollow	River Valley Drive	City Limits	Collector
Rule Avenue	Dorsett Road	Ameling Road	Collector
McKelvey Hill Drive	Dorsett Road	McKelvey Road	Collector
Weldon Parkway	Westline Industrial	Dorsett Road	Collector
Eldon Drive/Hathaway Drive/ Doddridge Drive/ Parkwood Lane	Midland Avenue	City Limits	Collector
Adie Road	Fee Fee Road	Lindbergh Boulevard	Collector
Smiley Road	City Limits	Midland Avenue	Collector
Midland Avenue	West of Eldon	Fee Fee Road	Collector
Lackland Road	Craig Road	Craigshire Road	Collector
Lackland Road	Congressional Drive	Lindbergh Boulevard	Collector
Millwell Drive	Midland Avenue	Dorsett Road	Collector
River Valley Drive	City of Maryland Heights Expressway	St. Louis Waterworks Road	Collector
Westline Industrial Drive	Grissom Drive	Schuetz Road	Collector
Ameling Road	Rule Avenue	Bennington Place	Collector

Progress Parkway	Dorsett Road	Westport Plaza Drive	Collector
Craigshire Drive	Lackland Road	Craig Road	Collector
McKelvey Road	Bennington Place	Ameling Road	Collector
St. Louis Waterworks Road	River Valley Drive	Creve Coeur Mill Road	Collector
*Classifications to take effect when improvements are completed.			